



## Sonoma County Board of Zoning Adjustments STAFF REPORT

**FILE:** UPE16-0099  
**DATE:** June 25, 2020  
**TIME:** At or after 1:45 PM  
**STAFF:** Marina Herrera, Project Planner

### SUMMARY

**Property Owner:** William McMonigle and Constance Kopriva  
**Applicant:** Myles McMonigle  
**Address:** 21301 Cassidy Ranch Road, Sonoma  
**Supervisory District(s):** First  
**APN:** 128-381-021  
**Description:** Request for a Use Permit for a winery with an annual production capacity of 8,000 cases, an appointment only tasting room, and four agricultural promotional events per year on an 18.03 acre parcel.  
**CEQA Review:** Mitigated Negative Declaration  
**General Plan Land Use:** Diverse Agriculture  
**Specific/Area Plan Land Use:** Not applicable  
**Ordinance Reference:** Section 26-08-005, Diverse Agriculture  
**Zoning:** Diverse Agriculture (10 acre residential density) and combining zones for Floodway (F1), Floodplain (F2), Riparian Corridor (RC100/25), Valley Oak Habitat (VOH)



## **RECOMMENDATION**

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Zoning Adjustments adopt a Mitigated Negative Declaration and approve the Use Permit request subject to the Conditions of Approval.

## **EXECUTIVE SUMMARY**

Staff is recommending approval of a Mitigated Negative Declaration and Use Permit for a: (1) a new 6,000-square foot winery facility and a 4,000-square foot covered crush pad with a maximum annual production of 8,000 cases; (2) a new 200-square foot tasting room building with tastings by appointment only and a maximum of 15 tasting guests per day; (3) 4 agricultural promotional events per year, with a maximum of 50 guests. The property is not subject to a Williamson Act contract and there is no existing agricultural use. The project, as conditioned requires the primary use of the parcel to be converted to agriculture.

The winery and support services are considered a compatible use and are in compliance with Sonoma County General Plan Land Use and Agricultural Resource Element policies and County zoning regulations. An Initial Study/Mitigated Negative Declaration was prepared to evaluate potential environmental impacts of the proposed project, and mitigation measures have been identified which reduce all impacts to less than significant levels. The Mitigated Negative Declaration was circulated through the State Clearinghouse and noticed for public review and comment.

## **PROJECT SITE AND CONTEXT**

### ***Background***

The ±18.00 acre parcel located at 21301 Cassidy Ranch Road to the south of the City of Sonoma. The project site presently supports a single family residence, a detached 600 square foot garage, a 1,000 square foot agricultural building, an irrigation reservoir and the Arroyo Seco Creek which runs parallel with the sites eastern property line.

In 2006, a zoning permit was approved for a home occupation to permit a home office for wine sales via the internet, with no wine stored or processed on site.

The project site had been previously developed with vineyards and has remained fallow since 2012. The applicant has been developing a new cultivar of vine in support of the kopriva wine label. The intent is to replant the project site with the kopriva cultivar. Once the vines mature, the onsite vineyard will supply 25% of the grapes processed on site; the remaining 75% of the grapes will be purchased from within Sonoma County. Until vine maturity, 100% of the grapes will be imported to the production facility from within Sonoma County. Conditions of Approval require the applicant to apply for and obtain a new Agricultural Development (VESCO) permit issued by the issued by the Sonoma County Agricultural Commissioner's Office.

On January 25, 2017, the Sonoma Valley Citizens Advisory Commission heard a presentation from the applicant on the project. The advisory commission voted 8-1 to recommend approval of the proposed project to the Board of Zoning Adjustments and recommended special attention to groundwater conditions and depletion, traffic access and trucks on Hyde Rd, and 1-2 year compliance review.



Project Description

The applicant is requesting a use permit to allow for a winery production facility and associated visitor serving uses. The proposal includes (1) a production facility with an annual production of 8,000 cases; (2) a 200 square foot tasting room by appointment only with a maximum of 15 guests per day and; (3) 4 agricultural promotional events per year, with a maximum of 50 guests on an 18 acre site zoned Diverse Agriculture.

The production facility will be located in the northwest corner and will be an enclosed barnlike structure, approximately 6,000 square feet, inclusive of a 4,000 square foot covered crush pad. The production facility will house all winery equipment, tanks and barrels. The 200 square foot tasting room will allow for tasting by appointment only with a maximum of 15 visitors per day. The applicant has been in the process of developing a cultivar of vine, intended to be cultivated on the project site. Once the vines mature the onsite vineyard will supply 25% of the grapes processed on site; the remaining 75% of the grapes will be purchased from within Sonoma County. Until the onsite vineyard reaches maturity, grapes will be imported from within Sonoma County to the production facility. Pomace and additional processing waste will be disposed of offsite.

Operations: The production facility will average two full time equivalent employees and two full time seasonal employees during harvest. One full time equivalent employee will operate the tasting room. A gravel access driveway and parking area will be constructed for access to the winery production facility. The parking area for the winery will be located on the east side of the tasting room. The parking area surface is intended to be gravel with one hard surface handicap parking stall. Adequate parking spaces will be provided for visitors and employees. For the proposed events, there is overflow parking located in an open space area to the west of the tasting room. The existing gravel access driveway to the agricultural building will be widened and extended to the proposed winery building.

Events: All proposed agricultural promotional events will be hosted by kopriva vineyards, with a maximum of 4 events per year and an allowed 50 person attendance. No outdoor amplified sound is proposed with the promotional events.

Hours of Operation:

Winery: 8:00 a.m. to 4:30 p.m., 5 days a week (non-harvest season), and 7:00 a.m. to 7:00 p.m. during the months of late August, September, October and early November

Tasting Room: 10:00 a.m. to 4:30 p.m., 7 days a week, by appointment only

Agricultural Promotional Events: 10:00 a.m. to 9:00 p.m. (maximum of 50 guests & 4 events per year)

**Area Context and Surrounding Land Uses**

Land uses surrounding the project parcel include vineyards and wine production. The parcel to the north is a 40-acre vineyard owned by Silverado Vineyards, to the west by industrial warehouses owned by McCambridge Enterprises and currently leased to Treasury Wine Estates, to the south by a 30 acre vineyard owned by Batto’s Fruit Company, and to the east by the Arroyo Seco Creek. East of the Arroyo Seco Creek is a rural residential neighborhood with the nearest residence over 500 feet away.

Direction	Land Uses
North	Diverse Agriculture – 10 acre density (DA B6 10)
South	Diverse Agriculture – 10 acre density (DA B6 10)
East	Agriculture and Residential – 5 acre density (AR B6 5)
West	Limited Rural Industrial (M3)



**Sonoma County Permit and Resource Management Department**  
 2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900  
[www.PermitSonoma.org](http://www.PermitSonoma.org)



**Access**

Access to the proposed winery would be off of Hyde Road via Cassidy Ranch Road, which is located less than a half mile from the intersection of Hyde Road and Napa Road. Cassidy Ranch Road is accessed via a 20-foot wide private paved road within a 50-foot easement serving the project site and one adjacent parcel north of the project.

**Wildfire Risk**

The project is located in a Local Responsibility Area and not within a high-risk area (Wildland Fire Hazard Areas mapping, Figure PS 1-g of the Sonoma County General Plan 2020). The project is located in a relatively flat area and surrounded by vineyard. Construction on the project site must conform to Fire Safe Standards related to fire sprinklers, emergency vehicle access, and water supply.

**Water/Wastewater/Utilities**

The proposed facilities will be served by onsite wastewater treatment and disposal systems (OWTS), a residential well, and water diverted from Arroyo Seco under State Water Resources Control Board Division of Water Rights certificate H0004, issued October 16, 2013.

Water for agricultural irrigation will be supplied by pond that is filled with seasonally diverted water from Arroyo Seco. Use of surface water for irrigation will offset at least 3.05 acre-feet per year of groundwater (3.50 baseline acre-feet minus 0.45 acre-feet for domestic and other potable water uses) that would otherwise be used to irrigate the vineyards at the project site. The water right allows diversion and storage of up to 20 acre-feet per year with a diversion rate not to exceed 1 cubic foot per second. Water may only be diverted from November 1 of each year to June 1 of the succeeding year.

Under the water right conditions, the water diverted is “surplus” water that ordinarily would flow into San Pablo Bay during heavy rains and would not recharge the aquifer. However, storage and use of this water during the dry season will result in a marginal increase in groundwater recharge due to percolation in the vineyards and seepage from the bottom of the storage pond. The use of surface water in combination with water conservation measures in the conditions of approval will result in a project with no net increase in groundwater demand.

Drainage improvements for the project consist of the installation of two storm drain inlet structures which will receive storm water runoff from the winery building, connecting to the sub-surface storm drain which will transport storm water to an outlet structure near the western edge of the site, where it will sheet flow through a bio-retention area and into the irrigation reservoir.

Conditions of approval require that the applicant install an OWTS and obtain all necessary permits from Permit Sonoma and the San Francisco Bay Regional Water Quality Control Board prior to operation.

**Agricultural Conditions/Land Encumbrances/Contracts**

The property is not subject to a Williamson Act contract. The project site had been previously developed with 12 acres of vineyards although the site has been fallow since 2012. The vines were removed with the intent to replant the site with the specially developed, kopriva cultivar. Conditions of Approval require the applicant to apply for and obtain a new Agricultural Development (VESCO) permit issued by the Sonoma County Agricultural Commissioner’s Office.



**PROJECT DESCRIPTION**

***Project History***

Date	Project Event/Milestone
12/22/2016	Application Submittal
12/28/2016	Early Neighborhood Notification
12/28/2016	Referral to prominent agencies
03/8/2019	Hearing Waiver posted, hearing requested by neighbors.
05/19/2020	CEQA posted to State Clearinghouse (Public Comment period 5/19/2020 – 6/18/2020)
06/15/2020	BZA Legal Notice

***General Plan and Area Plans***

The project site is designated Diverse Agriculture (DA) 10 acres per dwelling unit by the General Plan. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element. The DA designation allows agricultural production, wineries, tasting rooms, and agricultural promotional events with a use permit approval.

The proposed project is consistent with the following General Plan Agricultural Resource Element goals, policies and objectives:

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

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

**Policy AR-4a:** “The primary use of any parcel within the three agricultural land use categories shall be agricultural production and related processing, support services, and visitor serving uses. Residential uses in these areas shall recognize that the primary use of the land may create traffic and agricultural nuisance situations, such as flies, noise, odors, and spraying of chemicals.”

**Staff Comment:**

The project site is within the Diverse Agriculture land use designation. The primary use of the parcel will be agricultural production, related processing and visitor serving uses. This policy protects agricultural operations from nuisance complaints due to the effects of agriculture on residential uses. Operation of this project will be protected by existing right-to-farm declarations for nearby residential properties constructed after adoption of this General Plan policy. Additionally, project conditions of approval further regulate the proposed visitor serving uses. To avoid conflicts with residences in the project vicinity, conditions have been incorporated to reduce potential land use conflicts such as requiring dark-sky compliant exterior lighting, limiting frequency and hours of events and requiring all parking on-site. Noise levels shall be in accordance with the General Plan daytime noise standards during construction, and for truck deliveries, tasting room operations, and event activities, including no amplified sound/music.



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

**Policy AR-6a:** *“Permit visitor serving uses in agricultural categories that promote agricultural production in the County, such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products, and promotional events that support and are secondary and incidental to local agricultural production.”*

**Staff Comment:**

Tasting rooms and agricultural promotional events have been found to promote the region’s agriculture, educate visitors to the region’s wines. The size of the winery facility is appropriate for the proposed 8,000 case per year production, though, as noted above, the majority of the grapes to be used in case production will be imported from off-site vineyards in Sonoma County. It has been the County’s past practice to consider a property’s primary use as agriculture when 50% of the site is developed in agriculture production. The project has been conditioned to require the site to be developed with a minimum of 9 acres of vineyard land, prior to authorization of all visitor serving uses (Condition of Approval #58). The project as conditioned, ensures the non-agricultural uses remain secondary and incidental to the primary use as agriculture.

**Policy AR-6d:** *Follow these guidelines for approval of visitor serving uses in agricultural areas:*

- (1) The use promotes and markets only agricultural products grown or processed in the local area.*
- (2) The use is compatible with and secondary and incidental to agricultural production activities in the area.*
- (3) The use will not require the extension of sewer and water.*
- (4) The use is compatible with existing uses in the area.*
- (5) Hotels, motels, resorts, and similar lodging are not allowed.*
- (6) Activities that promote and market agricultural products such as tasting rooms, sales and promotion of products grown or processed in the County, educational activities and tours, incidental sales of items related to local area agricultural products are allowed.*
- (7) Special events on agricultural lands or agriculture related events on other lands in the Sonoma Valley Planning Area will be subject to a pilot event coordination program which includes tracking and monitoring of visitor serving activities and schedule management, as necessary, to reduce cumulative impacts.*

**Staff Comment:**

The proposed project is conditioned to meet the guidelines as stated above by serving only products grown or processed in Sonoma County (the “local area”). The proposed use does not require the extension of water and sewer or the development of a hotel or similar transient use. The project as conditioned will be secondary and incidental to the onsite agricultural production. As conditioned the project requires the primary use of the site to be converted to agriculture, specifically 50% of the site is to be developed as vineyard land. Project conditions



of approval require the applicant to apply and obtain a new Agricultural Development (VESCO) issued by the Sonoma County Agricultural Commissioner’s Office for a minimum of 9 acres of vineyards prior to issuance of any development permits and prior to granting final occupancy for the use of the winery production facility and tasting room (Conditions of Approval #56 & 57). In addition, agricultural promotional events and private tastings are not permitted until the minimum acreage is developed as vineyard land (Condition of Approval #58).

**Policy AR-6f:** *Local concentrations of visitor serving and recreational uses, and agricultural support uses as defined in Goal AR-5, 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 may constitute grounds for denial of such uses. 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.*

**Staff Comment:**

One winery is currently permitted on Hyde Road at 20680 Hyde Road. This 400-case winery is located approximately ¼ mile north of the proposed project, on the eastern side of Hyde Road. Conditions of approval for this winery do not allow tasting, but do allow two events per year with up to 170 participants. There are 7 wineries with tasting and events located a similar distance away on 8<sup>th</sup> Street East, north of Sonoma Skypark. Hyde Road and 8<sup>th</sup> Street east run parallel to each other, but lack any cross connections, as there is no nexus between the two roads, traffic on one road does not directly impact traffic on the other road.

Hyde Road is an extremely low volume road with less than 450 trips per day and an average of less than 45 trips on the peak weekday or weekend hours. This road currently operates at Level of Service A (free flowing without delays), and will continue to operate at this Level of Service according to the traffic study prepared for the project. Traffic from Hyde Road feeds to Napa Road in the north and Burndale Road to the south. California Highway Patrol Statewide Integrated Traffic Records System collision data shows a collision rate at these intersections of 0.18 collisions per million vehicles entering the intersections, which is very close to the California average of 0.16 collisions per million vehicles. The traffic study finds that the project will not create a measurable increase in traffic congestion or collision rates, and the project is consistent with standards found in the General Plan Circulation and Transit Element. See “Traffic Analysis” section below for additional details on traffic impacts.

**Zoning**

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance, the existing and proposed development, and whether the project is consistent with the Zoning Ordinance. Inconsistencies with the Zoning Ordinance are discussed below.

Standard	Ordinance	Existing Condition	Proposed Project
Lot Area	10 acres	±18 acres	±18 acres
Land Use	Diverse Agriculture (DA)	Residential	Winery



<b>Residential Density</b>	1 unit per 10 acres	1 unit per 10 acres	1 unit per 10 acres
<b>Front Setback</b>	30'	--	< 30'
<b>Side Setback</b>	10'	--	30'
<b>Rear Setback</b>	20'	--	< 30'
<b>Height</b>	35'	--	33'
<b>Lot Coverage %</b>	30,000 sq. ft. or 10%	--	±2%

***Riparian Corridor Combining Zone, Section 26-65-005-040***

The Riparian Corridor overlay combining zone has been applied to property due to Arroyo Seco Creek which runs adjacent to the eastern property line of the project site. The Arroyo Seco Creek receives water from the southern portion of the Mayacamas Mountains to the northeast of the town of Sonoma and flows through vineyard and agricultural lands east and southeast of the town of Sonoma where it connects to shell creek just north of Highway 12. The project will avoid impacts to Arroyo Seco Creek and its riparian woodland habitat. The project building site is approximately ±496 feet west of the Arroyo Seco. The large setback which is greater than that required by Section 26-65-005-040 of the Zoning Code (requires a 100 foot setback from top of bank) provides for an adequate buffer area adjacent to Arroyo Seco Creek which will prevent indirect impacts from erosion or sediment transport. Raingardens and detention areas will be incorporated into the project’s grading plan. The proposed project has been sited to avoid impacts to riparian woodland habitat at the site.

***Valley Oak Habitat Combining Zone, Section 26-67-005-050***

The project does not include the removal of trees or valley oaks to facilitate development of the proposed winery.

**ANALYSIS**

***Consistency with the General Plan Agricultural Resource Element and proposed Visitor Serving Uses***

Staff has determined the project as designed and conditioned, is consistent with the goals and policies of the Agricultural Resource Element, based on the following analysis.

Policy AR-6d provides guidelines for the approval of visitor serving uses in agricultural areas. Specifically, that the visitor serving use is compatible with, secondary and incidental to agricultural production. There is no existing agricultural use on the project site.

It has been the County’s practice to consider a property’s primary use as agriculture when 50% of the site is developed in agriculture production. In order to find the primary use of the project site agriculture, project conditions require the applicant to replant a minimum of 9 acres of vineyard land. The applicant is required to apply for a new Agricultural Development (VESCO) permit for a minimum of 9 acres prior to issuance of any development permits for the production facility or the tasting room (Condition of Approval #56). Furthermore, project conditions restrict granting final of development permits and granting of occupancy for the use contingent on issuance of the new VESCO permit (Condition of Approval #57).





To find the visitor serving uses compatible with and secondary to the parcels primary use as agriculture, the project has been further conditioned (Condition of Approval #58) to prohibit all visitor serving uses until vineyard development is complete, to ensure that the non-agricultural uses are secondary and incidental to onsite agricultural production. The project as conditioned furthers the goals and policies of the Agricultural Resources Element by requiring the sites primary use to be converted to agriculture at a minimum of 50%.

### **Noise Analysis**

The Noise Element of the Sonoma County General Plan establishes goals, objectives and policies including performance standards to regulate noise affecting residential and other sensitive receptors. The General Plan sets separate standards for transportation noise and for noise from non-transportation land uses.

An Outdoor Sound Study, dated August 17, 2107, was prepared by RGD Acoustics for the project. The site is bounded by residential property to the east and vineyards to the north and south. A pond and industrial warehouses are located to the west. Aside from the access road, the nearest roadway is Hyde Street to the east of the residences. Farther to the south is the Sonoma Skypark, a privately-owned public-use airport, with intermittent aircraft landing and taking off at the runway.

The report identified five main noise sources associated with the project, (1) Visitors and Events, (2) Mechanical Equipment (Refrigeration and HVAC), (3) Crushing and Pressing, (4) Bottling, and (5) Deliveries and Shipping. Noise generated from the project associated with visitation, crushing and pressing operations, agricultural promotional events and bottling meets the applicable General Plan standards (Table NE-2) at the property line without special treatment. While the specifics of the mechanical equipment for the project have not been determined, based on measurements at a similar facility, it is feasible for the noise levels to be within the General Plan noise limits at the neighboring east property line with mitigation measures. Considering the distance of the tasting room structure and access road from adjacent noise sensitive uses, the small size and number of employees of the proposed project, the lack of amplified noise and restriction of hours of operation for wine tasting and special events, it is expected that noise from the proposed tasting room expansion operations would be less than significant. Additionally, the project will be conditioned to comply with General Plan Table NE-2 maximum noise level standards and the process by which PRMD will process noise complaints.

### **Traffic Analysis**

Standards for intersection and roadway segment Level of Service (LOS) are established by the Sonoma County General Plan 2020, Circulation and Transit Element. For Hyde Road, these standards are LOS C or better for the road segment, and LOS D or better for both the northern intersection with Napa Road, and the southern intersection with Burndale Road.

A traffic impact study for the project was prepared by W-Trans dated June 28, 2017, consistent with a scope of work established by Sonoma County Transportation and Public Works. The study area consisted of the intersection of Napa Road and Hyde Road, the segments of Hyde Road and Hyde Burndale Road in the vicinity of the project access. Potential impacts from the project are outlined below.

Tasting Room Trip Generation: The traffic study indicated that the winery would generate a peak of 31 daily trips during the harvest season, including six weekday p.m. and seven weekend midday peak hour trips.



Agricultural Promotion Event Trip Generation: A maximum sized event with 50 persons would be expected to generate 46 trips for guests and staff; however, these events having up to 50 persons in attendance are to occur infrequently and are considered to be reasonable in regards to the proposed project.

- **Napa Road/Hyde Road** is a non-signalized tee intersection, with stop control on the northbound approach.
- **Hyde Road** is a two-lane road, about 20 feet wide, with a double yellow centerline. The posted speed limit on Hyde Road near the project site is 30 miles per hour (mph). Traffic counts were collected north on Hyde Road north of Cassidy Ranch Road February 11, 2015 to February 15, 2015. Based on this data, Hyde Road has an average daily traffic (ADT) volume of approximately 420 vehicles on weekdays, with 45 during the p.m. peak hour and 43 during the weekend midday peak hour.
- **Hyde Burndale Road** spans from Hyde Road, 530 feet east of Cassidy Ranch Road to Burndale Road. Both ends are signed as a one-lane road with an advisory speed of 20 mph. There are driveways along the road that can be used for one vehicle to pull over while another vehicle passes in the opposite direction.

The traffic study determined that most traffic from the proposed project will flow northward towards the intersection with Napa Road, and limited study of intersection delay to this intersection, consistent with the Transportation and Public Works scope of work for this study. The greatest existing delay was found in left hand turning movements. The greatest average delay was 20.1 seconds during the weekday peak hour, which is Level of Service C as determined by the Transportation Research Board Highway Capacity Manual standards. The greatest impact would occur during fall harvest, when truck traffic is forecast to increase this delay to 25.1 seconds, which crosses the threshold into Level of Service D. This delay meets County standards and the project will not result in a significant impact to intersection delay.

Greatest traffic volume for winery operations will be during harvest, when the project is forecast to add 30 trips per day to Hyde Road. This additional volume will not increase congestion, and the road segment will continue to operate at Level of Service A. Peak hourly traffic will be generated during events, which are forecast to generate up to 40 additional trips. These events begin and end outside of weekend peak hours and are not forecast to increase delay; Hyde road would continue to operate at Level of Service A during events.

As a result of the traffic impact study it has been determined that the intersection of Napa/Hyde Road is operating acceptable at LOS A and is expected to continue operating at LOS A under Existing plus Project, Future, and Future plus Project conditions.

### ***Environmental Analysis***

Pursuant to Section 15071 of the State CEQA Guidelines, an Initial Study and Mitigated Negative Declaration was prepared for the proposal. Mitigation Measures were incorporated to address issue areas of Air Quality, Biological and Cultural Resources, Geology and Soils, Hydrology and Water Quality, and Transportation/Traffic. The Mitigation Measures would reduce impacts in these areas to “Less than Significant” levels.

## **NEIGHBORHOOD/PUBLIC COMMENTS**

Early Neighborhood Notification was sent to property owners within 300’ of the project site on December 28, 2016. Comments received expressed concern regarding road safety and that Hyde Road would deteriorate



further from the additional truck traffic. These concerns were also raised at the January 25, 2017 Sonoma Valley Citizens Advisory Commission meeting and in response to the hearing waiver posted on March 12, 2019.

A primary issue of concern is the present condition of Hyde Road, that it is a narrow poorly maintained roadway with posted speed limit of 30mph between Napa Road and Cassidy Ranch Road. South of this intersection which provides access to the project, the road narrows and the road condition deteriorates.

Agricultural development of the project site is a permitted use and if the site were developed with vineyards only, the site would still generate truck traffic related to cultivating the grapes and transporting them to wineries for processing. The total number of truck trips generated by the proposed winery is estimated to be approximately 5 trips per day with an additional 4 trips per day during crush and harvest. Because harvest of higher quality grapes is time sensitive, about 60% of these will be heavy (10-ton loads) trucks, with medium (4-ton loads) trucks making up the remaining 40%. While the road is in poor condition, this additional truck traffic is not anticipated to significantly increase wear and tear on the road in over that already being created by existing use of the road.

Special event and tasting room traffic will consist mostly of passenger automobiles and vans, and these light vehicles are unlikely to increase deterioration of Hyde Road. The project is subject to a 1-2 year review, and if events are found to create unsafe conditions on Hyde Road or any adjoining roads, conditions of approval can be modified to address the issue. These remedies would include reducing the hours, number of events, capacity of the tasting room, or, if warranted, eliminating these uses from the permit.

## **RECOMMENDATIONS**

### ***Staff Recommendation***

Staff recommends approval of the Use Permit subject to the attached Conditions of Approval and the adoption of the Mitigated Negative Declaration.

### ***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 Diverse Agriculture land use designation of the Sonoma County General Plan in that it proposed construction and operation of a winery facility and associated visitor serving uses that are consistent with the agriculture and agriculture-supportive permitted uses as allowed by the General Plan Policies AR-4a, AR-6a, AR-6d and AR-6f. The project is consistent with these



policies in that the proposed winery and visitor serving uses would be compatible with the project site and its surroundings and would support General Plan objectives to facilitate County agricultural production by allowing agricultural processing facilities and uses, subject to consistency with the land use policies in the Agricultural Resources Element of the General Plan. As conditioned, the project requires a minimum of 50% of the site to be developed with an agricultural use, specifically 9 acres of vineyard land, prior to development of the winery facility. Project conditions include Building and Grading permit issuance and final occupancy restrictions contingent on application and issuance of a new Agricultural Development (VESCO) permit (COA #56 & 57). Conditions of approval restrict all visitor serving uses until the minimum acreage is developed as agriculture (COA #58). The project as conditioned furthers the goals and policies of the Agricultural Resources Element by requiring the primary use of the project site to be converted to agriculture prior to issuance of development permits and authorization of visitor serving uses which ensures that the non-agricultural uses remain secondary and incidental to agricultural production onsite.

3. The proposed project is consistent with the DA (Diverse Agriculture) zoning designation, which allows processing of agricultural products of a type grown or produced in the immediate area, if a Use Permit is obtained and subject General Plan Policies AR-5c and AR-5g. Tasting rooms and promotional events are permitted separately from wineries under Section 26-08-020(j) of the Zoning Ordinance, subject to a Use Permit approval and General Plan Policies AR-6d and AR-6f. Section 26-08-020(k) of the Zoning Code indicates that promotional or marketing accommodations for private guests is permitted with an approved Use Permit. The project is in compliance with the building height, setback, lot coverage and parking requirements of the DA zoning district.
  
4. 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. All exterior lighting shall be Dark Sky Complaint, down cast, fully shielded and not wash out off-site or into the sky;
  - b. Traffic generated by the project will not have a significant impact on local roads or intersections, as determined by the project traffic study. The intersection of Napa/Hyde Road is expected to continue to operate at LOS A during peak hours with the addition of the project and event related trips;
  - c. The site has the capacity to provide adequate water, septic disposal and access for the project. The project is in a Groundwater Availability Class 1, Major Groundwater Basin. The State Water Resources Control Board has granted the applicant the right to appropriate up to divert, store and use up to 20 acre feet of water per year from Arroyo Seco. The use of surface water diverted from Arroyo Seco for irrigation will offset at least 3.05 acre-feet per year of groundwater (3.50 baseline acre-feet minus 0.45 acre-feet for domestic and other potable water uses) that would otherwise be used to irrigate the vineyards at the project site. Use of surface water for agricultural irrigation, in combination with recommended mitigation measures, will create no net increase in groundwater demand for the project;
  - d. The project allows for tasting by appointment only with a maximum of 15 guests per day. Agricultural promotional events are limited in number, hours and are subject to conditions of approval. The number of guests permitted by appointment only tastings and quarterly events are compatible in size and scale with the project site and adjacent uses;



## **ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Project Proposal Statement
- EXHIBIT C: Vicinity Map
- EXHIBIT D: Site Plan
- EXHIBIT E: Architectural Plans
- EXHIBIT F: Traffic Impact Study, prepared by W-Trans, June 28, 2017
- EXHIBIT G: Biological Assessment, prepared by Wiemeyer Ecological Sciences, December 27, 2016
- EXHIBIT H: Geologic Report, prepared by EBA Engineering, September 2017
- EXHIBIT I: CDFW, Registration of Small Irrigation Use Appropriation by McMonigle/kopriva, September 2013
- EXHIBIT J: SWRCB, Right to Divert Water, Application #H032133, October 2013
- EXHIBIT K: Sound Study, prepared by RGD Acoustics, August 14, 2017
- EXHIBIT L: SVCAC Minutes; January 25, 2017
- EXHIBIT M: Public Comment
- EXHIBIT N: Draft Resolution

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Separate Attachment for Commissioners: Mitigated Negative Declaration, studies, and full size maps