



Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: UPE17-0005
DATE: August 16, 2018
TIME: 2:00 p.m.
STAFF: Tricia Stevens, Contract Planner

Appeal Period: 10 calendar days

SUMMARY

Applicant: Tammy Martin, Steve Martin Associates
Owner: Grist Vineyards, LLC.
Location: 6309 Dry Creek Road, Healdsburg
APNs: 090-040-029
Supervisorial District No.: 4
Subject: Use Permit
PROPOSAL: Request for a Use Permit for a 12,000-case winery with 12,000 square feet of winery related buildings on an approximately 107.1 acre parcel under a Land Conservation (Williamson Act) Contract and located in a Scenic Landscape Unit.
Environmental Determination: Mitigated Negative Declaration (MND)
General Plan: Land Intensive Agriculture 40 Acre Density (LIA 40)
Specific/Area Plan: N/A
Land Use: Vineyards, single family residence, garage, barn, and tennis court
Ord. Reference: Section 26-04-020 (f) and (i); Section 26-64-020; Section 26-65-040



Zoning: Land Intensive Agriculture 40 Acre Density (LIA B6 40), Riparian Corridor (RC 50/50), and Scenic Resource (SR).

Land Conservation

Contract: Land Conservation (Williamson Contract) Type 1

Application Complete

for Processing: June, 2017

RECOMMENDATION: Recommend that the Board of Zoning Adjustments (BZA) adopt the Mitigated Negative Declaration and approve the Use Permit to allow for 12,000 square feet of winery related structures and a production capacity of 12,000 cases of wine on an approximately 107.1-acre parcel.

EXECUTIVE SUMMARY:

The project proposes a 12,000 case winery consisting of conversion of an existing barn for wine production, construction of a 600-square foot addition to the existing barn for administration and lab area, and construction of a new 8,900 square foot barrel storage and fermentation building. The winery does not include a tasting room or agricultural promotional activities such as public tasting or tours or industry wide events. The use permit is for the same proposal approved in 1999 but rescinded in 2006 at the request of the owner. Total lot coverage is less than ½ acre, and a total of .11 acres of vineyard will be removed for the new building. The property is under a Williamson Act and the winery is considered a compatible use and complies with Sonoma County Uniform Rules for Agricultural Preserves Uniform Rule 8.0. An Initial Study was prepared to evaluate potential environmental impacts, and mitigation measures to reduce all impacts to levels of insignificance have been identified as part of the proposed Mitigated Negative Declaration. A Mitigation Monitoring Program is included in the attached conditions of approval.

ANALYSIS

Background:

On March 25, 1999 Grist Vineyards was granted a 5-0 approval of a winery use, titled “Bradford Mountain Winery” (UPE98-0047), by the Sonoma County Board of Zoning Adjustments (BZA). The project scope for the proposed winery use consisted of a new 12,000 square foot building and an operational staff of six employees (one full time, one-part time, and four additional employees during harvest time), and operational hours between 8:00 am to 5:00 pm Monday through Friday, with the exception of harvest season, in which hours would be increased. A Mitigated Negative Declaration (MND) was adopted as part of the BZA action. The BZA action was appealed to the Sonoma County Board of Supervisors. The appeal was denied and the Board of Supervisors approved the Use Permit on June 15, 1999. The Use Permit (UPE98-0047)

was vested in 2000 with the installation of the winery leach field (SEP00-1431) and road improvements, and operation and production activities commenced.

On June 12, 2006, Sonoma County Permit Sonoma staff received a letter from Ross Levy of Levy Art and Architecture (designated representative of applicant at the time) to abandon the previously approved winery use permit (UPE93-0047) in order to utilize the existing winery leach field. The intent of the leach field utilization was to support the waste disposal for a reconstructed and expanded existing single-family residence.

To support the request of project abandonment, the representative (Ross Levy) submitted a Well and Septic Permit (SEP 06-0297) and received interdepartmental review comments from the Department of Industrial Health stating that to support the residential use, the neighboring winery use would need to reduce production to offset the reduction of waste flow if a portion of the leach field was removed to support the single-family residence. The applicant's representative identified that commercial operations at the then Bradford Mountain winery had ceased production sometime during the year 2003 and it was the intent of the listed winery applicant to abandon the winery use. The prior use permit was rescinded in 2006. Thus, the previous Use Permit is no longer valid and a new Use Permit is required.

Project Description:

The Use Permit (UPE) application request is to reinstate a 12,000-case production winery with 12,000 square feet winery related buildings and structures. Wine produced on-site is branded as Alysian Wines, which is currently produced at an off-site custom crush facility. Specifically, the project proposes:

- Conversion of the existing 2,500 square foot barn structure into the production area of the winery use. Interior improvements will include addition of tanks, barrels, catwalks and lighting. No improvements are planned for the exterior with the exception of the new façade and the addition outlined below.
- Construction of a 600-square foot addition to the existing barn structure to incorporate administration space, technical tasting/lab area, and two restrooms. Façade improvements include use of building materials and color schemes to match the existing building.
- Construct a new 8,900 square foot barrel storage and fermentation building located adjacent to the existing concrete crush pad. The building materials and color schemes will be selected to blend with the natural landscape and vegetation and will be subject to design review.

The Grist Vineyards will have approximately seven (7) full time employees during the non-harvest season and the operational staff will be increased to ten (10) full time employees during harvest. Operational hours for the proposed winery will be from 7:00 am to 6:00 pm from Monday through Friday (off harvest schedule) and 6:00 am to 10:00 pm Monday through Sunday (harvest season schedule). The proposed winery does not propose a tasting room or any agricultural promotional activities such as public tastings or tours, or industry-wide events. Grapes processed on the project site will be from the existing 32.64 acres of on-site grape vines producing an estimated 130 annual tons of fruit. The Grist Vineyards are comprised of a total of 68 acres, including 32.64 acres on vineyards on the subject parcel and 35.36 acres of vineyards on two adjacent parcels owned by the applicant. Maximum fruit from offsite sources is capped at 48 tons.

All winery business deliveries (UPS, FedEx, etc.) will be made during winery operating hours, Monday through Saturday, year-round. Fruit transport (both delivery and off-haul) will occur only during the harvest season between 11 am to 3 pm, 7 days a week. Only single trailer fruit deliveries will be accepted (12 tons max per load). A pilot car will accompany all large truck deliveries up and down the hill.

Circulation improvements to the entrance of the project site and along Mountain View Ranch Road, as required under the Conditions of Approval (COA) for the previous winery entitlement (UPE98-0047), were constructed in 1999.

The project would be served by a private, on-site septic system and private well. Compliance with water well and septic requirements will be confirmed prior to issuance of building permits.

The project will use existing landscaping and the planting of two new redwood trees to help screen the new building from Mountain View Ranch Road.

Site Characteristics:

The proposed "Grist Winery" will be located within the hills above Dry Creek Valley, west of the City of Healdsburg. The parcel is 107.1 acres in size and has 32.64 acres planted in vines. The site is developed with a 4,000-square foot main residence, a 1,050-square foot farm family second residence, a garage, a tennis court, a 3,485-square foot crush and receiving pad, a small shed, and a 1,760-square foot tank pad. The project site also contains an existing 2,500 square foot-square foot barn which will be converted to a winery building and expanded by 600 square feet.

Access to the project site is through a private road, which is identified as Mountain View Ranch Road, and currently serves the site and surrounding uses. There is an existing ten (10) space gravel parking lot located to the north of the existing barn and receiving area.

Surrounding land uses are rural in nature and consist of existing single-family residential dwellings located on large parcels, some of which contain vineyards. Surrounding General Plan Land Use designations consist of Land Intensive Agriculture 40 Acre Density (LIA 40) to the north and east, and Resources and Rural Residential Development 120 Acre Density (RRD 120) to the south and west. Surrounding zoning classifications consist of Land Intensive Agriculture Combining District (LIA B7 Second Dwelling Unit Exclusion) and Land Intensive Agriculture 40 Acre Density (LIA B6 40) to the north, Land Intensive Agriculture Combining District 40 Acre Density (LIA B7 40) to the east, and Resources and Rural Development 120 (RRD B6 120) to the west and south.

DISCUSSION OF ISSUES

Issue #1: General Plan Consistency

The project site has a current General Plan Land Use designation of Land Intensive Agriculture 40 Acre Density (LIA 40). As outlined in the Sonoma County General Plan Land Use Element, the LIA Land Use designation is intended to “*enhance and protect lands capable of and generally used for animal husbandry and the production of food, fiber, and plant materials.*” Permitted uses within this land use designation consist of agricultural production, agricultural support uses, and visitor serving uses as provided in the Agricultural Resources Element. Permitted lot sizes between 60 and 100 acres are used where soil and water necessitate larger parcels.

Agricultural Resources Element. The Agricultural Resources Element contains the following goals and policies applicable to this project:

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

GOAL AR-5: *Facilitate agricultural production by allowing agriculture-related support uses, such as processing, storage, bottling, canning and packaging, and agricultural support services, to be conveniently and accessibly located in agricultural production areas when related to the primary agricultural production in the area.**

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

AR-5c: *Permit storage, bottling, canning, and packaging facilities for agricultural products either grown or processed on site provided that these facilities are sized to accommodate, but not exceed, the needs of the growing or processing operation. Establish additional standards in the Development Code that differentiate between storage facilities directly necessary for processing, and facilities to be utilized for the storage of finished product such as case storage of bottled wine. Such standards should require an applicant to demonstrate the need for such on-site storage.**

AR-5d: *Define "agricultural support services" as processing services, maintenance and repair of farm machinery and equipment, veterinary clinics, custom farming services, agricultural waste handling and disposal services, and other similar related services.**

AR-5e: *Only permit agricultural support services that support local agricultural production consistent with the specific requirements of each of the three agricultural land use categories. Insure that such uses are subordinate to on-site agricultural production and do not adversely affect agricultural production in the area. Consider the following factors in determining whether or not an agricultural support service is subordinate to on-site agricultural production:*

- (1) The portion of the site devoted to the service as opposed to production.*
- (2) The extent of structure needed for the service as opposed to production.*
- (3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production.*
- (4) The history of agricultural production on the site.*
- (5) The potential for the service facility to be converted to non agricultural uses due to its location and access.*

AR-5f: *Use the following guidelines for approving zoning or permits for agricultural support services:*

- (1) The use will not require the extension of sewer or water,*
- (2) The use does not substantially detract from agricultural production on-site or in the area,*
- (3) The use does not create a concentration of commercial uses in the immediate area, and*
- (4) The use is compatible with and does not adversely impact surrounding residential neighborhoods.**

AR-5g: *Local concentrations of any separate agricultural support uses, including processing, storage, bottling, canning and packaging, agricultural support services, and visitor-serving and recreational uses as provided in Policy AR-6f, even if related to surrounding agricultural*

activities, are detrimental to the primary use of the land for the production of food, fiber and plant materials and shall be avoided. In determining whether or not the approval of such uses would constitute a detrimental concentration of such uses, consider all the following factors:

- (1) Whether the above uses would result in joint road access conflicts, or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis.*
- (2) Whether the above uses would draw water from the same aquifer and be located within the zone of influence of area wells.*
- (3) Whether the above uses would be detrimental to the rural character of the area. In cases where the proposed processing use would process only products grown on site, such use would not be subject to this concentration policy.**

Open Space and Resource Conservation Element. The Sonoma County General Plan Open Space and Resource Conservation Element contains goals and policies to preserve and maintain views of the night time skies and visual character of urban, rural and natural areas, while allowing for nighttime lighting levels appropriate to the use and location. Policies include:

Policy OSRC-4a: *Require that all new development projects, County projects, and signage utilize light fixtures that shield the light source so that light is cast downward and that are no more than the minimum height and power necessary to adequately light the proposed use.*

Policy OSRC-4b: *Prohibit continuous all night exterior lighting in rural areas, unless it is demonstrated to the decision-making body that such lighting is necessary for security or operational purposes or that it is necessary for agricultural production or processing on a seasonal basis. Where lighting is necessary for the above purposes, minimize glare onto adjacent properties and into the night sky.*

Water Resources Element. The Water Resources Element provide polices to protect local groundwater supplies. Specifically, Policy WR2e states:

Policy WR-2e: *Require proof of groundwater with a sufficient yield and quality to support proposed uses in Class 3 and 4 water areas. Require test wells or the establishment of community water systems in Class 4 water areas. Test wells may be required in Class 3 areas. Deny discretionary applications in Class 3 and 4 areas unless a hydrogeologic report establishes that groundwater quality and quantity are adequate and will not be adversely impacted by the cumulative amount of development and uses allowed in the area, so that the proposed use will not cause or exacerbate an overdraft condition in a groundwater basin or subbasin. Procedures for proving adequate groundwater should consider*

groundwater overdraft, land subsidence, saltwater intrusion, and the expense of such study in relation to the water needs of the project.

Staff Comment:

Staff has found that the project, as currently designed and proposed, is consistent with the goals and policies of the General Plan, based on the following analysis.

Agricultural Resources Element. The expansion and addition of winery processing facilities on site are essential to the proposed operation of site as a vineyard and is scaled in proportion to the needs for processing crops grown on site. The requested use would primarily be for processing grapes grown on site, and would be consistent with the policy's definition of "agricultural support services." A small portion of the existing project site is dedicated to facilities that support the production of the wine, totaling 18,900 square feet (0.43 acres) including residences. There would be 10 full time employees, at maximum, needed during the harvest season. These facilities are intended to process the crops grown on-site, or grown locally. The project proposal does not include conversion of existing facilities to non-agricultural use. This project would be consistent with Policy AR-5e.

There are no utility extensions proposed as part of this project, and impacts to the aquifer have not been identified. The proposed use and facility improvements and additions would be in support of agricultural production on-site. In the case of crop failure where it is necessary to bring in offsite sources of fruit, crops would be local (sourced from Sonoma County) and therefore this project would support agricultural production for the County.

There are no commercial uses proposed as part of this project (agricultural promotional events), and the project would not create a need for commercial development in the immediate area due to the low volume of employees that would be employed at any given time on site (10 maximum during harvest season).

Since the winery will import some grapes from off-site vineyards, Policy AR-5g addressing concentrations would apply. See separate discussion under Issue #8 Neighborhood Compatibility/Concentration of Uses.

Open Space and Resource Conservation Element. With regard to lighting and preservation of nighttime skies, mitigation is proposed to regulate creation of new sources of light (see Issue #4 below).

Water Resources Element. The Hydrogeological study prepared by O'Connor Environmental Inc. dated December 7, 2017 adequately describes existing conditions and addresses potential impacts to groundwater resources in the vicinity of the project parcel. The project is located in

a Class 4 groundwater area. Existing water use from the residences and vineyard irrigation is estimated at 24.3 acre-feet per year. This amount includes irrigation water used for Grist Vineyards on the subject parcel and two adjacent parcels to the south (68 acres total vineyards). Additional water use for the proposed winery is estimated at .43 acre-feet per year, totaling 24.7 acre-feet per year. This study states:

“The total proposed groundwater use for the project recharge area is estimated to be 24.7 acre-ft/yr, 8.14 acre-ft/yr of which is from the project parcel (APN 090-040-029). Groundwater use in the project recharge area, including irrigation of Grist Vineyards acreage lying outside the recharge area is equivalent to 25% of the estimated mean annual groundwater recharge of 100.9 acre-ft/yr (Table 9), indicating that there is a substantial surplus of groundwater resources. Given the magnitude of the surpluses the small amount of groundwater use proposed by the project is unlikely to result in significant reductions in groundwater levels or depletion of groundwater resources over time.”

As part of PRMD conditions of approval, the applicant is required to conduct annual monitoring and reporting to Permit Sonoma. An access easement is also required prior to building permit issuance and vesting the Use Permit to provide Sonoma County personnel with access to any on-site well serving this project and to verify water meter readings and groundwater level measurements.

Based on the professional study, the project would not have an adverse impact on groundwater supply to the project site and surrounding area. Compliance with the conditions of approval would also ensure that groundwater levels are thoroughly monitored after project implementation.

Issue #2: Zoning Consistency

The project site has a Zoning Classification of Land Intensive Agriculture Combining District 40 Acre Density (LIA B6 40), Riparian Corridor (RC), and Scenic Resource (SR). The proposed winery use is permitted through a Use Permit (UPE) application. *“Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g”* is allowed with issuance of a conditional use permit pursuant to Section 26-04-020 (f). The discussion under General Plan consistency summarizes consistency with the General Plan criteria.

The project is required to comply with the development standards of the LIA Zoning Classification.

Staff Comment:

Staff has found that the project, as proposed and designed, is consistent with the development standards of the LIA Zoning Classification. The following chart summarizes compliance with development standards:

Standard	Requirement	Proposed Project	Compliance
Minimum Lot Size	20 acres; consistent with GP Policy AR-8c	Existing parcel size: 107.1 acres; no new parcels proposed	Yes
Minimum Lot Width	125 feet	Existing parcel complies; no new parcels proposed	Yes
Maximum Building Height	Thirty-five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50').	New winery building will be 33 ft 8 in in height.	Yes
Maximum Lot Coverage	Parcels greater than 20 acres in size: 85,000 square feet or five percent (5.36 acres), whichever is greater.	18,900 square feet/.43 acre lot coverage/.040 percent. Includes residences and winery structures.	Yes
Yard Requirements: Front Yard	Thirty feet (30') except where combined with any B district and in no case shall the setback be less than fifty-five feet (55') from the centerline of all roads and streets	473 ft from front property line (south)	Yes
Side Yard	Minimum ten feet (10'), except what in the case of a corner lot, the street side yard shall be the same as the front yard.	521 ft from the east property line and 1815 ft from west property line	Yes
Rear Yard	Twenty feet (20')	513 ft from north property line	Yes

Parking	No specific requirement listed in the Zoning Code for wineries. One space per employee requires 10 parking spaces.	Maximum of 10 employees on-site; 11 unpaved spaces provided	Yes
Ancillary uses	Office uses not to exceed 15 percent of winery uses	12,000 sf of winery uses; 600 sf of admin uses = five percent	Yes

Issue #3: Scenic Resource Consistency

The project site is located within Dry Creek Valley which is a designated scenic landscape unit as outlined in the Open Space and Resource Conservation element of the Sonoma County General Plan. Specifically, The Open Space and Resource Conservation Element identifies this area as:

“Protection of these agricultural valleys’ scenic beauty is not only important from an aesthetic standpoint, but also from an economic one as agricultural marketing is closely tied to the area’s scenic image. The hills along Highway 101 and above the valley floor are particularly sensitive.”

The established goals and objectives for the preservation of scenic landscape units focus on the retention of the scenic character through low intensity development and avoidance of amendments to increase residential density and significant commercial or industrial development.

Policy OSRC-2d of the Open Space Element requires adherence and consistency with established design guidelines for new structures within a Scenic Landscape Unit. Specifically:

- *Site and design structure to take maximum advantage of existing topography and vegetation in order to substantially screen them from view from public roads.*
- *Minimize cuts and fills on hills and ridges.*
- *Minimize the removal of trees and other mature vegetation. Avoid removal of specimen trees, tree groupings, and windbreaks.*
- *Where existing topography and vegetation would not screen structures from view from public roads, install landscaping consisting of native vegetation in natural groupings that fits with the character of the area in order to substantially screen structures from view. Screening with native, fire retardant plants may be required.*
- *Design structures to use building materials and color schemes that blend with the natural landscape and vegetation.*

- *On hills and ridges, avoid structures that project above the silhouette of the hills or ridge against the sky as viewed from public roads and substantially screen driveways from view where practical.*
- *To the extent feasible, cluster structures on each parcel within existing built areas and near existing natural features such as tree groupings.*

Staff Comment:

The project is designed to be consistent with the requirements of the Scenic Resource (SR) Scenic Landscape Unit. The existing and proposed buildings will incorporate earth toned architectural elements and materials which will assist in the buildings and structures to blend with the existing natural environment of the site and surrounding area. To provide additional screening from properties to the north, new redwood trees will be planted on the south side of the new building. The project proposes minimal grading activities and the placement of all buildings and structures will utilize the existing topography and vegetation for screening purposes to reduce potential visual impacts of the project.

The project is subject to Administrative Design Review, and conditions of approval require design review approval prior to issuance of a building permit. A colors and materials board will be submitted with Design Review to confirm compatibility. Conditions have also been placed on the Use Permit for downward cast lighting and security lighting with motion detector only.

Issue #4: Riparian Corridor Consistency

Wine Creek is a designated riparian corridor in the Sonoma County General Plan with a Riparian Corridor overlay zone. Wine Creek runs north-south through the center and in the western portion of the project site (both segments are located west of the vineyard). A tributary of Wine Creek is also located to the south of the project site, on the adjacent parcel. The boundaries of the streamside conservation area are determined on a parcel specific basis. The purpose of the Riparian Corridor Overlay *functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values."*

Staff Comment:

As provided in the applicant prepared exhibits, the existing and proposed buildings and structures to support the winery use are not located within close vicinity nor will impact the designation riparian area of the project site. The new 8,900 square foot winery building is located 884 feet from the existing creek top of bank, far exceeding the required 50-foot structural setback from top of bank. No other buildings or structures (either existing or proposed) will be located within close vicinity to the existing riparian creek area and the proposed development will not impact the biological habitat.

Issue #5: Williamson Act Consistency

The project site is under a Williamson Act contract and must be found consistent with both the Land Conservation Act (Williamson Act) and the Sonoma County Uniform Rules for Agricultural Preserves.

Land Conservation Act - Principles of Compatibility

Section 51201 (e) of the Land Conservation Act defines "Compatible Use" as any use determined by the county or city administering the preserve pursuant to sections 51231, 51238 or 51238.1 or by the Act to be compatible with the agricultural, recreational, or open space use of land within the preserve and subject to contract. In addition, Section 51220.5 states that "*cities and counties shall determine the types of uses to be deemed compatible in a manner which recognizes that a permanent or temporary population increase hinders or impairs agricultural operations.*"

Section 51238.1 of the Land Conservation Act states, "*Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:*

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

Sonoma County Uniform Rules for Agricultural Preserves

The County adopted Uniform Rules in 2011 (amended to 2016) that govern the administration of the County's agricultural preserve program. The relevant sections are summarized below.

Uniform Rule 4.2 states that the land must be devoted to an agricultural or open space use as defined in the Williamson Act, and must have a minimum parcel size of 10 acres for a Type 1 (Prime Land) or 40 acres for a Type 2 (Non-Prime Land) contract. At least 50 percent of the land must be continuously used for agricultural uses.

Uniform Rule 8.0 provides standards for compatible and Incompatible uses for lands under a Land Conservation Contract. Compatible use is defined as: *“any use determined by the County pursuant to the Land Conservation Act and these Uniform Rules to be compatible with the primary agricultural or open space use of land within the preserve and subject to contract. Compatible use includes agricultural use, recreational use, or open space use unless the Board of Supervisors finds after notice and hearing that the use is not compatible with the agricultural or open space use to which the land is restricted by contract pursuant to the Land Conservation Act and these uniform rules.”*

Uniform Rule 8.2.A states: *“The compatible uses enumerated under this uniform rule may be allowed on contracted land if they collectively occupy no more than 15% of the contracted land or 5 acres, whichever is less, excluding public roads, private access roads, and driveways.”*

Uniform Rule 8.3. B.1. states: *Processing of agricultural commodities beyond the natural state, including processing by pressing, pasteurizing, slaughtering, cooking, freezing, dehydrating, and fermenting. This use includes facilities for processing and storage of agricultural commodities beyond the natural state such as wineries, dairies, slaughterhouses, and mills.”*

Uniform Rule 8.3.A states that residential uses are permitted as follows:

1. *“Primary dwelling. A single-family dwelling occupied by the landowner or farm operator.*
2. *Farm family dwelling. An additional single-family dwelling, provided that:*
 - a. *The dwelling is incidental to the primary dwelling in terms of size, location, and architecture;*
 - b. *The dwelling is not leased, subleased, rented, or sub-rented separately from the primary residence, nor divided by sale; and*
 - c. *The dwelling is occupied by the farm operator or an immediate family member of the landowner or farm operator. “*

Staff Comment:

The site is 107.1 acres in size with 32.64 acres is planted in vineyards, with the remainder in open space or developed with residential and agricultural structures. The site is consistent with the Land Conservation Act principles for compatibility in that the proposed small-scale winery would not compromise the long-term productive agricultural capability or displace or impair current or reasonably foreseeable agricultural operations on the subject parcel or adjacent

parcels, and would not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The project complies with the Sonoma County Uniform Rules for compatibility. Compatible uses include residential dwellings and agricultural support uses. Processing of agricultural commodities, including wineries, is considered a compatible use. Since 15 percent of the subject site is 16 acres, the maximum amount of allowed contracted land devoted to a compatible use would be five acres. The submitted site plans show 18,900 square feet, less than ½ acre, used for non-agricultural uses, including residences.

Further, the proposed winery would remove 6,300 square feet (0.14 acres) of vineyards to accommodate an on-site processing facility. Since this removal is minimal, replacement agricultural land is not required.

This facility will enhance, not impair, the agricultural operations on the site. The land is more likely to remain planted in grapes, or other agricultural commodity, with an on-site processing facility. The primary use of the site is clearly agricultural. The project complies with adopted County standards.

The property contains a primary single-family dwelling and a farm family residence. Members of the Hambrecht family live in both the main residence and the farm family residence. Upon filing the application, they signed Form PJR-049 Landowners Statement of Compliance with the Williamson Act. The second residence can be classified as a Farm Family residence under the Uniform Rules as it is incidental to the primary dwelling, is rented in conjunction with the primary residence, and is occupied by the farm operator or an immediate family member. A condition of approval has been added that a Zoning Permit be submitted to document the second house as a Farm Family residence and to record any necessary covenants.

Issue #6: Access Road

The road and entrance improvements were included as a Condition of Approval (UPE98-0047) and have already been completed prior to the commencement of winemaking activities under the previous Use Permit. The improvements consisted of paving of a 300-foot section on Mountain View Road, a driveway with a throat width of 24 feet and entrance curves radius of 25 feet, and surfacing of the entry with asphalt concrete.

Staff comment:

The conditions of approval repeat the conditions of the prior Use Permit for road improvements. The Department of Public Works will confirm that all necessary improvements are in place prior to occupancy.

Issue #7: Environmental Determination

A Mitigated Negative Declaration (MND) was prepared for this project and was released for review on June 4, 2018. The MND concludes that six topics have a potentially significant impact, and mitigation is proposed to reduce impacts to less than significant, as summarized below. The MND finds that the project will not have a significant adverse impact on the environment if the mitigation measures are adopted.

Aesthetics: Impacts to aesthetic resources are considered less than significant with incorporation of mitigation measures. The project complies with the Scenic Resources standards as discussed above. Any potential impacts related to light and glare can be mitigated with mitigations as part of the Design Review process required as a condition of approval.

Air Quality: Impacts to air quality from dust during construction can be mitigated to less than significant with incorporation of Mitigation Measure AIR-1. The project would not violate air quality standards and falls below all significance thresholds established by the BAAQMD.

Biological Resources: New buildings will be constructed on agricultural land that has been previously disturbed. Because of the potential for tree removal (not proposed), impacts to nesting birds or roosting bats could occur if any tree removal occurs during nesting or maternity season. Incorporation of Mitigation Measure BIO-1 related to roosting bats will reduce impacts to less than significant.

Cultural Resources: Previous studies indicated that no significant or potentially significant cultural deposits were found on the property; however, the possibility exists that cultural resources could be encountered during construction. Incorporation of Mitigation Measures CULT-1 -4 will reduce impacts to less than significant.

Hazards and Hazardous Materials: Incorporation of Mitigation Measure HAZ-1 would ensure that construction would have a less than significant impact regarding the use or storage of hazardous materials,

Noise: Noise created by the construction of the barn alteration and additional building would be less than significant with the implementation of the Mitigation Measures NOISE-1 and 2.

Issue #8: Neighborhood Compatibility/Concentration of Uses

In order to grant any use permit, the Board of Zoning Adjustments must find that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or

general welfare of persons residing or working in the neighborhood or to the general welfare of the area.

Compatibility of wineries with agricultural properties and over-concentration has become a significant issue in the Dry Creek Valley. In 2015, the Board of Supervisors directed Permit Sonoma staff to develop regulations addressing agricultural promotional events at wineries and vineyards (e.g. weddings, concerts) and potential overconcentration. In 2015, the Director of Permit Sonoma formed a Working Group of industry representatives and neighborhood groups to advise and inform the development of new regulations. In 2016, the Board of Supervisors directed staff to formulate policies on winery events for three areas of local concentration, including Dry Creek Valley. Staff will bring new guidelines to the Planning Commission and Board of Supervisors in early 2019.

On March 21, 2018, the Dry Creek Valley Citizens Advisory Council adopted area-specific guidelines for their use in making recommendations on projects involving visitor serving agricultural uses. This guidance document is specifically for visitor serving applications involving tasting rooms, promotional activities and events. This document also provides guidance on concentration, stating: *"Different areas within the Dry Creek Valley are distinct in terms of concentration of residents, wineries and other developed uses, so it is difficult to establish specific limits. Requests for new use permits that take density into consideration and seek to reduce the impact on nearby existing wineries or residences will be viewed more favorably. Such factors as the proximity to other wineries, residences and intersections will be considered. In general, projects that are not clustered around existing developed uses or are closer to major highways will be viewed as more favorable."*

Staff comment:

The Grist winery is small scale and designed to blend in with the area. Because there will be no public visits for events or wine-tasting, traffic is minimal.

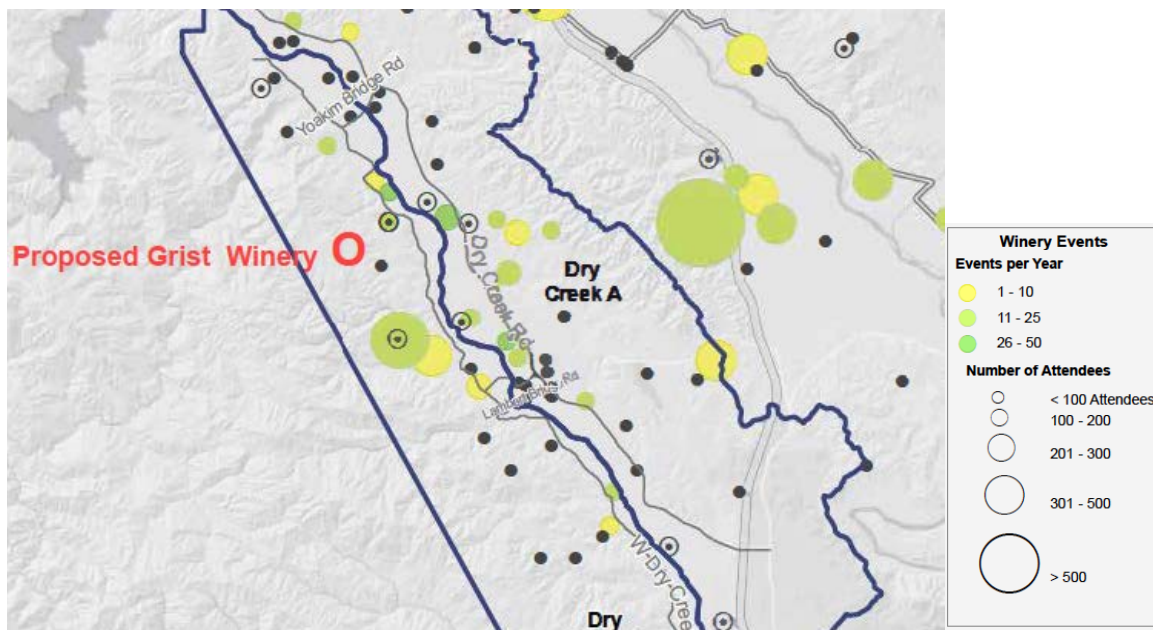
Dry Creek Valley Citizens Advisory Council considered this project in January 2017, and voted to recommend approval on a 5-0 vote. Letters of support were provided by David and Donna McFetridge at 6317 Mountain View Ranch Road, Sean Warren at 6377 Mountain View Ranch Road, Carolyn Tett at 6335 Mountain Ranch Road, and Turner Newton. All the commenters appreciated that this project does not have public traffic and retains the agriculture nature of the area.

Hearing request: Two commenters requested a public hearing in lieu of an administrative hearing waiver (see Exhibit D). Laura Morgan expressed concern about future impacts and requests for permit modifications for tasting rooms and events. Warren and Janis Watkins

commented that there should not be any administrative approvals without a new winery ordinance in place. They were appreciative of the fact that this winery does not include agricultural promotional events, but were concerned about the cumulative effect of wineries and tasting rooms. It should be noted that if the applicant wants to pursue additional events, a new use permit will be required and impacts from modifications will be thoroughly analyzed.

The concerns about detrimental concentration of separate agricultural support and visitor serving uses often are focused on wineries with agricultural promotional activities or other wine marketing, and this project does not include events or a tasting room.

Following is an overall map of wineries in the Westside/Dry Creek Valley:



Winery Event Concentration - Westside/Dry Creek



In order to focus on the wineries in the more proximate vicinity of the proposed Grist Winery, following is a chart and map showing the distance to existing wineries within a three-mile driving distance radius of this project:

WINERY CONCENTRATION LIST IN CLOSE PROXIMITY TO PROPOSED PROJECT

MAP KEY	WINERY NAME	WINERY ADDRESS	DRIVING DISTANCE FROM GRIST VINEYARDS	Agricultural Promotional Activities
A	Grist Vineyards Winery	6309 W Dry Creek Rd (Seelye Rd)	0 miles	No
B	Hawley Winery	6387 W Dry Creek Rd	0.9 miles	No
C	Martorana Family Winery	5956 W Dry Creek Rd	1.7 miles	Yes (appt only)
D	Capo Creek Ranch Winery (Standley Family)	7171 W Dry Creek Rd	2.1 miles	Yes (public)
E	Seaton Vineyards	7412 W Dry Creek Rd	2.3 miles	Yes (public)
F	Quivira Vineyards	4900 W Dry Creek Rd	2.6 miles	Yes
G	Rafanelli	4685 W Dry Creek Rd	3.0 miles	Yes (appt only)
H	Michel-Schlumberger Wine Estate	4155 Wine Creek Rd	3.3 miles	Yes (appt only)

MAP OF WINERIES IN CLOSE PROXIMITY TO PROPOSED PROJECT

While concerns have been expressed about concentration of wineries with separate support or visitor serving uses in the Dry Creek area, this facility will include only vineyards and processing. The project does not include a tasting room, agricultural promotional events or participation in industry-wide events.

Although this site is not close to a major highway, traffic is minimal and no impacts to the existing roads have been identified. The project does not contribute to a detrimental concentration of such uses under the criteria in General Plan Policies AR-5f and AR-6g. Thus, the project will be compatible with the surrounding area, and will not be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood.

STAFF RECOMMENDATION

Adopt the Mitigated Negative Declaration and approve UPE17-0005, allowing the construction of a 12,000 square feet of winery related structures and a production capacity of 12,000 cases

of wine on an approximately 107.1-acre parcel, as conditioned in Exhibit A to the attached Resolution.

FINDINGS FOR RECOMMENDED ACTION

1. The Board of Zoning Adjustments has considered the Mitigated Negative Declaration prepared to address environmental impacts of the project, together with all comments received at or before the hearing. Based upon the whole record (including the Initial Study and all comments received), there is no substantial evidence that the Project as approved will have a significant environmental effect. Changes or alterations have been required of or incorporated into the Project through the Conditions of Approval that mitigate or avoid the potentially significant environmental effects of the Project as proposed. These changes or alterations have been agreed to by the applicant and are subject to the Mitigation Monitoring Program contained in the Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines and reflects the independent judgment and analysis of the County of Sonoma.
2. The Project is consistent with the Land Intensive Agriculture (LIA) of the Sonoma County General Plan in that it proposes construction and operation of a new winery consistent with the permitted uses in the General Plan and as allowed by the Agricultural Resources Element policies AR-5a, AR-5c, AR-5g, AR-6a, AR-6d and AR-6f. The Project is consistent with these policies in that the proposed winery construction is compatible with the project site and its surroundings and supports General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses, including a winery, subject to consistency with the Agricultural Land Use Policies. The expansion and addition of facilities on site are essential to the proposed operation of site as a vineyard and is scaled in proportion to the needs for processing crops grown on site and in the local area. A small portion of the existing Project site is dedicated to facilities that support the production of the wine, totaling less than 10% of the total parcel area. These facilities are intended to process the crops grown on-site, or in the local area. The project does not include a tasting room or any agricultural promotional events, and the Project would not create a need for commercial development in the immediate area.
3. The Project is consistent with the Land Intensive Agriculture Zoning designations in that it proposes a use allowed with a Use Permit in the LIA district. The Project's new structures are consistent with applicable structural setback standards and other development criteria for the LIA, Scenic Resource (SR) and Riparian Corridor (RC) zoning designations. The existing and proposed buildings will incorporate earth toned architectural materials and additional landscaping which will assist in the buildings and structures to blend with the existing natural environment of the site and surrounding

area. The existing and proposed buildings and structures are located well outside of the required 50-foot Riparian Corridor setback from Wine Creek. The proposed new 8900 square foot winery building is approximately 884 feet distant from the top of bank of Wine Creek. No part of the Project will impact the riparian area.

4. The Project is consistent with the Land Conservation Contract in that in that the proposed small-scale winery would not compromise the long-term productive agricultural capability or displace or impair current or reasonably foreseeable agricultural operations on the subject parcel or adjacent parcels, and would not result in the significant removal of adjacent contracted land from agricultural or open-space use. The project further complies with the Sonoma County Uniform Rules for compatibility in that 0.43 acres (18,900 square feet) would be used for non-agricultural uses, including residential uses, which is less than five (5) acres and less than 15 percent of the 107-acre site. The second home can be classified as a Farm Family residence under the Uniform Rules as it is incidental to the primary dwelling, is rented in conjunction with the primary residence, and is occupied by the farm operator or an immediate family member.
5. As conditioned, the Project will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
 - a. Design of the winery structures is consistent with the rural setting of the Project.
 - b. Traffic generated by the Project will not have a significant impact on local public roads or intersections, as determined by the project traffic studies., The Project does not include agricultural promotional events or wine tasting. The road and entrance improvements included as a Condition of Approval in the prior approval (UPE98-0047) were completed prior to the commencement of winemaking activities under the previous Use Permit, including paving of a 300-foot section on Mountain View Road, a driveway with a throat width of 24 feet and entrance curves radius of 25 feet, and surfacing of the entry with asphalt concrete.
 - c. The traffic analysis for the Project has determined that adequate on-site parking exists for winery employees.
 - d. The site has capacity to provide adequate water, septic disposal and access for the project and will not affect area wells.
 - e. The Project does not contribute to a detrimental concentration of separate support or visitor serving uses at wineries in the Dry Creek Valley. The proposed winery is relatively remote and not in close proximity to existing wineries or

developed uses. It does not include a tasting room, agricultural promotional events or participation in industry-wide events.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Dry Creek Valley Citizens Advisory Council minutes
- EXHIBIT C: Letters of support
- EXHIBIT D: Requests for hearing
- EXHIBIT E: Site Plan and Elevations
- EXHIBIT F: General Plan Map
- EXHIBIT G: Zoning Map
- EXHIBIT H: Previous Use Permit Resolution and Conditions of Approval
- EXHIBIT I: Draft Resolution

Separate Attachments for Commissioners: Mitigated Negative Declaration and larger sized plans