



## Sonoma County Board of Zoning Adjustments REVISED STAFF REPORT

**FILE:** UPE17-0053  
**DATE:** April 11, 2019  
**TIME:** 1:20 p.m.  
**STAFF:** Brian Millar, Project Planner

Appeal Period: 10 calendar days

### SUMMARY

**Applicant:** Starr Holdings, LLC  
**Owner:** Starr Holdings, LLC  
**Owner:** February 14, 2019  
**Location:** 7390 Starr Road, Windsor  
**APNs:** 066-220-019  
**Supervisorial District No.:** 4  
**Subject:** Use Permit

**PROPOSAL:** Request for a (1) four-year phased Use Permit for a winery with a maximum annual production of 40,000 cases, public tours and three tasting rooms, and includes a total of 20 event days, and (2) the use of an existing vacation rental in association with on-site event activities. Phase I (1-2 years) includes conversion of an existing 10,836 square foot barn to a barrel storage building with two tasting rooms (one containing a 640 square foot reserve tasting room, and an 1,140 square foot public tasting room located in the barrel storage area); barrel storage room, offices, conference room, commercial kitchen and related areas, along with construction of a 2,500 square foot agricultural storage building. The 20 event days per year would consist of 8 agricultural promotional events, 4 industry wide events, and 8 private events featuring Bricoleur Vineyards' wine and other agricultural products, with event days varying in size from 100 to 200 guests. Phase I also includes use of an existing vacation rental unit with events. Phase II (1-4 years) includes demolition of an existing riding arena to allow the construction of a new 22,880 square foot two-story winery production building containing two tasting rooms (a 715 square foot public tasting room and a 378 square foot private tasting room for wine club members), offices, restrooms, wine production areas and storage, wine education and tour area (related to proposed tours of the production facilities, vineyards



and olive orchards to project site visitors). The 1,140 square foot wine tasting room in Phase I would close and be used for barrel storage once the new winery building at Phase II is completed. Total building area devoted to winery use would be approximately 33,716 square feet.

**Environmental****Determination:** Mitigated Negative Declaration**General Plan:** Diverse Agriculture 40 acres per dwelling unit**Specific/Area Plan:** None**Land Use:** N/A**Ord. Reference:** Sec. 26-08-020 (i)**Zoning:** Diverse Agriculture (DA) B6 40 acre density, with combining zones of Floodway District (F1); Floodplain District (F2); Riparian Corridor District (RC) 50/50; Riparian Corridor District (RC) 100/50; Valley Oak Habitat (VOH); Scenic Resource (SR)**Land Conservation****Contract:** None**Application Complete****for Processing:** June 2018

**RECOMMENDATION:** Recommend that the Board of Zoning Adjustments adopt a Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Use Permit.

**EXECUTIVE SUMMARY:**

Request for a (1) four-year phased Use Permit for a winery with a maximum annual production of 40,000 cases, public tours and three tasting rooms, and includes a total of 20 event days, and (2) the use of an existing vacation rental in association with on-site event activities. Phase I (1-2 years) includes conversion of an existing 10,836 square foot barn to a barrel storage building with two tasting rooms (one containing a 640 square foot reserve tasting room, and an 1,140 square foot public tasting room located in the barrel storage area - NOTE: the 1,140 square foot public tasting room would be converted to barrel storage area once the new winery building is completed as part of Phase II), barrel storage room, offices, conference room, kitchen and related areas, along with construction of a 2,500 square foot agricultural storage building. The 20 event days per year would consist of 8 agricultural promotional events (4 with a maximum of 150 guests, and 4 with a maximum of 200 guests); 4 industry wide events with a maximum of 100 guests); 8 private events, which feature Bricoleur Vineyard's wine and other agricultural products (4 with a maximum of 100 guests, and 4 with a maximum of 200 guests). Phase I also includes use of an existing vacation rental unit in conjunction with events.) In addition to the grapes grown at the on-site 8-acre vineyard (yielding approximately 10 percent of the full annual case production), the winery

operation would include importation of grapes from the adjoining 13-acre vineyard owned by the applicant, as well as approximately 50 percent of its grapes from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County. Grapes would be hauled and then crushed, fermented and bottled during Phase I operations at an off-site location (Punchdown Cellars) near Santa Rosa, with barrel storage and aging occurring onsite in the converted barn building. Case storage would occur at an off-site location in Windsor.

Phase II (1-4 years) includes demolition of an existing riding arena to allow the construction of a new 22,880 square foot two-story winery production building containing two tasting rooms (a 715 square foot public tasting room and a 378 square foot private tasting room for wine club members), offices, restrooms, wine production areas and storage, wine education and tour area (related to proposed tours of the production facilities, vineyards and olive orchards to project site visitors). Mobile bottling would occur on the crush pad. The winery operation would include importation of approximately 50 percent of its grapes for wine production from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County. At Phase II, three tasting rooms would remain (one public tasting room and two private tasting rooms).

Total building area devoted to winery use would be approximately 33,716 square feet on the 18.93 acre parcel.

At both Phase I and Phase II operations, food and wine pairing is proposed, and would only be available to scheduled private tastings in the private tasting rooms. Bottled olive oil from on-site orchards would be sold in the tasting rooms.

The project site is not under a Land Conservation Act contract.

## **ANALYSIS**

### **Background:**

The project site currently contains an eight-acre vineyard, a small olive orchard, a 10,836 sq. ft. agricultural barn, and an approximately 20,000 sq. ft. covered riding arena, accessory buildings and residential units. The barn structure is an active Code Enforcement violation for construction without a building permit. The applicant has filed the necessary permit, which is being processed concurrently with the Use Permit application. Approval of the Use Permit would allow final inspections to occur to clear the building permit and closure of the Code Enforcement violation. The project site also contains a primary residence used as a vacation rental, approved under ZPE15-0806. The Use Permit application includes the use of the approved vacation rental unit in conjunction with onsite event activities; a 20,000 sq. ft. commercial equestrian arena (which will be demolished to facilitate construction of the proposed project), agricultural employee unit, and related outbuildings.

### **Project Description:**

Request for a (1) four-year phased Use Permit for a winery with a maximum annual production of 40,000 cases, public tours and three tasting rooms, and includes a total of 20

event days, and (2) the use of an existing vacation rental in conjunction with on-site event activities on the 18.93 acre parcel.

Phase I (1-2 years) includes conversion of an existing 10,836 square foot barn to a barrel storage building with two tasting rooms (one containing a 640 square foot reserve tasting room, and an 1,140 square foot public tasting room located in the barrel storage area (at Phase II, the latter public wine tasting room would close and be used for barrel storage once the new winery building at Phase II is completed), barrel storage room, offices, conference room, kitchen and related areas, along with construction of a 2,500 square foot agricultural storage building. The 20 event days per year would consist of 8 agricultural promotional events, 4 industry wide events, and 8 private events featuring Bricoleur Vineyards' wine and other agricultural products, with event days varying in size from 100 to 200 guests, as further discussed below. Phase I also includes use of an existing vacation rental unit with events. In addition to the 8 acres of vineyard grapes on the project site, the winery operation would include importation of grapes from the applicant's adjoining 13-acre vineyard, approximately 50 percent of its grapes for wine production from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County. Grapes would be crushed, fermented and bottled during Phase I operations at an off-site location (Punchdown Cellars in Santa Rosa) with barrel storage and aging occurring back in the on-site barrel storage building. Juice would be imported back to the project site for fermentation and aging. Aged wine would be hauled off-site for bottling. Case storage would occur at an off-site location in Windsor. A limited number of cases would be stored on-site for tasting rooms and events.

Phase II (1-4 years) includes demolition of an existing riding arena to allow the construction of a new 22,880 square foot two-story winery production building containing two tasting rooms (a 715 square foot public tasting room and a 378 square foot private tasting room for wine club members), offices, restrooms, crush pad, wine production areas and storage, wine education and tour area (related to proposed tours of the production facilities, vineyards and olive orchards to project site visitors). Mobile bottling would occur on the crush pad. At Phase II, the public tasting room (1,140 square feet) area in Phase I would be converted to a barrel storage area, leaving three tasting rooms at the development.

Bottled olive oil from an on-site orchard would be sold in the tasting rooms.

Total building area devoted to winery use would be approximately 33,716 square feet on the 18.93 acre parcel.

#### Events:

The applicant proposes a total of 20 event days per year consisting of a total of 8 agricultural promotional and industry wide event days, 4 events for wine club members, 8 private events which feature Bricoleur Vineyard's wine and other agricultural products, summarized in the table below.

The events would be held at one of three locations on the project site:

- 1) Within the converted agricultural barn (referred to by the applicant as the "Winery Barn")
- 2) The outdoor patio area located just south of and adjacent to the Winery Barn, or

## 3) Within the new winery building, once constructed in Phase II.

The applicant proposes that all three areas would be available for use during events. Noted is that live and/or amplified music, consisting of live music or DJ music, is proposed to be used for events held indoors in either the Winery Barn or new winery building. Amplified music or live music is not permitted outdoors, though use of quieter non-amplified instruments, such as strings or acoustic guitar, would be used outdoors during some events. Use of amplified sound must cease by 9:00 p.m.

**Applicant's Proposed Event Details**

| Event Description   | Quantity | Attendees (maximum) | Months when Events will Occur | Time of day (start & end) | Use of Amplified Sound: |          |
|---|----------|---------------------|-------------------------------|---------------------------|-------------------------|----------|
|   |          |                     |                               |                           | Indoors                 | Outdoors |
| Agricultural Promotional Events <sup>1</sup>  | 4        | 150                 | January - December            | 11:00am - 9:00pm          | Yes                     | No       |
| Agricultural Promotional Events <sup>1</sup>  | 4        | 200                 | January - December            | 11:00am - 9:00pm          | Yes                     | No       |
| Industry Wide Events <sup>2</sup>   | 4        | 100 at one time     | January - December            | 10:00am – 5:00pm          | Yes                     | No       |
| Private Events <sup>3</sup> , which feature Bricoleur Vineyard's wine & other agricultural products | 4        | 100                 | March - October               | 11:00am - 9:00pm          | Yes                     | No       |
| Private Events <sup>3</sup> , which feature Bricoleur Vineyard's wine & other agricultural products | 4        | 200                 | March - October               | 11:00am - 9:00pm          | Yes                     | No       |

**Note:** All events will conclude by 9:00pm, allowing time for the attendees to leave the property and vendor clean-up to end by 10:00pm.

1. Agricultural Promotional events include Wine Club Pick-up Weekends, Wine Pairing farm to table dinners, Barrel Tasting, harvest parties, Holiday, and other marketing activities to support and build the Bricoleur Wine Club.
2. Industry Events may include events, such as the Sonoma County Vintners, Russian River Valley AVA, Fountaingrove District AVA, Wine Road, or similar hospitality event for the promotion of Sonoma County Agriculture and the Wine Industry.
3. Private Events will contractually require the event to purchase a minimum quantity of Bricoleur Vineyards wines and recommend the use of local Sonoma County grown agricultural and other products, such as local vegetables, fruit, cheeses, olive oil, etc.

**Project Phasing:**

The applicant requests a four-year phased Use Permit. The applicant anticipates the construction related to the conversion of the agricultural barn will be complete within two years. In three years, the new winery building is expected to be constructed. At this phase, the public tasting room in the converted agricultural barn would be converted to barrel storage needed for the increase in wine production. A one-year extension of time would be allowed after the fourth year if the extension request is submitted by the applicant before the Use Permit expires or the Use Permit is vested.

The proposed phasing plan includes:

*Phase I (1-2 years):* Construction of the agricultural barn conversion to include tasting rooms, barrel aging and storage, commercial kitchen, bathrooms, conference room, and employee offices. Construction of a 2,500 sq. ft. agricultural storage building. Construction of driveway and parking areas. Tours of the winery operation would also be available to visitors. Food and wine pairing would occur in the private tasting room, discussed below. All proposed events would occur at Phase I.

*Phase II (1-4 Years):* Construction of the new winery/production building, including crush pad, two tasting rooms, wine education and tour area, fermentation room, barrel storage, office, laboratory, employee and visitor restrooms. At Phase II, the 1,140 square foot public tasting room at Phase I would be converted to barrel storage, leaving three tasting rooms at final development two private and one public tasting room). All proposed events would continue to occur at Phase II.

The winery will engage in all phases of wine production, including crushing, fermenting, barrel aging and bottling which will be provided by mobile truck a few times a year. The mobile truck would pull into the covered crush pad area. In addition to the grapes grown at the on-site 8-acre vineyard (which would yield approximately 10 percent of the winery case production), the winery operation would include importation of grapes from the adjoining 13-acre vineyard owned by the applicant, approximately 50 percent of its grapes for wine production from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County. Grapes would be crushed, fermented and bottled during Phase I operations at an off-site location (Punchdown Cellars) near Santa Rosa, with barrel storage and aging onsite in the converted barn building.

#### Vacation Rental Unit:

In 2015, a Zoning Permit (ZPE15-0806) was approved to allow the primary residence to be used as a Vacation Rental. As part of this Use Permit, the Vacation Rental would be used in conjunction with on-site events, including those with use of indoor amplified sound in the winery buildings. Under the Zoning Code, Vacation Rentals are only allowed during event activities with use permit approval.

It is anticipated guests of the events will be using the Vacation Rental, particularly during private events. The applicant has indicated that the Vacation Rental would only be made available to guests attending events at the site during event days. This is addressed as a condition of approval of this Use Permit.

#### Design Style:

The architecture for the winery building would emphasize a "California rural agriculture" theme, using stone, wood and natural toned plasters. Many elements of this structure are similar to the existing agricultural barn.

Landscaping, including non-native and native species, would be utilized around the winery buildings, and parking areas. There are no tree removals proposed as part of the project.

### Food Preparation and Food/Wine Pairings:

During *events*, the applicant proposes serving prepared meals or appetizers featuring local foods and food products in conjunction with events. Such meals / appetizers may be prepared offsite or in a food preparation in the winery buildings prior to serving. The kitchen preparation areas will include counter space, a double sink, microwave oven, warming oven(s), refrigeration, stove, oven and an exhaust hood. A restaurant, café, delicatessen or any other food service offering cooked-to-order food is prohibited by the project conditions of approval. (Refer to Conditions of Approval, Exhibit A.)

Food and wine pairing tastings will be offered in small appetizer-like portions to scheduled wine tastings in the *private tasting rooms*. Such pairings will be limited to no more than four days per week and no more than twice per day, avoiding the lunch hour and shall not be open to drop in guests. Additionally, a condition of approval would limit the area for food and wine pairings in the private tasting rooms to no more than 15 seats and 15 persons. Past approvals of wineries with tasting rooms have approved food and wine pairings, but with limited area and hours. (Refer to Conditions of Approval, Exhibit A.)

Small tastes of pre-packaged food, such as crackers, nuts or other palette cleansers, featuring local foods and food products may be offered in conjunction with the wine tasting in the *tasting rooms open to the public*.

*Retail sales* of pre-packaged food, featuring local foods and food products may be offered only during tasting room hours. This food is available for on-site consumption only. No indoor seating area or table service will occur in conjunction with retail sales or pre-packaged food. Outdoor seating will be offered in picnic areas for the consumption of the pre-packaged foods. (Refer to Conditions of Approval, Exhibit A.)

Tasting Rooms: Wine tasting would be available in the converted agricultural barn (Winery Barn) and in the new winery production building, summarized as follows:

- At Phase I, one tasting room, open to the public, consisting of 640 square feet. Additionally, an 1,140 square foot public tasting area would be located within the barrel storage area. At the completion of Phase II, this public tasting area would be converted to barrel storage once the new winery building is completed.
- At Phase II, two tasting rooms in the new winery building, consisting of a 715 square foot tasting room open to the public, and a 378 square foot private tasting room for the wine club members. When the new winery building is completed, the Winery Barn building would continue to be used for wine tasting and events. At full development, two private tasting rooms and one public tasting room would remain.
- The applicant explains, "The winery will be set up to offer a range of personalized wine tasting experience which is consistent with current marketing methods. Studies have shown that this personalize approach leads to higher conversion to become wine club members and increased wine sales."

- The applicant also proposes to sell olive oil from the tasting rooms. The olive oil is made from the on-site olive orchards, milled and bottled at local facilities in Sonoma County. The applicant estimates production of 2,000 bottles.

Employees:

Full-time employees: 10, including owner/operators.

Part-time employees: Additional employees (harvest and bottling season) as needed

Hours of Operation:

Winery: 7:00 a.m. to 6:00 p.m., 5 days a week (non-harvest season) and 6:00 a.m. to 10:00 p.m. or hours as needed 7 days a week (harvest/crush season)

Tasting Room: 10:00 a.m. to 5:00 p.m. 5 days a week

Agricultural promotional and Private Events: 10:00 a.m. to 9:00 p.m. (guests exiting site) and event clean up completed by 10:00 p.m.

Industry-wide Events: 10:00 a.m. to 5:00 p.m.

Truck deliveries: Permitted between the hours of 7:00 a.m. and 10:00 p.m.

Parking: All parking would be done on-site.

- Guests and Employees: 72 parking spaces (surfaced with a chip-seal), including 6 ADA accessible spaces.
- An additional 50 “temporary” marked spaces for overflow agricultural promotional and industry wide event parking would be provided alongside project driveways and vineyard areas.

Access: All access and egress for vehicles and trucks would be via the existing 25 ft. wide driveway directly off of Starr Road. The project traffic study determined that the existing fences located at the front property line could obscure sight distances to the west and east of the project driveway. A condition of approval and mitigation measure require the applicant move the existing fences back along the Starr Road frontage to provide adequate sight lines at the project driveway. There is no expected queuing of traffic onto Starr Road. (Refer to Conditions of Approval, Exhibit A.)

Sewage Disposal: Sanitary wastewater will be discharged to new and existing permitted septic systems, located at the south end of the property. It is a standard septic system with a 2,000 gallon septic tank and a combination of standard trench leach lines and pre-treatment with sub-surface drip disposal systems.

Winery process wastewater would be screened, settled in settling tanks, and treated by an aerobic unit and discharged to the irrigation reservoir for reclamation and irrigation of the onsite vineyard and landscaping. The design would conform to the requirements of the North Coast Regional Water Quality Control Board (RWQCB) and will be operated under permit with the NCRWQCB and PRMD.

Water supply: An existing on-site well, located southwest of the proposed winery building, is to be used for the winery and tasting rooms, needed for the project public water system and supply.



**Energy Efficiency and Greenhouse Gas Reduction Measures:** The applicant intends to incorporate the following planned greenhouse gas and energy efficiency measures for the project:

(1) solar, (2) electric charging stations, (3) bicycle racks, (4) energy efficient buildings, (5) plantings of trees and other plants, and (6) a commitment to remain a California Certified Sustainable vineyard. A condition of approval (see Conditions of Approval, Exhibit A) requires submittal of a Greenhouse Gas Reduction Plan, which may include, but not be limited to, the following:

*"1) A solar permit has already been submitted (#BLD17-3520) to install ~260 panels on the western roof of the existing Ag Barn (proposed Winery) which could supply ~95% + of the existing electricity needs for the property. Additional solar will be installed on the proposed Winery and Ag Storage buildings to handle future energy requirements with the goal of being energy self-sufficient.*

*2) An electric charging station has already been installed in the vacation rental unit, which is utilized by the owners and will also be available to all potential vacation rental guests that utilize an electric vehicle. An additional charging station will be added during the construction of the winery production building. The charging station will be available to all winery visitors. Electric forklifts will be utilized in the winery operations in an additional effort to reduce emissions.*

*3) Applicant will add two bicycle parking areas with racks, beyond the current county code requirements, to encourage visitors to utilize bicycles to reduce carbon emissions.*

*4) Construction of all new buildings will utilize significant insulation in the walls and ceilings, as well as energy saving appliances to ensure that the buildings will be extremely energy efficient.*

*5) Over the last three years, the applicant has already planted over 200 olive trees, 12 oak trees, 36 fruit trees, 80 rose bushes and many other plants to help reduce the carbon footprint and improve the environment.*

*6) In 2018, the Bricoleur Vineyard was officially certified as a Certified California Sustainable Vineyard by the Sonoma County Winegrowing Alliance. This process included an audit of Bricoleur's sustainable farming practices. This process included the installation of 12 owl & bird boxes throughout the vineyard, planting of winter cover crops in the 20 acre vineyard, installation of a weather station and moisture probes to monitor and reduce water usage, as well as adopting other organic and sustainable farming techniques. Bricoleur Vineyards is committed to annual improvements to continuously reduce greenhouse gases, water usage, and improvements in its farming techniques to maintain its vineyard certification."*

**Pomace Disposal:** Stems and seeds would be composted and spread in the vineyard as a soil conditioner and supplemental nutrient source or hauled offsite.

**Site Characteristics:**

The project site currently contains 8 acres of vineyards and a small olive orchard (with 210 trees used for producing olive oil; the olive oil is made from the on-site olive orchards, milled and bottled at local facilities in Sonoma County approximately annually 2,000 bottles); and contains an 10,836 sq. ft. agricultural barn. The project site also contains:

- An accessory dwelling unit. The unit was previously approved under a zoning permit, ZPE17-0422, and has a building permit issued, BLD17-5478. Work on the unit has been completed but the required final inspection by the County would only occur following applicant completion of septic system improvements, under permit SEP18-0330. A condition of approval of this use permit addresses these requirements. (Refer to Conditions of Approval, Exhibit A.)
- A 4-bedroom primary single-family dwelling (currently used as a Vacation Rental approved under Zoning Permit #ZPE15-0806).
- An agricultural employee unit. The unit was initially approved in 2004 under permit ZPE04-0274 when horses were kept at the site. However, the agricultural employee unit now requires a use permit in order to qualify, including the owner's adjacent vineyards. The applicant has filed UPE19-0012. To qualify, 20 acres of grapes is needed for one full-time employee residence. The applicant has a total of approximately 8 acres on the project site and an additional 13 acres on the adjoining lot they own as part of the vineyard operation). This will be addressed under UPE19-0012.
- A garden pavilion.
- An approximately 20,000 sq. ft. commercial equestrian arena (which will be demolished to facilitate construction of the proposed new winery building).
- In addition, there are three small utility buildings, including an electrical, water / pump house and fire pump house. There is an existing septic system and water well on the western edge of the project site. The site contains a large number of native oak trees, as well as landscaping improvements around the agricultural barn and pavilion area.

**Surrounding Land Use and Zoning:**

Parcels surrounding the project site on the north, west and east are zoned Diverse Agriculture (DA) 40 acres per dwelling unit. Land use in the project vicinity is a mix of vineyard development, open space, grazing, and rural residential uses. There is one other winery with vineyards approximately one mile of the project site (Carlisle Winery, at 6301 Starr Road). The project site is located in the Russian River appellation. The closest off-site residence is approximately 370 feet northeast of the proposed winery building. Lands to the north are in agricultural (rangeland) and rural residential use. Lands to the west are in agriculture and rural residential use, with one business, the Starr Pet Resort. Lands to the east and south are in open space/utility use, with the Town of Windsor wastewater use of the parcel to the east as a release area.

**DISCUSSION OF ISSUES****Issue #1: Updated Information for the Initial Study and Mitigated Negative Declaration**

Since issuance of the Initial Study and Mitigated Negative Declaration for UPR17-0053 on January 15, 2019, additional information has been provided by the applicant regarding events and tasting rooms, and staff has clarified information related to other proposed winery operations. The draft Initial Study and Mitigated Negative Declaration remains unchanged, with this update providing additional background information to the Board of Zoning Adjustments.

## Events

Following discussions with staff, the applicant proposed to reduce the total number of annual event days from the 26 originally proposed to a total of 20. The events would consist of the following:

The events would be held at one of three locations on the project site:

- 1) Within the converted agricultural barn (referred to by the applicant as the “Winery Barn”)
- 2) The outdoor patio area located just south of and adjacent to the Winery Barn, or
- 3) Within the new winery building, once constructed in Phase II.

The applicant proposes that all three areas would be available for use during events. Noted is that live and/or amplified music, consisting of live music or DJ music, is proposed to be used for events held indoors in either the Winery Barn or new winery building. Amplified music or live music is not permitted outdoors, though use of quieter non-amplified instruments, such as strings or acoustic guitar, would be used outdoors during some events. Use of amplified sound must cease by 9:00 p.m.

### **Applicant’s Proposed Event Details**

| Event Description   | Quantity | Attendees (maximum) | Months when Events will Occur | Time of day (start & end) | Use of Amplified Sound: |          |
|---|----------|---------------------|-------------------------------|---------------------------|-------------------------|----------|
|   |          |                     |                               |                           | Indoors                 | Outdoors |
| Agricultural Promotional Events <sup>1</sup>  | 4        | 150                 | January - December            | 11:00am - 9:00pm          | Yes                     | No       |
| Agricultural Promotional Events <sup>1</sup>  | 4        | 200                 | January - December            | 11:00am - 9:00pm          | Yes                     | No       |
| Industry Wide Events <sup>2</sup>   | 4        | 100 at one time     | January - December            | 10:00am – 5:00pm          | Yes                     | No       |
| Private Events <sup>3</sup> , which feature Bricoleur Vineyard’s wine & other agricultural products | 4        | 100                 | March - October               | 11:00am - 9:00pm          | Yes                     | No       |
| Private Events <sup>3</sup> , which feature Bricoleur Vineyard’s wine & other agricultural products | 4        | 200                 | March - October               | 11:00am - 9:00pm          | Yes                     | No       |

**Note:** All agricultural promotional and private events will conclude by 9:00pm, allowing time for the attendees to leave the property and vendor clean-up to end by 10:00pm. All industry wide events would conclude by 5:00pm.

1. Agricultural Promotional events include Wine Club Pick-up Weekends, Wine Pairing farm to table dinners, Barrel Tasting, harvest parties, Holiday, and other marketing activities to support and build the Bricoleur Wine Club.

2. Industry Events may include events, such as the Sonoma County Vintners, Russian River Valley AVA, Fountaingrove District AVA, Wine Road, or similar hospitality event for the promotion of Sonoma County Agriculture and the Wine Industry.

3. Private Events will contractually require the event to purchase a minimum quantity of Bricoleur Vineyards wines and recommend the use of local Sonoma County grown agricultural and other products, such as local vegetables, fruit, cheeses, olive oil, etc.

With respect to environmental impacts associated with the reduction in the total number of event days from 26 to 20, the reduced number of events would in turn result in slightly reduced overall impacts with respect to noise and traffic compared to the original proposal.

### Winery Operations

The proposed four-year phased winery operation would include importation of approximately 50 percent of its grapes for wine production from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County. Grapes would be crushed and fermented during Phase I operations (years 1-2) at an off-site location (Punchdown Cellars), located at 1160 Hopper Avenue in north Santa Rosa. Barrel storage would occur in the converted barn building. Traffic associated with the use of the off-site processing location would involve trucks making round trips between the project site and the processing facility. The applicant has indicated that it would take several years after completion of Phase II construction to reach the maximum 40,000 cases per year production levels; assuming half of that production level is obtained (20,000 cases per year) during Phase I operations and use of the off-site processing location, and assuming 25 cases per barrel, there would be very few truck trips related to transport of approximately 800 barrels, and no significant impact to traffic or circulation would result.

### Energy Efficiency and Greenhouse Gas Reduction Measures:

The applicant intends to incorporate the following planned greenhouse gas and energy efficiency measures for the project to further address GHG reduction from the project: (1) solar, (2) electric charging stations, (3) bicycle racks, (4) energy efficient buildings, (5) plantings of trees and other plants, and (6) a commitment to remain a California Certified Sustainable vineyard. A condition of approval requires submittal of a Greenhouse Gas Reduction Plan, which may include, but not be limited to, the following:

*"1) A solar permit has already been submitted (#BLD17-3520) to install ~260 panels on the western roof of the existing Ag Barn (proposed Winery) which could supply ~95% + of the existing electricity needs for the property. Additional solar will be installed on the proposed Winery and Ag Storage buildings to handle future energy requirements with the goal of being energy self-sufficient.*

*2) An electric charging station has already been installed in the vacation rental unit, which is utilized by the owners and will also be available to all potential vacation rental guests that utilize an electric vehicle. An additional charging station will be added during the construction of the winery production building. The charging station will be available to all winery visitors. Electric forklifts will be utilized in the winery operations in an additional effort to reduce emissions.*

*3) Applicant will add two bicycle parking areas with racks, beyond the current county code requirements, to encourage visitors to utilize bicycles to reduce carbon emissions.*

*4) Construction of all new buildings will utilize significant insulation in the walls and ceilings, as well as energy saving appliances to ensure that the buildings will be extremely energy efficient.*

*5) Over the last three years, the applicant has already planted over 200 olive trees, 12 oak trees, 36 fruit trees, 80 rose bushes and many other plants to help reduce the carbon footprint and improve the environment.*

*6) In 2018, the Bricoleur Vineyard was officially certified as a Certified California Sustainable Vineyard by the Sonoma County Winegrowing Alliance. This process included an audit of Bricoleur's sustainable farming practices. This process included the installation of 12 owl & bird boxes throughout the vineyard, planting of winter cover crops in the project site and adjoining 21 acre vineyard, installation of a weather station and moisture probes to monitor and reduce water usage, as well as adopting other organic and sustainable farming techniques. Bricoleur Vineyards is committed to annual improvements to continuously reduce greenhouse gases, water usage, and improvements in its farming techniques to maintain its vineyard certification."*

The above measures would further reduce potential project impacts related to greenhouse gases, and there would be no significant environmental impacts.

### Vacation Rental

In 2015, a Zoning Permit (ZPE15-0806) was approved to allow the primary residence to be used as a Vacation Rental. As part of this project Use Permit (UPE17-0053), the Vacation Rental would be used in conjunction with on-site events. Under the Zoning Code, Vacation Rentals are only allowed during event activities with use permit approval. It is anticipated that guests of events, particularly private events, will use the Vacation Rental. This is addressed as a condition of approval of this Use Permit, ensuring the Vacation Rental would be able to meet performance standards for its operation during events, including with respect to noise and parking (guests would utilize parking spaces at the Vacation Rental driveway). Also noted is the separation of the outdoor event area (no use of outdoor amplified sound) from the residence by rows of the olive orchard trees. Use of the Vacation Rental unit during events would not result in creation of any significant environmental impacts.

### **Issue #2: General Plan Consistency**

The project site is designated Diverse Agriculture (DA) 40 acres per dwelling unit by the General Plan. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element. The DA designation allows agricultural production, wineries, tasting rooms, and agricultural promotional events with a use permit approval. The proposed project is consistent with the following General Plan Agricultural Resource Element goals, policies and objectives:

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

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

**“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.”*

Staff Comment: The project site is within the Diverse Agriculture land use designation. The primary use of the parcel will be agricultural production and related processing, support services, and visitor serving uses because the existing agricultural use of the project site, vineyards and small olive orchard, will continue, and the winery operation would include importation of approximately 50 percent of its grapes for wine production from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County, and such wines will be marketed to guests. Additionally, the applicant proposes to sell olive oil from the tasting rooms, and use olive oil with the food and wine pairing and meals served at events. The olive oil is made from the on-site olive orchards, milled and bottled at local facilities in Sonoma County. The applicant estimates production of 2,000 bottles.

The potential impacts related to noise, odors, traffic and light have been addressed in specific sections of the project’s Initial Study/Mitigated Negative Declaration, and, where appropriate, mitigation measures established to reduce impacts to levels of insignificance. Additionally, project conditions of approval would further regulate the proposed use.

**GOAL AR-6:** *Allow new visitor serving uses and facilities in some agricultural areas but limit them in scale and location. These uses must be beneficial to the agricultural industry and farm operators and compatible with long term agricultural use of the land.*

**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.*

Staff Comment: The project site currently supports 8 acres of vineyards and a small orchard near the converted agricultural barn building with 210 producing olive trees.

Tasting rooms, tours and agricultural promotional events and industry-wide events have been found to promote the region’s as well as the grapes grown on-site, educate visitors to the region’s wines, on the making of wines, and help to increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site. The size of the winery buildings are appropriate for the proposed 40,000 case per year production, though, as noted above, the majority of the grapes to be used in case production will be imported from off-site vineyards owned by the applicant and from third-party vineyards in Sonoma County, and in supporting agricultural promotional, industry wide and private events, including the proposed four weddings

per year. Project conditions of approval prohibit the winery facility from being rented out to any third-party and prohibit outdoor amplified sound.

**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.*

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

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

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

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

*(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.*

*(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.*

**Staff Comment:** The proposed project is conditioned to meet the guidelines as stated above by serving only products grown or processed in Sonoma County (the “local area”). The proposed events are compatible with and secondary to agriculture, and they can be accommodated on the project site with no cumulative significant impacts to traffic or noise (Refer to further discussion in Issues 3 and 4, below). Sonoma County has a long history of permitting agriculture promotional events at wineries which are a marketing tool that promote the wine, and for this project, wine from the grapes produced or grown on site, the adjoining vineyard owned by the applicant, and other Sonoma County vineyards owned by the applicant or third parties. The existing olive orchard and the olive oil it produces, the garden and the locally-grown and produced fruit, vegetables and cheeses will be incorporated in agricultural promotional and industry wide event meals; in food and wine pairings; and included at all private events. The project will not require the extension of sewer or water, and is compatible with existing agricultural and residential uses in the area. It does not propose a hotel, motel or resort.

### **Issue #3: Zoning Code Consistency**

The project site is zoned Diverse Agriculture B6 40, with a 40-acre density, with the following Coming Zones: (F1 and F2) Riparian Corridor (RC) 50/50 and RC 100/50, Scenic Resources (SR)) and Valley Oak Habitat (VOH).

The purpose of the DA as stated in Zoning Code Sec. 26-08-005 is as follows: *“to enhance and protect those land areas where soil, climate and water conditions support farming but where small*

*acreage intensive farming and part-time farming activities are predominant, but where farming may not be the principal occupation of the farmer; and to implement the provisions of the diverse agriculture land use category of the General Plan and the policies of the Agricultural Resource Element.”*

Pursuant to Sonoma County Code Sections 26-08-020.j and k, the winery, tasting rooms and related agricultural promotional events and industry wide events are allowed in the DA zone, subject to obtaining a use permit. The proposed tasting room structure complies with applicable DA Zoning development standards, including height (34'-6", where 35' is permitted), and a 10% lot coverage limit (82,460 sq. ft., where approximately 44,400 sq. ft., or 5%, is proposed/exists). No development is proposed within the required RC 50-foot setbacks.

### *Tasting Rooms*

The request includes multiple tasting rooms to separate general public tasting from private tastings and wine club members tastings. Requests for multiple tasting rooms have become more common in recent years. Winery owners have explained that providing private tastings allows for a more unique experience and a broader education of the wine making process to visitors, which in turn increases wine sales. In recent years, the Board of Supervisors and the Board of Zoning Adjustments have approved the following wineries which include two to three tasting rooms:

- PLP04-0004, Silver Oak Winery, Alexander Valley
- PLP09-0062, Ceja Family Winery, Sonoma Valley
- UPE14-0036, Hinkle Winery, Geyserville
- UPE14-0008, Ramey Winery, Westside Road
- UPE16-0046, Bella Winery, Dry Creek Valley
- PLP08-0104, Ramsgate Winery, Sonoma Valley

This Use Permit request includes three tasting rooms at Phase II final development. A Condition of Approval requires that the conversion of the public tasting room at Phase I to barrel storage be finalized prior to final occupancy of the new winery building at Phase II.

### *Agricultural Employee Residence*

An agricultural employee residence is located on the project site. The unit was initially approved in 2004 under permit ZPE04-0274 when horses were kept at the site. However, the agricultural employee unit now requires a use permit to meet the criteria of the 20 acres of grapes. The applicant has filed UPE19-0012. The qualifying criteria would be related to vineyard acreage (requires a minimum of 20 acres; the applicant has a total of approximately 21 acres on the project site and the adjoining lot they own as part of the vineyard operation) which is allowed with a use permit approval. This will be addressed under UPE19-0012.

### *Vacation Rental*

In 2015, a Zoning Permit (ZPE15-0806) was approved to allow the primary residence to be used as a Vacation Rental. As part of this Use Permit, the Vacation Rental would be used in conjunction with on-site events, including those with use of indoor amplified sound in the winery buildings. Under the Zoning Code, Vacation Rentals are only allowed during event activities with use permit approval. It is anticipated guests of the events will be using the Vacation Rental, especially during



weddings; the applicant has indicated that the Vacation Rental would only be made available to guests attending events at the site. This is addressed as a condition of approval of this Use Permit.

### *Phasing*

The request includes a four-year phased use permit to complete the project development. Staff is recommending a four-year phased use permit with a one-year extension of time, similar to recent approvals.

### **Issue #4: Visual Analysis**

To evaluate the potential visual impacts of the project related to the Scenic Resource designation, staff utilized the Visual Assessment Guidelines of PRMD. This consisted of evaluating public viewpoints from the public roadway fronting the site (Starr Road). Key viewpoints were considered and photographs from these vantage points and are included within the project Initial Study, attached to this staff report. The visual assessment then considered the overall site sensitivity, utilizing criteria of the Visual Assessment Guidelines.

The Project is in an area designated as Scenic Landscape Unit and visually sensitive by the Sonoma County General Plan. The existing structures can be Refer ton from Starr Road. To evaluate the potential visual impacts of the project related to the Scenic Resource designation, staff utilized the Visual Assessment Guidelines of PRMD. This consisted of evaluating public viewpoints from the public roadway fronting the site (Starr Road). Key viewpoints were considered and photographs from these vantage points were taken, shown below. The visual assessment then considered the overall site sensitivity, utilizing criteria of the Visual Assessment Guidelines.

The Visual Assessment Guidelines consider a site as being in a “High” sensitivity area when 1) any portion of a project site is within a land use or zoning designation protecting scenic or natural resources, such as scenic corridors; 2) the site vicinity is generally characterized by the natural setting and forms a scenic backdrop for the community or scenic corridor, and includes building and construction areas within the SR designation located on prominent hilltops, visible slopes less than 40 percent or where there are significant natural features of aesthetic value that are visible from public roads or public use areas.

The visual dominance of the site was also considered using the Visual Assessment Guidelines. This included evaluation of visual elements such as proposed building forms, lines, potential for building silhouetting above ridgelines, building orientation, use of building colors and textures, and use of night lighting.

Staff determined that the project site contains elements that primarily qualify as “Moderate” sensitivity due to the visibility of the project site from Starr Road; this is focused mostly on the lands closer to the roadway, while portions of the project site to the rear of the site (to the east) are less visible.

The existing agricultural barn would not be further modified (exterior changes) as part of the project, and the project would be consistent with applicable Visual Assessment Guidelines.

The existing equestrian area would be demolished to allow placement of the proposed new winery building. This building would be located approximately 230 feet from the edge of the roadway. The design would generally be consistent with the rural, semi-agricultural setting of the site and with the design theme of the agricultural barn. The design includes use of vertical wood siding, stone cladding and wood barn doors in neutral colors to blend the buildings with the surrounding landscape. Partial screening of this structure would occur by existing and planted landscaping near the property frontage and an outdoor use area. The project site has only moderate slopes, and the proposed placement of the winery building would not result in silhouetting above a ridgeline as seen from Starr Road. Lighting of the facility, especially lighting of the parking lot, security and safety lighting, may affect nighttime views. A Condition of Approval requires submittal of Exterior lighting plan, requiring lights to be low mounted, downward casting and fully shielded to prevent glare. Light fixtures may not be located at the periphery of the property or result in light spillage onto adjacent properties or into the night sky. Flood lights are not permitted. Additionally, all parking lot and street lights must full cut-off fixtures, and shut off automatically after closing and security lighting shall be motion sensor activated. (Refer to Conditions of Approval, Exhibit A.)

Approval by the Design Review Committee would be required when the winery building, part of a future phase, is to be constructed (the applicant indicates this would likely be several years after the initiation of the use). Design Review would allow for more specific evaluation of development plans to ensure there will be no significant visual impact from the adjoining Scenic Corridor or public viewpoints along Starr Road. Refer to

The project is therefore considered to be consistent with the criteria of the County's Visual Assessment Guidelines, and would not result in significant aesthetic impacts to a scenic vista.

A condition of approval also requires that the new winery building in Phase II be subject to design review.

#### **Issue #5: Private Events**

The applicant has requested 8 private events per year at the site. A total of four 200-person private events and four 100-person private events would be held annually at the site. Similar winery projects approved by the County have allowed private events when it was determined that local agricultural products would be provided or featured at the event, and noise, parking and traffic standards could be met. Staff supports the proposed private events, as conditions, consistent with similar previous County actions, as it has been demonstrated that wine processed on site and other agricultural products produced onsite or locally would be used in meals served at private events.

#### **Issue #6: Water Supply**

The project lies at the northern margin of the Santa Rosa Valley, Santa Rosa Plain Sub-basin, which is presently designated by the California Department of Water Resources (CDWR) as a medium priority basin.

A Groundwater Availability Study, dated July 2018 was performed for the project by Wagner & Bonsignore and was updated in 2018. For the basis of its studies, Wagner & Bonsignore determined the projected water use for the project as follows:

**PROJECTED WATER USAGE CALCULATIONS:**

|                             |                               |
|-----------------------------|-------------------------------|
| Events                      | 19,000 gallons per year (gpy) |
| Tasting Room                | 19,500 gpy                    |
| Winery Staff                | 39,000 gpy                    |
| Winery Staff during crush   | 12,600 gpy                    |
| Winery Process Wastewater   | <u>288,000 gpy</u>            |
| Annual Projected Water Use: | 378,100 gpy or 1.2 acre-feet  |

Onsite water use for vineyards and landscaping is provided from the Town of Windsor's recycled wastewater.

The report finds that groundwater storage (2,900 acre-feet) and recharge (21 to 42 acre-feet/year) are substantially greater than proposed water demands of the project (1.2 acre-feet/year) or the cumulative impact area (13.5 acre-feet/year). The report concludes there is little potential to negatively impact groundwater supply, groundwater levels in neighboring wells, and surface waters. A peer review by the PRMD Geologist concluded that hydrogeologic study meets PRMD specifications, finding the water use estimate of the project is conservative in nature and likely over estimates groundwater use of the project. Based on water use rates from similar projects, the project is expected to have a water use rate between 0.5 and 1.0 acre-feet/year.

**Issue #7: Noise Analysis**

The project site is located in a rural area where ambient noise is low. A review of the development plan indicates that the center of the outdoor garden areas used for events will be as close as 700 feet from the outdoor use areas of the onsite residence, and 400, 790, and 810 feet from the respective property lines of nearby residences. The winery buildings will be as close as 680 feet from the outdoor use areas of the onsite residence and 250, 790, and 810 feet from the respective property lines of the other nearby residences. Noted is that the 250-foot separation from the agricultural barn (proposed to be converted to winery use) is from the front corner of the building; the tasting room activity would occur inside the building.

A noise assessment of the project was conducted by the applicant's consultant, Illingworth & Rodkin (May 2016), and further clarified in a letter dated August 11, 2017. The noise assessment considered existing noise conditions at the site, as well as projected noise levels from project construction, the new tasting rooms' operations, the use of the outdoor garden areas for events, and the proposed use of outdoor amplified sound during events; the use of amplified music would only occur inside the winery buildings and would cease by 9:00 p.m.

***Event Noise:***

The Use Permit would allow 20 event days per year, consisting of agricultural promotional, industry wide and private events. Events will range in size from 100 to a maximum of 200 guests, with events capped at 100, 150, and 200 persons (Refer to summary table, above in the Project Description for details). Indoor events would take place in the winery buildings and in the outdoor garden pavilion area adjoining (south of) the Winery Barn building. Outdoor events would occur behind the Winery Building, with the closest outdoor event area approximately 400 feet from the closest off-site residential property line.

The onsite Vacation Rental unit would be operated in conjunction with the onsite events, and be rented only to event guests or wine club members on days when events are held at the facility. On non-event days, the Vacation Rental will continue to be available to the general public. The project proposes use of amplified sound/music only indoors during events, though the applicant anticipates that non-amplified sound (use acoustic guitar, strings or similar quieter instruments) may be used outdoors during some events.

Noise was analyzed from property lines of adjoining properties. A review of the development plan and distance information obtained via Goggle Earth indicated that the center of the outdoor garden areas will be approximately 700 feet from the outdoor use areas of the onsite residence and 400, 790, and 810 feet from the respective property lines of Residences 1, 2 and 3, and the winery buildings will be approximately 680 feet from the outdoor use areas of onsite residence and 250, 790, and 810 feet from the respective property lines of Residences 1, 2 and 3. Using these distances and the noise shielding considerations for outdoor and indoor events, sound levels for the typical noise source levels for outdoor and indoor events were calculated at the outdoor use areas of the onsite residence and the near property lines of Residences 1, 2 and 3.

The noise analysis concluded that all events would be expected to comply with daytime or nighttime County noise standards at the property line of the nearest adjacent residences. The maximum level of noise would be that associated with outdoor activities of the largest events (200 guests, at 11 event days per year) and conversational noise, with a reading of 45 dBA (L<sub>50</sub>) at the property line of offsite Residence 1; this would meet the County's noise standard. (The L<sub>50</sub> reading is the noise level expected to be exceeded 50% of the time in any one hour.) The maximum noise reading associated with amplified music (which would occur indoors during events) would be 43 dBA (L<sub>50</sub>) at the property line of offsite Residence 1; this would also meet the County's noise standard.

The noise assessment was reviewed and accepted by the PRMD Environmental Health Specialist. Additionally, draft conditions of approval under Health require the following (Refer to Conditions of Approval, Exhibit A):

- Events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 a.m. to 10:00 p.m.), though amplified for this project would cease by 9:00 p.m.
- Amplified sound and very loud musical instruments (such as horns, drums and cymbals) are not permitted outdoors.
- If noise complaints are received from nearby residents, and they appear to be valid complaints in PRMD's opinion, then the applicant will be required to conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary.

#### *Winery Noise:*

Expected winery operational noise would be related to crush and mobile bottling (the latter occurring on the crush pad), including use of equipment such as fork lifts. The noise analysis found that maximum noise readings of 45 dBA (L<sub>50</sub>) at the property line of offsite Residence 1 could occur as part of crush activities and a 45 dBA (L<sub>25</sub>) noise reading from intermittent use of fork lifts; these

readings would meet the County's noise limits. Bottling is likely to occur for only a few weeks each year. Based on sound level measurements of mobile (truck based) bottling lines at other wineries, the noise analysis determined that bottling operations of the project would produce L50 sound levels of between 65 and 70 dBA at 50 feet, and would not exceed County noise standards.

*Parking Lot and Truck Noise:*

The noise consultant found that the maximum noise generated by automobile and light vehicle parking on the winery site is expected to be 36 dBA at the outdoor use area of the onsite residence, 40 dBA at the property line of one residence, and 33 dBA at the property lines of the two others.

The noise consultant also found the highest average noise generated by automobile and light vehicles on the access road would be 38 dBA at the outdoor use area of the onsite residence, 43 dBA at the property line of Residence 1, 36 at the property line of Residence 2, and 35 dBA at the property line of Residence 3. Given the expected visitor and employee use, these activities are expected to occur for less than 5 minutes out of an hour on a typical day. However, during events or on busy weekends, such activities may occur more frequently.

Considering the findings of the noise analysis, noise levels associated with automobiles and light vehicles using the project driveways and parking lots would not be expected to exceed the daytime County noise standards at the property lines of any adjacent noise sensitive residential uses.

Trucks visiting the winery site will also use the existing site driveways at the perimeter and traversing the northern portion of the site access road. This would take medium trucks approximately 160, 780, and 800 feet from the respective property lines of Residences 1, 2 and 3, and heavy trucks approximately 350, 780, and 800 feet from the respective property lines of Residences 1, 2 and 3. Considering these distances, and the highest average noise generated by medium and heavy trucks passing on the access road would, respectively, be 44 and 54 dBA at the outdoor use area of onsite residence, 52 and 57 dBA at the property line of Residence 1, and 42 and 52 dBA at the property lines of Residences 2 and 3.

The noise consultant explains the noise associated with daytime heavy trucks and daytime or nighttime medium trucks on the project would not exceed the County noise standards at the identified property lines or use areas of the nearby adjacent noise sensitive uses. However, the nighttime use of heavy trucks on the site would exceed the County's nighttime noise standards at the property line of Residence 1. The noise consultant recommends limiting use of heavy truck traffic between the hours of 10 pm and 7 am, which is included as a condition of approval for the project (Refer to Conditions of Approval, Exhibit A).

**Issue #8: Traffic and Parking**

A traffic impact study was conducted for the project by W-Trans (May 2018). The analysis considered existing and future transportation and circulation conditions at the project site and included the intersections of Starr Road/Reiman Lane, Windsor Road/Shiloh Road, and Mark West Station Road/Starr Road. The analysis was reviewed and approved by the Department of Transportation and Public Works (DTPW).

The traffic consultant indicates that, using the County's wine trip generation assumptions, the proposed project is expected to generate 75 trips per day during harvest conditions, including 18 weekday p.m. peak hour trips and 19 trips during the midday peak hour on weekends. The largest proposed agricultural promotional event of 200 guests would be expected to generate 80 trip ends before and after the event on a weekend. Under anticipated future volumes, the study intersections are expected to operate at LOS A or B overall during both peak hours with the addition of the project and event-related trips.

The traffic consultant also determined that the existing fences located at the front property line obscures sight distances to the west and east of the project driveway. A condition of approval and mitigation measure require the applicant move the existing fences back along the Starr Drive frontage to provide adequate sight lines at the project driveway (Refer to Conditions of Approval, Exhibit A).

#### Parking

W-Trans analyzed the proposed parking Traffic Study for the project. A total of 122 spaces would be available for the proposed range of uses at the site. This would include 72 designated standard spaces for winery visitors and employees (surfaced with a chip seal) and including ADA-designated spaces located by building entrances, and an additional 50 unimproved overflow spaces that could be utilized during events when onsite parking demand is higher. The maximum number of parking spaces that would be needed on-site to accommodate employees and visitors during the largest proposed event, (200-person agriculture promotional event) would be 104 parking spaces. Staff determines that all onsite parking requirements will be met, but staff recommends that the designated parking spaces be limited to 104 spaces to not over-build parking and decreasing overall ground disturbances.

#### **Issue #9: Environmental Determination**

A Mitigated Negative Declaration was prepared for the project. Mitigation Measures were incorporated to address issue areas of Aesthetics, Air Quality, Geology and Soils, Hydrology and Water Quality, and Transportation/Traffic. The Mitigation Measures would reduce impacts in these areas to "Less than Significant" levels.

### **ALTERNATIVES**

There are no identified alternatives to the proposed project.

### **STAFF RECOMMENDATION**

Recommend that the Board of Zoning Adjustments adopt a Mitigated Negative Declaration and approve the Use Permit request, subject to the below findings and the attached Conditions of Approval for UPE17-0053.

### **FINDINGS FOR RECOMMENDED ACTION**

1. The project is consistent with the General Plan land use designation of Diverse Agriculture (DA) and General Plan objectives to facilitate County agricultural production by allowing

sales and promotion of agricultural products, including tasting rooms, wine production and associated improvements, consistent with consistent with the Agricultural Land Use categories (Objective AR 5.1). The General Plan provides for facilities that promote agricultural products in all three agricultural land use categories only where the use supports and is proportional to agricultural production on the site or in the local area. The primary use of the 18-acre project site will remain in agriculture. Processing of agricultural products of a type grown or produced primarily on site or in the local area and tasting rooms and other temporary, seasonal, or year-round sales and promotion of agricultural products grown or processed in the county, subject to the criteria of General Plan Policies AR-6d and AR-6f, are uses permitted with a Use Permit in the Diverse Agriculture zoning district. The project is consistent with General Plan Goal AR-5, which states that agricultural support services should be conveniently and accessibly located to the primary agricultural activity in the area because the winery is located in an area producing grapes. Agricultural promotional events and industry-wide events have been found to promote the regional grapes as well as the grapes grown on-site; to educate visitors on regional wines and on the making of wines; and to help increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site. The size of the winery buildings are appropriate for the proposed 40,000 case per year production. In addition to the grapes grown at the on-site 8-acre vineyard, the winery operation would include importation of grapes from the adjoining 13-acre vineyard owned by the applicant, approximately 50 percent of its grapes for wine production from an applicant-owned vineyard near Santa Rosa and 25 percent of its grapes from local third-party vineyards in the local area in Sonoma County. The project's proposed agricultural promotional, industry wide and private events are consistent with similar previous County actions, as it has been demonstrated agricultural products produced onsite or locally (including wines and olive oil) would be used in meals served at private events and in food and wine pairing. To ensure that the food pairing remains accessory to the wine tasting it will occur no more than 4 days per week, only in the private tasting rooms, limited to 15 seats and 15 persons, with a prohibition on offering menu options to guests and further allowing only two food and wine pairing occurrences, one at 11:00 am and one at 2:00 pm, while avoiding the lunch hour 12:00 pm to 1:00 pm on food and wine paring days.

2. Agricultural promotional events and industry-wide events have been found to promote grapes grown regionally as well those grown on-site; to educate visitors on the region's wines and on the making of wines; and to help increase wine club membership, thereby increasing direct marketing and sales of the wine produced on site, all consistent with Policies AR-6d, AR -1a, AR-4a, and AR-6a.
3. The proposal is consistent with the Diverse Agriculture (DA) zoning designation, which allows the following under Section 26-08-020(j) and (k) of the Zoning Ordinance with a Use Permit approval: promotion of agricultural products grown or processed in the county. Sonoma County has a long history of permitting agriculture promotional events at wineries which are a marketing tool that promote the wine, and for this project, wine from the grapes produced or grown on site. The existing olive orchard and the olive oil it produces as well as related garden plantings and locally-grown and produced fruit, vegetables and cheeses will be incorporated in agricultural promotional and industry wide events, in food

and wine pairings, and at private events. Project conditions of approval prohibit the winery facility from being rented out to any third-parties. A condition of approval also prohibits use of outdoor amplified sound at any time.

4. Under this Use Permit approval, the existing Vacation Rental is allowed to be used in conjunction with events, including events with use of indoor amplified sound. The Vacation Rental would be available for rent only to event guests on days when events will be held at the site, ensuring compatibility with applicable performance standards for the Vacation Rental, approved under ZPE15-0086, including noise and parking standards. On non-event days, the Vacation Rental will continue to be rented to the general public.
5. The primary potential land use conflicts associated with the proposed winery use and agricultural promotional events are traffic, noise, groundwater use and aesthetics. Conditions of approval have been incorporated into the project to reduce potential impacts to a less than significant level because: (a) The intersections of Starr Road/Reiman Lane, Windsor Road/Shiloh Road, and Mark West Station Road/Starr Road are expected to operate at LOS A or B overall during both peak hours with the addition of the project and event-related trips. (b) Based on the noise assessment, the noise associated with daytime indoor or outdoor events, tasting room and wine production and bottling would not result in noise levels which exceed the daytime or nighttime NE-2 noise standard at the property line of the adjacent residences. Use of amplified music would only occur indoors. (c) The project's groundwater analysis report found that groundwater storage (2,900 acre-feet) and recharge (21 to 42 acre-feet/year) are substantially greater than proposed water demands of the project (1.2 acre-feet/year) or the cumulative impact area (13.5 acre-feet/year). The report concluded there is little potential to negatively impact groundwater supply, groundwater levels in neighboring wells, and surface waters. A peer review by the County's Natural Resources Geologist concluded that hydrogeologic study meets PRMD specifications and found the water use estimate of the project is conservative in nature and likely over estimates groundwater use of the project. Based on water use rates from similar projects, the project is expected to have a water use rate between 0.5 and 1.0 acre-feet/year. A condition of approval also requires the applicant to file with PRMD a Water Conservation Plan that will further address water conservation measures for the project. (d) GHG Reduction measures have been incorporated into the project. The applicant intends to incorporate the following planned greenhouse gas and energy efficiency measures for the project: (1) solar, (2) electric charging stations, (3) bicycle racks, (4) energy efficient buildings, (5) plantings of trees and other plants, and (6) a commitment to remain a California Certified Sustainable vineyard. (e) Aesthetics of the project were evaluated, finding that design materials and architecture are generally consistent with the County's Design Review Guidelines, including use of natural materials and colors.
6. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.



7. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: (1) exterior lighting must be low mounted, downward casting and fully shielded to prevent glare, lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated; (2) The intersections of Starr Road/Reiman Lane, Windsor Road/Shiloh Road, and Mark West Station Road/Starr Road are expected to operate at LOS A or B overall; (3) the project will not compromise agricultural capability because the proposed use does not remove existing vines or olive trees; (4) the project site is not under a Land Conservation Act contract; (5) conditions have been incorporated into the project to ensure that noise generating activities meet the Daytime Noise limit standards established in the General Plan, with limited hours of event activities, and the conditions placed on the project to control noise; (6) event hours of operation are limited to ensure compliance with noise standards and neighborhood compatibility; (7) amplified sound and music is only permitted indoors and shall cease by 9:00 p.m., and (8) the Vacation Rental use will conform with the Zone Code requirement with the review and approval of this Use Permit.

#### **LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Project Proposal Statement
- EXHIBIT C: Vicinity Map
- EXHIBIT D: General Plan Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Aerial Map
- EXHIBIT G: Site Plans
- EXHIBIT H: Floor Plans
- EXHIBIT I: Elevation Plans
- EXHIBIT J: Draft Resolution
- EXHIBIT K: Public Comments

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Separate Attachment: Mitigated Negative Declaration with environmental studies