

Resolution Number 23-XX

County of Sonoma
Santa Rosa, California

April 13, 2023
UPE16-0052 Hannah Spencer

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE 2007 ADOPTED MITAGED NEGATIVE DECLARATION PREPARED FOR PLP02-0085 REMAINS VALID FOR THE UPE16-0052 USE PERMIT MODIFICATION PROJECT AND GRANTING THE USE PERMIT MODIFICATION REQUEST TO 1) EXPAND MAXIMUM ANNUAL CASE PRODUCTION FROM 250,000 CASES TO 2,500,000 CASES PER YEAR AT AN EXISTING WINERY 2) CONSTRUCT A NEW 22,000 SQUARE FOOT PRODUCTION BUILDING, 3) REDUCE OVERAL EMPLOYEE COUNT, AND 3) ELIMINATE PREVIOUSLY APPROVED PUBLIC TASTING/HOSPITALITY USES FOR THE PROPERTY LOCATED AT 4202 STAGE GULCH ROAD, PETALUMA, APN 142-051-031.

WHEREAS, the applicant, Tammy Martin, filed a Use Permit Modification application with the Sonoma County Permit and Resource Management Department to modify Use Permit File No. PLP02-0085 to 1) increase annual wine production capacity from 250,000 cases to 2.5 million cases by importing local grapes and allowing additional grape crushing and wine production as a bulk wine/custom crush service; 2) construct a new 22,000 square foot wine production building and associated parking and stormwater management improvements; 3) increase full-time employees from 10 to 15, reduce seasonal employees from 14 to 5, and increase daily business visitors from 3 to 4; and, 4) eliminate all previously approved public tasting and hospitality uses. Existing winery production hours of operation would remain unchanged. For property located at 4202 Stage Gulch Road, Petaluma; APN 142-051-031; Zoned LEA (Land Extensive Agriculture) B6 100, Z (Accessory Unit Exclusion), RC50/50 (Riparian Corridor with 50-foot setbacks), and SRC (Scenic Resources); Supervisorial District No 2; and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the original PLP02-0085 project, and on February 7, 2007, the MND was posted and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA"), 14 California Code of Regulations, §§15000 et seq. ("CEQA Guidelines"), and County CEQA guidelines. The Planning Commission held a public hearing on March 1, 2007 and recommended to the Board of Supervisors approval of the original PLP02-0085 project in their Resolution No. 07-006. The Board of Supervisors held a public hearing on April 24, 2007 and adopted the MND and approved the project subject to conditions of approval set forth in Board Resolution No. 07-0330. The Notice of Determination was filed on December 6, 2007; and

WHEREAS, Consistent with CEQA Section 15164(b), an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. After reviewing the 2007 adopted MND and updated

technical reports submitted for the project, including a trip generation comparison memo, groundwater report, greenhouse gas emissions analysis, vehicle miles travelled assessment, and wastewater feasibility study; staff determined that an Addendum, consistent with CEQA Section 15164(b), is the appropriate course to address potential environmental impacts associated with the proposed winery expansion project; and

WHEREAS, the MND Addendum assesses the use permit modification request for consistency with the 2007 Adopted MND as well as the new 2019 CEQA Checklist criteria. Staff determined that no new or significant environmental effects, no substantial changes to circumstances or to previously identified significant effects, no significant revisions to mitigation measures and no new mitigation measures or alternatives would be associated with the proposed winery expansion project. The proposed use permit modification project is required to meet the project objectives of the original PLP02-0085 project. No new, collective or cumulative impacts have been identified with the entirety of the proposed winery expansion project that cannot be mitigated to a level of less than significant with mitigation measures contained in the 2007 Adopted MND. The findings contained in the 2007 MND remain valid for the proposed winery expansion project and no new impacts or increases in previously analyzed impacts have been identified. All applicable mitigation measures contained in the 2007 Adopted MND have been incorporated into the project Conditions of Approval for UPE16-0052. These include mitigation measures for potential environmental impacts to the following topic areas: Noise, Air Quality, Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality. All potential impacts resulting from the project will be mitigated to a less-than-significant level; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a duly noticed public hearing on April 13, 2023, at which time all interested persons were given an opportunity to speak and be heard;

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. Environmental Determination: The Board of Zoning Adjustments has reviewed and considered the 2007 Adopted MND prepared for the original PLP02-0085 project and the MND Addenda that were prepared to address potential environmental impacts of the project, together with all comments received during the public review process. Based upon the full record of proceedings (including the 2007 adopted MND, the MND Addenda, and all comments received), it has been determined that there is no substantial evidence that the project will have a significant environmental effect. Changes or alterations have been required in or incorporated into the project through the Conditions of Approval imposed herein that avoid or substantially lessen the potentially significant environmental effects of the project. These changes or alterations have been agreed to by the applicant. The MND Addenda has been completed in compliance with State and County CEQA guidelines and reflects the independent judgment and analysis of the County of Sonoma.
2. General Plan Consistency: The proposed project is consistent with the General Plan land use designation of Land Extensive Agriculture, and the goals, objectives, policies, and programs of the General Plan. The particular circumstances in this case are:

- a. The Agricultural Resource Element policies allows wineries, defining them as agricultural processing facilities.
- b. The project is consistent with Goal AR-5 and Policies AR-4a, AR-5a, and AR-5c as the project site is devoted to an agriculture related support use located conveniently and accessibly at the Stage Gulch Road/County Dump Road intersection with paved access improvements at an existing production facility. The site is in southern Sonoma County near the border of the Petaluma Gap and Carneros American Viticultural Areas. The proposed increase in processing and bottling services supports local smaller producers and is proportional to wine grape production in southern Sonoma County. The project will use the existing case goods storage building and no additional storage buildings are proposed.
- c. The project is consistent with Policy AR-5g as the project would not constitute a detrimental concentration of agricultural support uses. The project would not 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. The 2019 OEI Groundwater Report and 2023 OEI Addendum prepared for the project find that there is little potential to negatively impact groundwater supply, groundwater levels in neighboring wells, and surface waters. Additionally, the OEI Groundwater Report satisfies Water Resource Element Policy WR-2e which requires discretionary projects in Groundwater Class 3 Areas to confirm groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area. Project Conditions of Approval require a groundwater monitoring easement to water wells serving this project, water meters to collect groundwater level measurements, and a separate dedicated monitoring well. There are no other wineries within the project supply well recharge area, and the proposed construction, traffic, noise, and elimination of public tasting uses would not be detrimental to the rural character of the area.
- d. The use permit request is consistent with policies for agricultural support services (AR-5e and AR-5f) as bottling services will support local vineyard producers and will be subordinate to the overall winery case production – 68% of winery case production will involve wines processed on site and 32% of case production will result from bottling wines sourced from locally grown and processed grapes. Bottling, crush, and production services will be accommodated within the existing and proposed winery buildings and all services will be managed by Carneros Vintners employees. There are no retail services associated with the request and bottling services do not include daily visitors outside of the maximum four daily business visitors expected for the overall facility. Additionally, the site is developed with adequate access located off Highway 116 and County Dump Road in the Carneros AVA. Allowing the project site to provide bottling services for local growers supports Goal AR-5 which calls for facilitating agricultural production by allowing agricultural processing, bottling, and support services to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.

3. Zoning Consistency: The proposed project is consistent with Sonoma County Zoning Code, which allows agricultural processing of agricultural products grown onsite with a permit in the Land Extensive Agriculture Zoning District provided that the use is consistent with General Plan Policy AR-5g.
4. 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: the project has been found to have insignificant environmental impacts in the Noise, Air Quality, Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality topic areas based on the project design with the adoption of mitigation measures, conditions of approval and project operational characteristics; the proposed use is consistent with General Plan policies and the underlying Land Extensive Agriculture zoning designation, which allows the proposed uses subject to approval of a Use Permit; and conditions of approval have been imposed on the project to limit visual impacts, control noise in accordance with the General Plan standards, and ensure compliance with all County and resource agency standards that will prevent impacts to biological resources.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby finds the 2007 adopted MND remains valid for the project as documented in the 2022 MND Addenda. The Board of Zoning Adjustments determines that an Addendum, consistent with CEQA Section 15164(b), is the appropriate course to address potential environmental impacts associated with the proposed winery expansion project. All applicable mitigation measures contained in the 2007 adopted MND have been incorporated into the project Conditions of Approval for UPE16-0052.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Planning Commission's action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.