permit SONOMA

County of Sonoma
Permit & Resource Management Department

Sonoma County Board of Zoning Adjustments
STAFF REPORT

FILE: PLP16-0024
DATE: August 16, 2018
TIME: 1:30 p.m.
STAFF: Kathleen Franklin, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant:	LandPlan Company
Owner:	New Komiza LLC
Project Name:	New Carneros Business Park Wine Production and Storage Building
Location:	1670 and 1690 Carneros Meadows Lane, Sonoma APN: 128-680-012 and -013 Supervisorial District No.: 1
Subject:	Use Permit and Design Review
PROPOSAL:	Use Permit and Design Review for the construction of a 40,000-square foot wine processing facility that will house up to three production areas capable of producing 150,000 cases annually, required parking and landscaping to be built on two parcels measuring 1.61 acres and 2.2 acres, to be merged into a single lot of 3.81 acres.
Environmental Determination:	Mitigated Negative Declaration
General Plan:	Limited Industrial (LI)
Specific/Area Plan:	Sonoma Valley Area 2 Specific Plan
Ord. Reference:	Section 26-44-020 (o)
Zoning:	MP (Industrial Park), VOH (Valley Oak Habitat)

Application Complete for Processing: August 27, 2017 Addendum I Geological Report

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

EXECUTIVE SUMMARY: The Carneros Business Park Subdivision was approved by the Planning Commission in 2001 (File PLP99-0035), with the final map recorded in 2004. Approval of the Use Permit would allow for the construction of a 40,000-square foot wine processing facility that would house up to three production areas capable of producing 150,000 cases annually. Two parcels within the business park (1.61 acres and 2.2 acres) will be merged into a single 3.81 acre parcel for the proposed building. The project is consistent with the General Plan and development standards of the MP zoning and the *Sonoma County Comprehensive Airport Land Use Plan*. The DRC reviewed the project, and at its December 20, 2017, approved the final project design.

BACKGROUND

The Carneros Business Park Subdivision was approved by the Planning Commission in 2001 (File PLP99-0035), with the final map recorded in 2004. The subdivision provided for an estimated 770,900 square feet of industrial development on 53.4 acres. The original map limited the use of the land to primarily warehousing and manufacturing.

In 2007, the owner of the Carneros Business Park, Schell Investments, Inc., applied for a modification to the original subdivision map (File CMO07-0005). The request was to permit a wider range of industrial uses to be consistent with the uses allowed under the MP (Industrial Park) zoning district. On August 2, 2007, the Planning Commission approved the requested modification to Map Note 18 to include:

> "*All uses permitted in industrial development within the MP zoning will be allowed subject to any limitations in the Carneros Business Park CC&R's. Permitted buildings will pay standard traffic mitigation fees (per Note 1 of the Final Map) plus pay $1.54 per square foot of each approved building for offsite traffic mitigation articulated in the April 6, 2007 Traffic Study by W-Trans entitled "Proportional Share Calculation - Carneros Business Park."*

The Use Permit request is for a 40,000-square foot wine processing facility that would house up to three production areas capable of producing 150,000 cases annually, required parking, and

landscaping to be built on a 3.81 acre site created by merging two parcels (currently 1.61 acres and 2.2 acres). Zoning Code Section 26-44-020 (o) allows the proposed use subject to the approval of a Use Permit, provided the winery meets effluent pre-treatment requirements, tasting rooms and retail sales are prohibited in the MP zone.

On April 17, 2018 a Notice of Public Hearing Waiver was posted for the project (See Exhibit O). An email was received from Mr. Roger Peters, representing The Valley of the Moon Alliance (VOTMA), objecting to the waiver and requesting a public hearing for the project. VOTMA expressed a concern that the project raised sensitive groundwater, water conservation, and potential use activity issues that they believe warrants a public hearing.

Design Review Committee (DRC) Hearing. The DRC reviewed the project on April 19, 2017, requesting modifications to the site plan, architecture, landscaping, and lighting; and asked the applicant to consider a change to the proposed building orientation. The applicant made the requested modifications, and at its December 20, 2017 meeting, the DRC approved the final design review for the project.

Project Description. The project proposes to construct a 40,000-square foot wine processing facility to accommodate up to three (3) production areas with the ability to produce up to 150,000 cases of wine annually. The project will support typical wine production operations including, grape crushing, fermentation, blending, aging, wine storage in tanks or barrels, bottling and product case storage.
The proposed project hours are 6:00 a.m. to 7:00 p.m. daily, approximately 10 months during the year, and 24 hours per day for 8 weeks during the harvest season.
In compliance with General Plan ***Policy LU-8f***, a water conservation plan was prepared and submitted with the applicant's application. At the request of Natural Resources staff the plan was updated (*New Komiza Water Conservation Plan Update 1,* Wallace Group, February 27, 2018). The plan proposed several mitigation measures as a means of conserving water and accruing the maximum potential water savings during project operations. This report will be further discussed in Issue # 1.

Site Characteristics. The 3.81-acre vacant project site is located in the northeast corner of the previously approved Carneros Business Park. The site is generally level terrain at an approximate elevation of 16 feet above sea level. The site is currently vacant. Building pad grading for the site was performed during initial development of the business park currently supports grassy vegetation throughout. The site contains no significant natural features and is not designated for the protection of scenic resources.

Surrounding Land Use and Zoning. The Sonoma Skypark Airport (private) is located to the north; vacant parcels zoned MP and within the approved subdivision are located to the south; a

commercial building on land zoned MP and within the approved subdivision is located to the west, and an established vineyard zoned Diverse Agricultural is located to the east.
The site is located within the Transitional Safety Zone for the Sonoma Skypark Airport, approximately 330 feet south of the center-line of the airport runway.

ISSUES

General Plan Consistency. The project site has a land use designation of "Limited Industrial." The "Limited Industrial" land use category provides sites for development to meet service and employment needs where the range or scale of industrial uses is limited. Industrial parks are included in this category. The proposed project is consistent with General Plan 2020 goals, policies and objectives, as further noted below.

GOAL LU 8: Protect Sonoma County's water resources on a sustainable yield basis that avoids long term declines in available surface and ground water resources or water quality.

Policy LU-8a: Require that new development comply with applicable waste discharge requirements and minimize pollution of storm water, surface water and groundwater.

The proposed project is subject to water quality regulations adopted by the State and Regional Water Quality Control Board and Permit Sonoma, including a requirement for a Standard Urban Stormwater Mitigation Plan (SUSMP). A Preliminary Storm Water Mitigation Plan was prepared by Adobe Associates, Inc. (February 2016), in compliance with the requirements and adopted best management practices enforced by the County. The SUSMP program requires that facilities constructed to control water quantity and quality be maintained in such a manner as to prevent their long-term degradation, and insure that future increased water quality or quantity impacts do not occur. As the project is required and conditioned to follow the County's regulations for construction, post construction, and long-term maintenance requirements and adopted standards, the goals and policies of the General Plan would be met.

Policy LU-8f: Increase the role of water conservation, storm water retention, and aquifer recharge for water supply purposes.

A water conservation plan was prepared for the project (*New Komiza Water Conservation Plan Update 1,* Wallace Group, February 27, 2018). In an effort to minimize water use water conservation measures were recommended to further reduce water use. Typical "Best Management Practices" in the winery industry focus on source control. The following water-reducing strategies for winery production were presented in the Water conservation Plan that, when implemented, will conserve water and help accrue the maximum potential water savings during project operation. These conservation measures are included in both the mitigation measures and conditions of approval for the project. The proposed conservation measures are:

MEASURE DESCRIPTION	POTENTIAL WATER SAVINGS
Use high pressure wash equipment paired with ozone or steam for disinfection, rather than chemicals and full vessels	30%
Use brooms to dry-brush areas designated for cleaning rather than using water	30%
Where hose down is required, maintain smooth, low maintenance floors using coatings or other approved method	10%
Install trigger-handled spray nozzles on all hoses	10%
Use automatic barrel cleaners with water efficient nozzles	10%
Incorporate water conservation into employee orientation and annual training	10%
Install flow monitors to track water use and set goals for further water reduction	10%

The Water *Conservation Plan* also includes installation of a membrane bioreactor for treatment of process wastewater. The wastewater treatment system will produce quality effluent that will be used for onsite landscape irrigation, and potentially recycled for cleaning within the wine processing facility, or used for to offset water use of nearby vineyards.
A Preliminary Storm Water Mitigation Plan was prepared by Adobe Associates, Inc. (February 2016) in compliance with the requirements and adopted best management practices enforced by the County. The Storm Water Mitigation Plan is designed so that there is no increase in runoff for the 85th percentile storm event. Gravel filled bioswales are proposed with a total of 4,100 cubic feet of stormwater storage. The bioswales are designed to slow storm runoff and enhance groundwater recharge.

A condition of this permit is that prior to Building Permit and Vesting of the Use Permit the Water Conservation Plan will be updated and detail net groundwater use of the project with applied water conservation measures, existing use offsets, and enhanced groundwater recharge. The updated Water Conservation Plan must demonstrate that implementation of the project will result in a "de minimus" increase in net groundwater use of 0.5 acre-feet/year. The a "de minimus" use rate of 0.5 acre-feet/year is applied as this value is similar to expected water uses of a warehouse building with water efficient landscaping and is the cutoff between small and large water users according to PRMD Policy and Procedure Number 8-1-3 *Monitoring Guidelines for Large Capacity Water Wells Pursuant to General Plan Policy WR-2d (formerly RC-3b).*

GOAL WR-1: Protect, restore and enhance the quality of surface and groundwater resources to meet the needs of all reasonable beneficial uses.

Objective WR-1.5: Seek to protect groundwater from saltwater intrusion.

Policy WR-1u: In the marshlands and agricultural areas south of Sonoma and Petaluma, require all environmental assessments and discretionary approvals to analyze and, where practicable, avoid any increase in saltwater intrusion into groundwater.

To comply with the General Plan, PRMD staff required that the applicant provide an Environmental Assessment of saltwater intrusion into groundwater be prepared by a Registered Geologist and in accordance to the General Plan requirements of WR-1u. EBA Engineering prepared three groundwater related studies for the project: 1) *Geologic Report for General Plan Policy WR-1u* (February 10, 2017); 2) *Geologic Report for General Plan Policy WR-1u Addendum 1* (June 22, 2017); and updated Addendum 1, dated August 29, 2017. EBA Engineering's February 10, 2017 report addressed saltwater intrusion and served as the basis for assessment of the potential impacts of saltwater intrusion. The report analyzed the groundwater quality characteristics associated with the groundwater supply well (WELL-1670) and compared characteristics to data presented by the United States Geological Survey (USGS) in Scientific Investigations Report 2006-5092 entitled "*Geohydrological Characterization, Water-Chemistry, and Ground-Water Flow Simulation Model of the Sonoma Valley Area, Sonoma County, California* (USGS Study)" (Farrar et al., 2006). Water quality characteristics were used to ascertain the presence or absence of seawater derived saltwater. The report concluded the following:

- The groundwater quality characteristics associated with WELL-1670 are different than seawater. Comparison of the data from WELL-1670 with data from nearby wells indicates similar groundwater compositions and does not indicate the presence of saltwater intrusion at the project site.
- WELL-1670 is similar in composition to the Group 3 wells identified in the USGS Study. The Group 3 wells are widely distributed throughout the Sonoma Valley and are not associated with seawater intrusion.
- The concentration ratio graph presented in Appendix C does not suggest that seawater mixing is occurring at the project site at the present time. The chloride-boron ratio plots below the mixing line indicating a higher concentration of Boron than could be accounted for by mixing with seawater.
- The deuterium and oxygen isotope evaluation indicate that the water from WELL-1670 is composed of isotopically lighter water that is not indicative of modern seawater mixing but instead may be related to older meteoric water (connate water).

- The specific conductance value for WELL-1670 804 microSiemens per centimeter (µS/cm), is below the threshold of 1,000 µS/cm value that has been used to define saline groundwater in the southern Sonoma Valley (Kunkel and Upson, 1960 and Farrar et al., 2006). It should be noted that higher specific conductance values have been measured in wells that are located up to approximately 2,500 feet north of the project site and further from San Pablo Bay.

The above findings indicate that there is currently no evidence of saltwater intrusion. A condition of this project is to monitor water quality parameters related to seawater intrusion.

GOAL WR-2 Manage groundwater as a valuable and limited shared resource.

Policy WR-2d: Continue the existing program to require groundwater monitoring for new or expanded discretionary commercial and industrial uses using wells. Where justified by the monitoring program, establish additional monitoring requirements for other new wells.

As previously stated, EBA Engineering prepared three studies for the project site. For the basis of its studies, EBA determined the projected water use for the project to be:

PROJECTED WATER USAGE CALCULATIONS

Employee Usage:

Using an estimated waste/sewage flow rate of 20 gallons per day per employee as outlined in Table H 2.1(1) of the 2013 California Plumbing Code for Office Space, the projected annual water usage for the four employees is estimated at 20,600 gallons (GAL) or 0.06 acre-feet (AF).

4 full-time employees x 20 GPD	=	80 Gallons/Day
52 weeks/year x 5 days/week	=	260 Day/Year
Annual Total	=	20,800 Gallons or 0.06 acre-feet

Wine Processing Usage. Per the winery owner, New Komiza, LLC, average water usage to prepare 1 gallon of wine is 2.0 gallons of water. This figure is based on actual peak water use per case of wine for New Komiza's other winery (Scribe Winery). Using this figure, the projected annual water usage for preparing 150,000 cases of wine is 713,400 GAL or 2.19 AF.

Annual Production	=	150,000 Cases of Wine
1 Case of Wine	=	2.38 Gallons
Water Usage/Gallon of Wine	=	2.0 Gallons

PROJECTED WATER USAGE SUMMARY. The proposed project, including employee and process water needs, is estimated to use a total of 734,200 gallons or 2.25 acre-feet of water per year. Existing water use for the 655-acre Cumulative Impact Area (CIA) is estimated to be 182 acre-feet per year, and projected water use is 223 acre-feet per year. Note that the above water use

estimates of the CIA are conservative in nature and likely overestimate actual water use. The EBA studies concluded that the proposed water use for the project is relatively minor at 2.25 acre-feet per year.

The project site is located in the southern Sonoma Valley and classified by Sonoma County as a Zone 1 "major groundwater basin." Sonoma Valley is designated as a medium priority groundwater subbasin as defined by the California Department of Water Resources (CDWR). As a medium priority basin, the Sonoma Valley is now regulated by a Groundwater Sustainability Agency as mandated through the California's Sustainable Groundwater Management Act. The Sonoma Valley Groundwater Sustainability Agency formed in June of 2017 and is tasked with developing a groundwater sustainability plan for the basin by 2022.

The southern Sonoma Valley is considered an area of concern for groundwater resources. A groundwater depression has been documented in the deep aquifer northeast of the project site (Farrar *et al*., 2006, Sonoma County Water Agency {SCWA}, 2015) with groundwater elevations as low as 90 feet below mean sea level (MSL). The deep aquifer is a semi-confined or confined aquifer roughly defined from the shallow aquifer at a depth of 200 feet from the ground surface. Wells that draw water from the upper aquifer (shallower than 200 feet below the ground surface) have not recorded a groundwater depression. Groundwater levels below mean sea level in the deep aquifer is concerning for multiple reasons including the potential for saltwater intrusion. The groundwater levels indicate the potential for seawater intrusion to occur, though there is currently no evidence of seawater intrusion in the project area. Other concerns are that lowered groundwater levels could result in wells running dry and increased energy costs associated with groundwater pumping.

The project site is located on the southwestern edge of the documented groundwater depression as depicted in the most recent Sonoma County Water Agency (SCWA) Annual Sonoma Valley Groundwater Management Plan report (SCWA, 2016). Groundwater levels in the vicinity of the project site are generally at or slightly below sea level, and stable over the last 10 to 15 years. Water levels from six wells within the CIA from 2007 through 2015 were provided in the EBA studies and showed variable groundwater levels between wells. Water levels ranged from above sea level to about 60 feet below mean sea level. Average water levels of the six wells were roughly 20 feet below sea level, consistent with being located near the edge of the groundwater depression. Water level data from 2007 through 2015 were generally stable, with no clear declines in most wells. Stable groundwater levels, including years of extreme drought from 2013 through 2015, were interpreted to indicate that the project aquifer is in a state of equilibrium where recharge rates are equal to extraction. The EBA report discussed that increased groundwater use associated with the project will not significantly impact the existing condition and that recharge will continue to match withdrawals.

The EBA report discussed that the lower groundwater levels of the deep aquifer relative the

shallow aquifer is likely the driver for groundwater recharge to the project aquifer (deep aquifer). The lowered groundwater levels produce a gradient in hydraulic head by which groundwater is induced to flow from the shallow aquifer to the deep aquifer. Without the gradient in water levels there would be not be driving force for recharge.

The EBA studies presented an alternative estimate of groundwater recharge using a water balance approach. The water balance approach is based off regional averages of precipitation, evapotranspiration, and interception, and modeled estimates runoff. Average year recharge for the CIA was estimated to be 170 acre-feet per year, a value that is less than the estimated water use under existing (182 acre-feet per year) and projected (223 acre-feet per year) conditions. The water balance approach estimated that recharge is less than existing use by 12 acre-feet per year. If this were true then water levels of the project aquifer should be decreasing over time. EBA dicussed that measured water levels are in contradiction to the water balance analysis. Water levels in the vicinity of the project well have not shown a decreasing trend, there has been no appreciable change in storage, and therefore recharge has been equal to extraction. Water level measurements are interpreted as having greater value to assessing aquifer conditions in comparison to estimates based on regional averages. EBA described the recharge estimate from the water balance approach as having a high degree of uncertainty and or secondary value compared with the water level meaurements.

The EBA studies concluded that the additional pumping associated with the project should not result in any appreciable changes in the local or regional groundwater conditions.

The EBA studies also determined that pumping of the project well will not significantly impact water levels in any nearby wells.

The EBA studies also assessed the potential for groundwater withdrawal to influence surface water. The nearest creek from groundwater supply well (WELL-1670) is located approximately 1,400 feet to the southeast. The nearest surface water feature is a wetlands mitigation area that is located approximately 1,300 feet north of the project site. Based on the distance from the project site and confined/semi-confined nature of the deeper aquifer from which the project's water supply will be derived, the report finds that it is unlikely that pumping from WELL-1670 would affect flow in Arroyo Seco or the habitat of the wetland mitigation area. Again, the County Geologist has seen and accepted the EBA report findings.

PRMD Natural Resources staff has reviewed EBA's reports and finds conclusions to be generally sound. However, given the documented groundwater depression and expectation for further development in the area conditions on groundwater use, groundwater monitoring, and water conservation measures have been developed as follows:

- **HYD 8-1** The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to Permit

Sonoma in January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Measurements shall be collected in January, April, July and October of each year. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a plan for reducing groundwater use on the parcel or within the basin, subject to review and approval by PRMD. The County encourages the applicant to work with other land owners in the basin to collectively manage water resources.

- **HYD 8-2** Well water use on this parcel, inclusive of landscaping and water features shall not exceed 2.25 acre feet per year. In the event that average water use over 3 years for the Use Permit exceeds 2.25 acre feet per year, the applicant shall update the Water Conservation Plan to utilize the best available technologies to reduce water use, including but not limited to recycled water for use in landscaping or fixture, rainwater catchment, ultra-low flow fixtures or other measure, subject to review and approval by Permit Sonoma. In the event that average water use over 3 years exceeds 2.25 acre feet per year by more than 10 percent, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce groundwater use.
- **HYD 8-3** Water quality samples from each well shall be tested by a State-certified lab annually. Water samples shall be extracted in the months of September or October and reported to Permit Sonoma no later than January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Water quality parameters to be tested shall include Total Dissolved Solids, Electrical Conductivity, Chloride, Iodide and Boron. Analytical detection limit for Iodide shall be 1.0 ug/L or less. Analytical detection limit for Boron shall be 5.0 ug/L or less. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If concentrations exceed primary or secondary drinking water standards or the County determines that groundwater quality is declining in relation to saltwater intrusion, then the applicant shall submit and implement a plan to address saltwater intrusion, subject to review and approval by Permit Sonoma.
- **HYD 8-4** All water conservation measures and equipment described in the most recent Water Conservation Plan, New Komiza Water Conservation Plan Update 1, (Wallace Group) dated February 27, 2018, shall be installed and inspected by an EPA WaterSense for New Homes Inspector or another inspector approved by the Director.
- **HYD 8-5** All water conservation measures described in the most recent Water Conservation Plan, New Komiza Water Conservation Plan Update 1, (Wallace Group) dated February 27, 2018, shall be implemented. Alternative methods or technology of equal or better water efficiency may be used or installed with update and approval of

the Water Conservation Plan. Water efficient cleaning and sanitation equipment shall be maintained in good working order. If replaced, equipment of equivalent or better water use efficiency shall be installed.

Further conditions not included in the Mitigated Negative Declaration include:

- The Water Conservation Plan, New Komiza Water Conservation Plan Update 1, (Wallace Group) dated February 27, 2018 shall be updated to provide an estimate of net groundwater use. The plan should detail project water use with proposed water efficient measures, any offsets to existing water uses within the CIA, and enhanced groundwater recharge. The updated Water Conservation Plan must demonstrate that implementation of the project will result in a "de minimus" increase in net groundwater use of 0.5 acre-feet/year or less.
- The project shall comply with all regulations, monitoring, and fees associated with the Groundwater Sustainability Agency as applicable to the project site within the Sonoma Valley.

Incorporation of these mitigation measures will ensure the project is consistent with *Policy WR-2d* of the General Plan.

Sonoma Valley Area Plan. The approved Carneros Business Park Subdivision is located within the Sonoma Valley Planning Area. The land use designation for the subject site is XX, and the proposed project is consistent with the land use designation. The business park site, historically considered for industrial park development, was designed and conditioned to meet the principal land use issues in the planning area pertaining to growth and traffic congestion and availability and quality of water resources.

Zoning Consistency. The project site is zoned MP (Industrial Park), VOH (Valley Oak Habitat). The purpose of the MP zoning is stated in County Code Sec. 26-44-005 as follows: "*to implement the provisions of Section 2.4.2 of the general plan by providing areas exclusively for modern compatible industrial research, light manufacturing, assembly and headquarters office uses. The permitted uses, dimensional standards and landscaping requirements are designed to insure compatibility with adjoining nonindustrial areas*."

The proposed project is located in the Carneros Industrial Park Subdivision, which was initially approved in 2001 and was limited to mostly warehouse use due to cumulative traffic impacts. In 2007, the BZA approved a modification to the original Industrial Park Map to allow a wider range of industrial park uses, subject to the payment of increased traffic mitigation fees to fund area wide improvements to address cumulative impacts. Although the modification of the original Industrial Park Map allowed a wider range of uses, the proposed wine production use is not allowed without an approved Use Permit. The project is consistent with the Development

Plan originally approved for the Industrial Park and is compatible with surrounding development within the Industrial Park.

Zoning Code Section 26-44-020 (o) allows for the proposed use as follows: "Wineries meeting effluent pre-treatment requirements, and without tasting rooms or retail sales."

The parcels are served within the Urban Service Area of the Sonoma Valley County Sanitation District. The project has been conditioned by the Engineering Division of PRMD to develop and install a wastewater pretreatment system to pretreat the effluent produced. The pretreatment system will be permitted by Sonoma County Environmental Health and regulated by the appropriate agencies. Pretreatment was detailed in the both applicant's *New Komiza Water Conservation Plan*, submitted with the project application, (Wallace Group), dated April 14, 2016 and *New Komiza Water Conservation Plan Update 1, (*Wallace Group), dated February 27, 2018 as previously discussed in Issue 1 above.

The project application does not request tasting rooms, promotional events, or retail sales and recommended conditions of approval have been added prohibiting such uses. (See Exhibit A, Conditions #34 and #63.)

Permitted Development Intensities and Criteria. The project site is located within the MP zoning and within an approved Industrial Park. Structures are generally not expected to cover more than 50 percent of the site or exceed sixty-five feet in height. Additional height may be considered if a reduction in coverage is provided that results in no overall increase in building intensity. Minimum lot size of 1.5 acres are allowed on sites with individual wells and septic systems, or 1.0 acre if provided with public water. All new industrial and work-live uses require design review.

The building height of 32.4 feet complies with the MP zoning height limit of 65 feet and is below the airport transitional zone height limits. The proposed building lot coverage of 24.1% is in compliance with the MP zoning district limitations of 50% maximum and the airport Sideline Safety Zone maximum 35% lot coverage as required by the Sonoma County Comprehensive Land Use Plan. The proposed lot coverage is also consistent with the approved business park subdivision, which on whole, complies with the population density and 33% lot coverage requirements of the airport transitional zone as specified on the recorded Carneros Business Park Map Note 15. The project complies with structural setbacks of 20' from property lines as approved on the original subdivision map. The proposed building is set back 100' from the adjoining easterly agricultural lands, thereby meeting the approved industrial park condition which requires a 100' agricultural setback.

The MP zone requires one (1) parking space for each two thousand (2,000) square feet of gross building floor area or fraction thereof, used, designed or intended for warehousing and/or storage space and one parking space for each two hundred fifty (250) square feet of gross

building floor area or fraction thereof, used, designed or intended for office space in buildings which have fifteen thousand (15,000) square feet or less of office space. The project requires thirty-eight parking spaces. The project proposes 40 spaces total with two ADA spaces, consistent with zoning code parking standards.

Sonoma County Comprehensive Airport Land Use Plan. The *Sonoma County Comprehensive Airport Land Use Plan"* (CALUP) was adopted by the Sonoma County Airport Land Use Commission (ALUC) in January 2001. The plan establishes referral boundaries, airport influence area, air space protection standards, noise standards and an airport safety zoned around the airport which sets forth restrictions on allowed land uses and establishes standards for open space retention and allowed density and lot coverage. The project parcels are adjacent to Sonoma Skypark Airport. The approved subdivision required that "*Development on these lots shall be in accordance with the Sideline Safety Zone population density limits of the Sonoma County Comprehensive Airport Land Use Plan"* (CALUP). The maximum population density of this zone is: uses in structures are 60 persons per acre; uses not in structures is 120 persons per acre. The proposed 40,000 square-foot building is .92 acres and will contain no more than 3 wine production areas. The 3 production areas will utilize 5 to 7 employees year round with an additional 4 seasonal employees for a total of 11 persons total and therefore complies with the maximum population density.

An "Airport Height Limitation Graphic" was prepared by Del Starrett Architects for buildings within the transitional zone for the original Carneros Business Park subdivision (see Exhibit S). The proposed building exceeds the height limitation for the transitional zone on this site by approximately one foot at the building ridge line. For this reason, staff recommends the building height be reduced one foot to comply with the original subdivision development standards. Refer to condition #78.

Traffic. The applicant commissioned a study to determine the traffic generation for this project in comparison to the previously approved traffic counts generated by the Caneros Business Park's industrial park use. The values used for the study were based on the 8-week long peak production time period during harvest. During this time, it is expected that there will be 16 employees with a total of 48 daily trips. The study, prepared by W-Trans, dated April 12, 2016, concluded that traffic associated with the peak wine production facility would be less than the estimated number of trips from the approved Business Park subdivision. The traffic study also concluded there would be 214 fewer daily trips during the busier harvest operation time and 254 fewer trips during the 10-month normal operation period. In addition, there would be 16 fewer trips during the p.m. peak hour during harvest and 27 during the p.m. peak hour in the 10-month normal operation period.

The Carneros Business Park Subdivision Map requires that development in the Park pay an additional $1.54 per square foot of building area to address localized traffic impacts proportional to the known deficiencies in localized transportation infrastructure. Conditions of approval for the proposed project will require both the County wide and local fees be paid prior to building permit issuance, so no cumulative traffic impacts are expected.

Department of Transportation Public Works (DTPW) reviewed and accepted the traffic analysis for the project. As stated above, the project has been conditioned to pay County of Sonoma Traffic Mitigation Fees and its fair share of the cost for the future intersection signalization of the Eighth Street East/Highway 121, and Highway 116/Highway 121 intersections.

Wastewater Disposal. The parcels are served within the Urban Service Area (USA) of the Sonoma Valley County Sanitation District. A wastewater pretreatment system will be installed to pretreat the effluent produced as a result of the wine production process. The pretreatment system will be permitted by Sonoma Valley County Sanitation District.

The project has been conditioned to obtain a Sonoma County Water Agency *Survey for Commercial/Industrial Wastewater Discharge Requirements* from the Sonoma County Permit and Resource Management Department (PRMD), and to submit the completed Survey to the Engineering Division of PRMD. The Applicant will be required to comply with the requirements of the Survey plan check, prior to occupancy of the proposed winery the pre-treatment system will be approved for use by the Sonoma Valley County Sanitation District.

Sonoma Valley Citizens Advisory Commission. The Sonoma Valley Citizens Advisory Commission (SVCAC) reviewed the project at its March 22, 2017 meeting. Discussion at the meeting focused on the Commission's concerns of declining groundwater, water quality, and salt water intrusion into the existing aquifer, and potential cumulative impacts of this and future projects on the groundwater supply. The Commission discussed the Sonoma Valley Groundwater Management Plan and efforts to update plan, the need for new regulation in areas of groundwater depletion on broader scale in terms of analyzing individual projects and the hope that Permit Sonoma was looking at this issue on broader level. A motion by the Commission to "not approve the project and have the applicant return to the Commission with additional information" was defeated by a 5-4 vote.

Public Comments – Concerns. A Notice of Waiver of Public Hearing was posted on April 13, 2018. Written objections to the project were received.

Comment. On May 7, 2018, PRMD received an email from Mr. Roger Peters representing The Valley of the Moon Alliance (VOTMA) objecting to the waiver of public hearing and asking that the project be reviewed by the Board of Zoning Adjustments. Their objections were based on the "sensitive groundwater, water conservation and potential use activity and other issues" that VOTMA believed warranted further review.

A meeting with members of VOTMA, the applicant's representative, Natural Resources and Planning staff was held on July 27, 2018. VOTMA presented their concerns regarding the project, many of which focused on the long-term question of depletion of groundwater in the existing area aquifer. Discussion of how PRMD was working with other water agencies to determine the effects of future projects on the aquifer ensued.

With regards to the current project, the following VOTMA concerns were addressed:

1. Assurance that all water conservation measures and equipment described in the February 27, 2018 *New Komiza Water Conservation Plan* would be installed and implemented. The conservation measures were added as mitigation measures to the environmental document and are conditions of approval on the project.

2. The applicant agreed to a modification of language in Condition of Approval #18 and Mitigation Measure HYD8-1 to monitor groundwater elevations and quantities as follows: ***"Measurements shall be collected in January, April, July and October of each year."***

3. The applicant agreed to modified language in Condition of Approval #20 and Mitigation Measure HYD8-2 to replace the word "may" with "shall" in the following sentence: "***In the event that average water use over 3 years exceeds 2.25 acre feet per year by more than 10 percent, Permit Sonoma shall bring this matter back to the BZA for review of additional measures to reduce groundwater use."***

Occasional Cultural Events. Condition of Approval #63 prohibits tasting rooms, promotional events, retail sales, weddings, concerts or other events under this Use Permit. However, Zoning Code **Section 26-44-010. (n)** allows the following in the MP zoning:

> *"Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040."*

In accordance with this section of the Zoning Code, the applicant may apply for a Cultural Event Permit. A permit would be issued **only** when the procedures identified in **Section 24-44-010 (n)** have been met.

Generally, Cultural Events are limited to a maximum of four per calendar year and if additional events are requested a Use Permit is required, however, the MP zoning district does not allow promotional events due to the purpose of the MP industrial zoning district. Staff recommends that the BZA prohibit Cultural Events due to traffic impacts, and the fact that the site is located in the Traffic Pattern Zone for the Sonoma Skypark Airport which discourages public assembly uses.

CEQA - Environmental Document. A Mitigated Negative Declaration was prepared for the project. Mitigation Measures were incorporated to address the areas of Air Quality, Cultural Resources, Hydrology and Water Quality, and Transportation/Traffic. The Mitigation Measures would reduce impacts in these areas to "Less than Significant" levels.

STAFF RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration and approve the Use Permit request for the construction of a 40,000-square foot wine production building that will house up to three production areas capable of producing 150,000 cases annually.

FINDINGS FOR RECOMMENDED ACTION

1. The project is consistent with the General Plan land use designation of Limited Industrial. The project can be served with all necessary public services (sewer), and the project is compatible with adjacent land uses.
2. The project is consistent with General Plan Goal LU 8 and the environmental finding of Less Than Significant Impact to water supply based on the following as determined by the prepared geological and water conservation reports: 1) the proposed water use for the project is relatively minor at 2.25 acre-feet per year; 2) the proposed project should not have an appreciable effect on the local aquifer conditions, nor should the additional pumping associated with the project result in any appreciable changes in the local groundwater conditions; 3) with implementation of the demand management measures identified in the *New Komiza Water Conservation Plan and Plan Update 1* and employment of 15,000 gallons of on-site water storage the potential effects on groundwater elevations at the project site and nearby wells would be minimized; and 4) mitigation measures and conditions of approval placed on the project would reduce impacts related to groundwater issues to a less-than-significant level.
3. The proposal is consistent with the MP (Business Park) zoning designation, which allows the following under Section 26-44-020 (o) of the Zoning Ordinance with a Use

Permit approval: "Wineries meeting effluent pre-treatment requirements, and without tasting rooms or retail sales." The project is consistent with the zoning development standards in terms of lot coverage, building height (as conditioned), and structural setback standards. It does not propose tasting rooms, promotional events, or retail sales, and conditions have been placed on the project prohibiting such uses. To comply with water quality regulations a Preliminary Storm Water Mitigation Plan was prepared in compliance with the requirements and adopted best management practices enforced by the County. Conditions have been applied to the project to ensure compliance with County regulations. The project is consistent with the Development Plan (PLP99-0035) originally approved for the Industrial Park and Certificate of Modification CMO07-0005 which allowed an expanded range of allowable uses in the industrial park.

4. The proposal is consistent with the regulations of the adopted Sonoma County *Comprehensive Airport Land Use Plan* for setback, height limitations, and population density.
5. Based upon the whole record (including the Mitigated Negative Declaration and all comments received) there is no substantial evidence that the Project will have a significant environmental effect provided that mitigation measures are incorporated into the project. 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.
6. 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. Construction of the project will be subject to compliance with County building standards and Codes, and mitigation measures will ensure that there would be no significant environmental effects would could impact public safety.

LIST OF ATTACHMENTS

EXHIBIT A: Draft Conditions of Approval
EXHIBIT B: Draft Resolution
EXHIBIT C: Mitigated Negative Declaration
EXHIBIT D: Proposal Statement
EXHIBIT E: Vicinity Map
EXHIBIT F: General Plan Map

EXHIBIT G: Zoning Map
EXHIBIT H: Project Plans and Elevations
EXHIBIT I: EBA Engineering, *Geologic Report For General Plan Policy WR-1u,* February 10, 2017
EXHITIT J: EBA Engineering, *Geologic Report* For *General Plan Policy WR-1u, Addendum I, June 22, 2017*
EXHIBIT K: EBA Engineering, *Geologic Report For General Plan Policy WR-1u, Addendum I, August 29, 2017*
EXHIBIT L: Wallace Group, *New Komiza Water Conservation Plan,* February 27, 2018
EXHIBIT M: W-Trans, *Carneros Business Park Trip Generation Update for New Komiza,* April 12, 2016
EXHIBIT N: Notice of Public Hearing Waiver dated April 17, 2018
EXHIBIT O: Carneros Business Park Conditions of Approval, approved June 3, 2004
EXHIBIT P: Design Review Committee Record of Action – December 20, 2017
EXHIBIT Q: VOTMA Hearing Request dated May 7, 2018
EXHIBIT R: SVCAC March 22, 2017 Meeting Minutes
EXHIBIT S: Airport Height Limitation Graphics for Carneros Business Park
EXHIBIT T: VOTMA Comments