

Resolution Number 23-XXX

County of Sonoma
Santa Rosa, California

September 28, 2023
PLP20-0007 Jen Chard

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A LOT LINE ADJUSTMENT AND USE PERMIT TO CONSTRUCT AND OPERATE A NEW WINERY AND TWO NEW TASTING ROOMS FOR PROPERTY LOCATED AT 3400 SLUSSER ROAD, WINDSOR, CA; APN 057-070-047, 057-070-049 and 057-070-050.

WHEREAS, the applicant, Tony Korman and Jackson Family Investments III LLC, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for A Lot Line Adjustment between a 24.28+/- acre parcel (APN 057-070-049) and a 108.82+/- acre parcel (APNs 057-070-047/-050) resulting in a 24.08+/- acre parcel and a 109.01+/- acre parcel; a Use Permit and Design Review for a new 4,530-square foot tasting room (Nunes Farm) with up to 20 events per year (16 promotional, 4 industry) with a maximum of 200 attendees on the resulting 24.08 +/- acre parcel; and a Use Permit and Design Review for a new winery (Saralee's Vineyard) including a tasting room, a winery building used for production, storage, and administration with an annual production of 95,000 cases and up to 20 events (16 promotional, 4 industry) per year with a maximum of 200 attendees, and marketing accommodations within an existing building on the resulting 109.01+/- acre parcel located at 3400 Slusser road, Windsor, CA ; APN 057-070-047, 057-070-049 and 057-070-050; Zoned LIA (Land Intensive Agriculture), B7 (Frozen Lot) with combining districts for Z (Accessory Unit Exclusion), BH (Biotic Habitat), F2 (Floodplain), RC50/25, RC100/50 (Riparian Corridor with 50 ft and 100 ft setbacks) SR (Scenic Corridor and Scenic Landscape Unit) and VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, a Mitigated Negative Declaration (MND) was prepared for the Project, and on August 14, 2023, 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; and

WHEREAS, in accordance with applicable provisions of law, the Board of Zoning Adjustments held a public hearing on September 28, 2023, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Board of Zoning Adjustments has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Mitigated Negative Declaration and the Project.

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 Mitigated Negative Declaration 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 Initial Study 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 Mitigated Negative Declaration 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 Intensive Agriculture, and the goals, objectives, policies and programs of the General Plan.
 - a. The Agricultural Resource Element policies allows for wineries, defining them as agricultural processing facilities, tasting rooms and events, defining them as visitor serving uses.
 - b. The project is consistent with Policy AR-3a as the resultant parcels of the Lot Line Adjustment exceed the 20-acre lot minimum for Land Intensive Agriculture.
 - c. The project is consistent with Policy AR-4a, as the project sites are devoted to agricultural production and related processing, support services, and visitor serving uses.
 - d. The project is consistent with Policies AR-1a, AR-6a, AR-6d and AR-6f as the project's visitor serving uses only promote or sell products grown and produced on site or in the local area, the uses are secondary or incidental to local agriculture production, the uses will not require an extension of sewer or water and are compatible with the surrounding uses in the area.
 - e. The project is consistent with Policies AR-6f and AR-5g as the project would not constitute a detrimental concentration of visitor serving and recreational uses, and agricultural support uses. The project would not result in joint road access conflicts and traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis will be mitigated as part of the proposed CEQA analysis. Additionally, the new tasting rooms would not draw water from the same aquifer and be located within the zone of influence area wells and proposed construction, traffic and noise would not be detrimental to the rural character of the area.
3. Zoning Consistency: The proposed project is consistent with Sonoma County Zoning Code, in that the proposed lot line adjustment, winery and tasting rooms are allowed in the LIA (Land Intensive Agriculture) Zoning District with a permit.
 - a. The proposed Lot Line Adjustment is consistent with the standards of Zoning Code Sections 25-70 and 26-88-190.
 - b. The project is consistent with all the development standards for the Land Intensive Agriculture Zoning District, as well as the 200-foot Scenic Corridor setback from River Road and all requirements for Scenic Landscape Units per Zoning Code Section 26-64-020.
 - c. The use permit requests are consistent with the standards of Zoning Code Sections 26-18-030 and 26-18-210 for agricultural processing and tasting rooms in the LIA Zoning District.

- d. The use permit requests area consistent with the Winery Definitions and Standards of the Zoning Code Section 26-18-260.
 - e. The use permit request for a Marketing Accommodation is consistent with the Zoning Code provisions performance standards listed under Zoning Code Section 26-88-086.
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 Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Transportation and Tribal Cultural Resources 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 Intensive 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 adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board.

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

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Saralee's Vineyard Winery, Tasting Room, Events, and Marketing Accommodations Use Permit, subject to the Conditions of Approval in Exhibit "B", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Nunes Farm Tasting Room and Events Use Permit, subject to the Conditions of Approval in Exhibit "C", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments 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 Board of Zoning Adjustments' 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.