



Sonoma County Board of Zoning Adjustments

STAFF REPORT

FILE: PLP16-0046, Fremont Winery
DATE: February 6, 2025
TIME: At or after 1:30 P.M.
STAFF: Derik Michaelson, Project Planner

Appeal Period: 10 calendar days

SUMMARY

Property Owner: Fremont Ranch, LLC
Applicant: Guy Byrne, Fremont Ranch, LLC
Address: 4310 Fremont Drive, Sonoma
APN: 126-111-022 and -015
Supervisory District(s): One

Description: Use Permit and Design Review to allow a 30,000-case per year production winery and public tasting facility sourcing 75% of its grapes in Sonoma County, including a two-level main building, multiple single-story accessory structures, wine cave storage, and 28 annual promotional events for up to 50, 100, and 200 guests, plus participation in 6 industry-wide events per year, located on the 58.65-acre former Stonetta Dairy site on Highway 12/121 and Napa Road in Sonoma.

CEQA Review: Mitigated Negative Declaration
General Plan Land Use: Land Intensive Agriculture, 60-acre density
Specific/Area Plan: None
Williamson Act: Existing Nonprime (Type II) grazing contract
Zoning Designation: LIA B6 60 (Land Intensive Agriculture, 60-acre density)
Combining Districts: Z (Accessory Dwelling Exclusion), LG/MTN (Local Guidelines, Taylor/Sonoma/Mayacamas Mountains), RC 50/50 (Riparian Corridor, 50-foot setback), SR (Scenic Resource, Landscape Unit and Corridor), VOH (Valley Oak Habitat)
Ordinance References: Sec. 26-06-030, 26-18-030, -260, and -210, and Uniform Rules

Recommendation: Adopt a Mitigated Negative Declaration, consider issuing an interpretation of Uniform Rule 8.3 to allow outsourced grapes, and approve the project with attached or modified conditions.



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EXECUTIVE SUMMARY

The proposed project is to construct and operate a new production winery and public tasting facility on the 58.65-acre former Stornetta Dairy property located on State Highway 12/121 and Napa Road. The former dairy use longer operates and the multi-building facility was mostly destroyed in the 2017 Nuns fire. The project locates the new winery facility further back from the site frontage than the former dairy complex. The proposed development site is located at the base of the existing hillside approximately 275 feet from the site frontage and Highway.

Site Development. The project design plans propose a split-level development pad supporting 61,993 square-feet of new building improvements on two distinct levels. The main building is a two-story structure with the production facility on the lower level and the tasting operation above. Additional supporting structures include nine single-story accessory buildings, a subterranean network of wine caves for barrel storage, and two formal parking areas plus additional overflow for a total of 90 on-site spaces.

Agricultural Use. The property is subject to a Williamson Act contract and currently under lease for commercial grazing in accordance with the Sonoma County Uniform Rules for contracted agricultural lands. The landowner is in the process of expanding the agricultural use of the site to include 20.47 acres of vineyard production in addition to continued grazing. The vineyard is currently permitted and awaiting construction on the northerly half of the parcel.

Interpretation Request. The winery proposes an annual production capacity of 30,000 cases with 75% of its wine grapes grown in Sonoma County. The 25% importation of outsourced grapes brings to attention certain restrictions under the County's Uniform Rules. Specifically, Uniform Rule 8.3 restricts the use of contracted lands to allowing agricultural processing of product grown only in Sonoma County. Staff requests the BZA review this matter and if determined acceptable, issue an interpretation pursuant to Uniform Rule 1.4 (Interpretation) allowing the project the option to outsource a limited percentage of its grapes from outside the County. Please refer to the attached BZA memorandum for full details regarding this request at Staff Report Attachment 3.

Tasting Operation. The public tasting operation proposes 65 daily visitors on average with up to 135 daily visitors at peak capacity. The winery operation additionally proposes 28 agricultural promotional events for up to 50, 100, and 200 guests, plus participation in six industry-wide events. The project proposes 15 full-time, year-round employees, including six employees during events. Daily operating hours are 10am to 5pm for tasting activities, 10am to 10pm for events, and 7am to 8pm for production.

Public Comments. In 2023, the Sonoma Valley Citizen Advisory Committee (SVCAC) reviewed project revisions made in response to prior SVCAC concerns raised in 2018. The current revised project represents substantial reductions in production scope, building scale, visitor capacity, and

event size than proposed under the initial 2016 application. The 2023 SVCAC meeting minutes indicate remaining concerns regarding visitor traffic, site access, water availability, and cumulative effects relating to winery overconcentration within Sonoma Valley. Staff provides further details on the prior SVCAC meetings and concerns under the *Prior Review* section below and in the closing Public Comments section at the end of this report.

Environmental. On December 6, 2024, staff published a Mitigated Negative Declaration (MND) in accordance with the California Environmental Quality Act (CEQA) for the project. The MND supports that project impacts will be mitigated to a less than significant level.

Recommendation. Staff provides further analysis of the current proposal under the *Analysis and Discussion* section below. The analysis supports project consistency, as conditioned, with current policies and standards for allowing related winery uses and development on agricultural lands, with further BZA attention requested on whether to allow limited outsourcing and importation of agricultural product. The staff recommendation supports the Board of Zoning Adjustments adopting the Mitigated Negative Declaration and approving the Use Permit and Design Review request subject to conditions as attached, or as otherwise modified by the BZA.

BACKGROUND

Site Description

The subject property consists of two parcels totaling 58.65 acres on the northwest corner of Highway 12/121 and Napa Road, approximately 4.5 miles southeast of the Sonoma Town Square. A small well site consisting of 0.015 acres near the highway frontage is one of the two parcels. The site is the former location of the Stornetta Dairy facility. The creamery no longer operates, and the facility was mostly destroyed in the 2017 Sonoma Nuns complex fire. The site is under a Type II Williamson Act contract and remains in use for cattle grazing.

Existing remnants of the former dairy facility include concrete slabs, pavement, portions of building exterior walls, a well pump house, and wastewater pond. The property is otherwise undeveloped except for an existing 90,000-gallon fire protection and potable water storage tank, a 28,000-gallon treated process wastewater storage tank, and a small accessory storage building. The remaining undeveloped portions are predominantly covered in perennial grasses, with a few thick blackberry patches, a small grove of trees and bushes at the rear northwestern corner of the property, and a few stands of trees at the northeastern corner of the property.

Existing Terrain

The existing site terrain is most notably characterized by its west-southwest trending ridgeline that runs across the center of the property dividing the southern (Highway side) and northern halves of the parcel. The central ridgeline reaches a peak elevation of 350 feet. The south-facing side of the

property slopes down to nearly level terrain at the 180-foot elevation alongside the highway frontage and development pad of the former dairy. Along the easterly margin of the property is a south-southeast trending ridgeline with steep, east-facing slopes fronting Napa Road. On the northerly side of the property the terrain consists of gently to moderately steep hillsides sloping into the drainage basin toward the northwesterly corner of the parcel. A small Riparian Corridor with 50-foot setback requirements extends into this portion of the parcel from the west.

Surrounding Land Uses

North: ROMBAUER VINEYARDS - 238.36 acres
Vineyards, agricultural structures; no dwelling units

South: SILVERADO SONOMA VINEYARDS (across Highway) - 213 acres
Vineyards, agricultural structures; 1 farm unit

East: NICHOLSON RANCH (across Napa Road) - 227 acres
Vineyards, winery and tasting room, 4 dwelling units

West: CHAMPCAL ESTATES (fronting Highway) - 66.77 acres
Vineyards; no dwelling units

Access

The project is located on a major transportation corridor along State Highway 12/121 (aka. Carneros Highway, aka. Freemont Drive). The subject property contains site frontage and existing driveway access directly on the highway. The east bound travel lane on Highway 12/121 provides an existing left-turn lane into the site. The site also maintains two existing driveways fronting Napa Road providing agricultural access to the rear northerly portion of the property. Site access details for the proposed winery facility are discussed under the *Project Description* section below.

Wildfire Risk

The property is in a State Responsibility Area (SRA) for fire protection. The Fire Hazard Severity Zone mapped for the site by CalFire as of April 21, 2024, is "Moderate", with nearby designations for "High" on lands to the east, and "Very High" on lands further to the northeast. The nearest fire station is the Schell Vista Fire Protection District located approximately 3.0 miles to the west on Highway 12/121, and Schell Vista Fire Station 2 approximately 3.4 miles to the north on Napa Road. In 2017, the property burned during the Nuns complex fire and the multi-building former dairy facility was mostly destroyed. Under the current SRA designation for fire protection, Title 14 of the California Code of Regulations, Sections §1270 - §1276 requires compliance with the Board of Forestry Fire Safe regulations for any new commercial development proposed for this site, including requirements for emergency vehicle access and water supply storage.

Water/Wastewater/Utilities

The project parcel is classified as a Class 3 Marginal Groundwater Availability area and located within the Sonoma Valley Groundwater Basin. Prior well and septic improvements will be removed

under the current proposal. New well and septic improvements for the site are discussed in the *Project Description* below.

Agricultural Conditions/Land Encumbrances/Contracts

The project site is under a Land Conservation Act contract (Ag Preserve 2-528-74 2864/44) for non-prime grazing use. The owner is currently leasing the 58.65-acre property for grazing in accordance with the contract requirements under the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones. Additionally, 20.47 acres of the site is currently permitted for new vineyard construction on the rear northerly portion of the property. Establishment of the vineyard and replacement of the existing Type II contract with a new hybrid contract for combined vineyard and grazing use is required before winery construction.

Nearby Applications

None

PROJECT DESCRIPTION

The proposed project is to construct and operate a new production winery and public tasting facility on the 58.65-acre former Stornetta Dairy property located on State Highway 12/121 and Napa Road. The former creamery no longer operates, and the multi-building dairy complex was mostly destroyed in the 2017 Nuns fire. The project locates the new winery facility further back from the site frontage than the former dairy complex. The winery location is set into the base of the existing hillside approximately 275 feet back from the site frontage along Highway. The operational details and development scope of the project are summarized below. The project proposal statement and design plans are attached for further reference.

Agricultural Use

The proposed winery facility will process wine grapes from Sonoma County with at least 75% of the grapes grown on-site and by local vineyards. The County Agricultural Commission has permitted 20.47 acres of the property for new vineyard development on the northerly half of the site. The applicant expects the vineyard to be completed and undergoing production activities before proceeding with future winery construction. Continued leasing of the property for commercial grazing is also proposed as part of the primary agricultural use and operation for the project. Staff notes the County requires replacement of the existing Type II Land Conservation Act contract with a new contract recognizing the combined vineyard, grazing, and winery uses prior to granting permits for future winery development.

Facility Operations

Operating Hours and Employees

The winery facility and tasting room will operate seven days per week with 15 full-time employees

during normal operations and harvest season, including 6 employees during events. Regular winery production hours are 7:00 am to 8:00 pm, and as needed during harvest season. Daily tours and public tasting hours are 10:00 am to 5:00 pm.

Visitor Activities

The applicant anticipates 65 daily visitors on average and up to 135 visitors during peak visitation days. The traffic study for the project estimates approximately 110 daily vehicle trips on average. The traffic estimate averages the total number of vehicle trips projected daily over a one-year period. Visitor operations will offer two daily tours with up to 10 guests per tour. Tour attendance is factored into the 135 peak daily visitor capacity. All tours will include a wine tasting with an optional food pairing. The tour will include portions of the winemaking facility and the upper visitor level tasting area.

Food Service

A small commercial kitchen is proposed for preparing food and wine pairings as part of normal business activities during permitted tasting hours, and during certain smaller industry and trade-related events for up to 50 guests such as winemaker dinners and lunches. No restaurant, deli service, or food cooked or prepared to order in any capacity is proposed.

Winery Events

The project proposes 28 Agricultural Promotional events per year. Event times will vary between the hours of 10:00 am and 10:00 pm. All events will end by 9:00 pm with clean-up activities concluding by 10:00 pm. Six employees will staff events, with additional caterers as needed factored into the maximum guest capacity. No more than one event on a single day is proposed. The typical annual event schedule is proposed below

Event Type	Schedule	Hours	Guests	Events
Small	Monday thru Sunday	10am - 10pm	50	15
Medium	Monday thru Sunday	10am - 10pm	100	9
Large	Friday, Saturday, Sunday	10am - 10pm	200	4

Large events will occur on weekends with up to 200 guests. Small and medium size events for up to 50 and 100 guests may occur on weekdays and on weekends. The smaller 50-person events are by-invitation and will support industry and trade-related activities such as winemaker dinners, lunches, and food and wine pairings for customers, clients, wholesalers, distributors, and other members of the trade. The applicant additionally anticipates participating annually in six industry-wide events as part of the winery's daily tasting operation, including industry promoted activities such as Savor Sonoma Valley, April in Carneros, etc.

Music

The project does not propose amplified music outdoors. Amplified music is proposed for indoor areas of the winery and upper tasting room level. All music would conclude by 9:00 p.m.

Site Development and ImprovementsBuilding Summary

The total facility proposes 61,993 square-feet of new building development, including a 26,500-square-foot two-story winery building, nine single-story accessory buildings totaling 12,029 square-feet, and 23,464 square-feet of wine cave improvements.

Winery Building			
<u>Upper Visitor Floor</u>	<u>10,663</u>	<u>Upper Level</u>	<u>3,303</u>
Main terrace	2,431	Office building	2,060
Covered interior courtyard	3,150	Stair tower	248
Tasting room, east	2,541	Elevator tower	248
Tasting room, west	2,541	Upper trash building	477
<u>Lower Production floor</u>	<u>15,837</u>	<u>Production Level</u>	<u>6,146</u>
		Covered crush pad	2,260
		Mechanical building	2,762
		Lower trash building	1,124
		<u>Site Frontage</u>	
		Two agricultural buildings	2,850

Winery Building

The main winery building contains two floors with the production facility on the lower level and the public tasting operation above. The building is set into the hillside with added fill material built-up along its south exterior concealing the lower production floor from view.

The visible upper floor is the public tasting facility consisting of two visitor buildings at opposite ends of an interior courtyard. The opposing tasting structures share a prominent gable-end roof element that extends over the central courtyard creating the appearance of a single building. The building roof peak projects approximately 22.25 feet in height above the hidden production level.

The footprint of the upper tasting facility sits further back from the lower production exterior creating a 15-foot-wide terrace along the finished floor elevation of the building's southerly frontage. The terrace is fully enclosed by an 8-foot-tall glass barrier and serves as the primary access corridor connecting the visitor level to the lower parking area on the east side of the building below.

Wine Cave

The project proposes an underground network of wine caves built into the rear hillside of the site and accessible from the lower production level. A typical cave section is 16 feet in width with an arched ceiling height of 13.5 feet. The total footprint of the wine cave is 23,464 square-feet.

Accessory Buildings

The project proposes nine single-story accessory buildings supporting related production and visitor-serving activities of the winery.

Upper Visitor Level

Sited along the hillside to the rear of the tasting level is the upper parking area and four detached accessory buildings; an administrative office, a trash collection structure, and two small buildings providing elevator and interior stairway access to the lower level. Additional hardscape and landscaping improvements are also built into the hillside creating a small enclosed outdoor space just beyond the parking area. The outdoor space is 1,296 square-feet and not counted toward the total building square-footage for the project.

Lower Production Level

Directly adjacent to the west exterior of the production floor is the covered crush pad and outdoor production yard. Additional structures in this location include a mechanical building with an attached outdoor enclosure and a storage building for trash collection and production waste.

Site Frontage

The project proposes reconstruction of two former single-story agricultural buildings destroyed in 2017 Sonoma Nuns fire. The two buildings total 2,850 square-feet in combined area and will be reconstructed over the same footprints approximately 80 feet behind the easterly site entrance. Five parking spaces are also proposed for this location.

Architectural Design

The architectural style of the winery and outbuildings is intended to recognize the County's agrarian heritage of large barns and small outbuildings. The design concept focuses on simple vernacular forms using gable-end roof pitches and traditional materials such as light stained wood trim, horizontal and vertical board and batten siding, and dark corrugated metal roofing.

Access and Circulation

The project proposes to improve two existing driveway entrances on Highway 12/121 for primary site access and construct a 26-foot-wide new interior access road for facility circulation. The existing center-turn lanes along the Highway will continue to serve the site frontage allowing left-turn movements for incoming eastbound vehicles.

The proposed driveway entrances and new interior access road are designed to serve the upper

and lower levels of the winery from opposite east and west sides of the facility. The easterly driveway continues further into the site providing visitor and employee access to the upper and lower parking areas. The westerly driveway transitions further westward into a single-direction loop route through the lower production yard. The production loop consists of two 19-foot-wide service lanes providing one-way truck access in opposing directions.

The project will retain two existing driveways on Napa Road providing agricultural access to the northerly portion of the property. All driveways will be gated. The main entry gate will be open during business hours.

Parking Plan

The project proposes a total of 90 on-site parking spaces to accommodate employees, daily tasting room operations, and overflow for events and peak visitor demands. The parking plan includes two formal parking areas providing a total of 42 on-site spaces between the upper and lower levels of the facility. Overflow includes 43 parallel spaces located along the shoulders of the interior access road and near the production yard to the west of the main building. An additional five parking spaces are located adjacent to the two agricultural buildings between the site frontage and lower parking area. The formal upper parking area locates 15 spaces directly behind the visitor level courtyard and tasting rooms. The lower main parking level locates 27 spaces adjacent to the east side of the building with exterior stairway access to the visitor floor above. Required loading zones, ADA-accessibility, and emergency turn-around locations are also identified on the project site plan.

Landscaping

The proposed winery structures are designed to blend with the surrounding hillside topography utilizing extensive landscaping, including the planting of 136 24-inch box trees, including use of coast live oak, valley oak, Chinese pastiche and Armstrong maple, to provide visual screening of the winery structure and related improvements. Over 170 5-gallon shrubs, including harmony manzanita, would be planted, in addition to use of decorative groundcover. Trees would be planted along the entry driveway, adjacent to driveway and parking areas, and strategically placed by structures and site improvements to provide maximum screening effect from Highway 12/121 .

Water Supply

The project will receive water from two sources: groundwater and recycled water from the treated process wastewater system. The project includes a new sustainable wastewater system that will allow the winery to treat that water so it can be used for irrigation. The project will replace the existing well to serve domestic uses to provide the County and State required 50-foot well seal.

The 2023 hydrogeological study prepared by O'Connor Environmental, Inc. estimates the proposed water use demand for the project. The hydrogeological study identifies a 110-acre-aquifer comprising the groundwater recharge area for the project and adjacent vineyard parcels. The study estimates the additional demand proposed by the project is 9.3 acre-feet per year and

results in a 5 percent increase to the total existing from adjacent parcels. The groundwater study concludes the cumulative demand for both the proposed project and adjacent uses accounts for 75 percent of the aquifer’s total annual recharge capacity. The specific demand allocation for the project is estimated in acre-feet per year below.

8.19	vineyard irrigation	0.15	employees
0.64	landscape irrigation	0.32	visitors and events
1.33	case production	= 9.30	total water use per year
-1.33	recycled for irrigation		

Waste Disposal

A Wastewater Feasibility Study has been prepared by NorCal Civil and submitted with this revised project description to address disposal of sanitary sewage and winery process wastewater. Sanitary sewage will be collected into septic tanks, treated to appropriate discharge levels via an engineered package treatment system and dispersed via a subsurface drip irrigation septic system in the area receiving percolation test approval from Sonoma County PRMD. Winery process wastewater will be treated by a separate package treatment system.

Treated winery process wastewater will be stored in a pond or storage tank during periods of seasonal rain and saturation, when irrigation cannot occur. The project will be able to utilize its treated process wastewater for vineyard irrigation and winery landscaping to reduce any impact to groundwater supply. Grape pomace generated by the winemaking operations will be collected in dumpsters onsite and routinely transported offsite for conversion into compost by a County approved composting operation. No onsite composting of grape pomace is currently planned.

Drainage and Grading

The project consists of undulating terrain with a relatively level development pad from the former dairy complex fronting the highway at the 180-foot grade elevation. Upslope areas and rolling hills extend predominantly northward and further west. Beyond the level pad area and site frontage the rear south-facing terrain varies in elevation while gradually increasing to an average slope of approximately 30% toward the steeper portions of the site and reaching its peak 350-foot elevation at the center of the property.

The proposed winery site is located approximately 275 feet from the site frontage and along the rear of the level pad area at the base of the hillside. The preliminary grading plan proposes to excavate further into the hillside to create the split-level site design. The grading plan proposes the placement of excavated material along the south exterior of the building. The added material is designed to create a natural appearing continuation of the rear hillside terrain that screens the entirety of the ground-floor production level. Use of storm water treatment and other drainage and infiltration features conforming to the County’s Grading Ordinance is also proposed.

Wine Cave Excavation

Additional excavation into the base of the hillside is required for construction of the proposed wine cave. Staff notes the preliminary grading plans do not provide an estimate for the anticipated excavation amount. Based on a 13.5-foot ceiling height and a total footprint area of 23,464 square-feet for the wine cave, Staff calculates a conservative estimate of approximately 316,764 cubic-feet of excavated material, which converts to 11,732 cubic-yards. Staff emphasizes this is rough calculation based on a squared ceiling rather than the currently proposed arch design. The arched ceiling likely translate to less overall volume than otherwise resulting from a typical squared design.

Application History

<u>Date</u>	<u>Project Event/Milestone</u>
09/26/16	SUBMITTAL: Initial application; 60k-case winery, 20 events
10/26/16	Incomplete
10/09/17	Changed site conditions - Nuns complex fire
04/16/18	Submittal
05/21/18	Incomplete
07/25/18	SVCAC MEETING (see <i>Neighborhood/Public Comments</i>)
03/28/23	RESUBMITTAL – Revised scope; 30k-case winery, 28 events
05/01/23	Incomplete
07/27/23	Agency referral
09/27/23	SVCAC MEETING (see <i>Neighborhood/Public Comments</i>)
10/03/23	Submittal
11/03/23	COMPLETE – pending certain CEQA review items
01/04/24	DRC MEETING (see <i>Prior Review</i> , below)
04/24/24	Submittal – additional materials addressing DRC comments
Apr - Nov	Initial Study/MND preparation in process
11/22/24	Finalize draft MND
12/06/24	MND published: begin 30-day public review period
01/27/25	BZA hearing notice
02/06/25	BZA hearing date

Prior ReviewSonoma Valley Citizens Advisory Committee

On July 25, 2018, the SVCAC reviewed the initial application for a 60,000-case winery totaling 89,192 square-feet with 200 daily visitors and 20 events per year, including 4 events with up to 500 guests. The SVCAC did not support the project due to its proposed size, volume of wine production, related water demand, and maximum visitor and guest size capacities for daily tastings and large events.

On September 27, 2023, the project returned to the SVCAC with the current revised proposal for a 30,000-case winery totaling 61,933 square-feet with a maximum of 135 daily visitors and 28 events per year, including 4 events with up to 200 guests and 8 additional 50-person events. Comments forwarded by the SVCAC indicate general support for the overall scale and design of the project while raising continued concerns regarding anticipated traffic, site access, water availability in the short and long term, and cumulative effects from the overconcentration of winery events and tasting room activities within the surroundings.

Design Review Committee

On January 4, 2024, the DRC reviewed the design plans for the current 30,000-case winery proposal. The DRC forwarded comments supporting the split-level site plan and architecture as compatible development that minimizes its apparent building scale and massing against the hillside backdrop as seen from the scenic corridor. The DRC advised that when presenting to the BZA the applicant include additional site sections showing the full extent of the rear hillside elevation to demonstrate more specifically how the building scale and design projects against and fits into the natural terrain. Staff notes the current design plans include two added site sections demonstrating the DRC's suggestion. The DRC further advised that the applicant return to finalize project design details after completing the CEQA process and securing BZA approval.

ANALYSIS AND DISCUSSION

Williamson Act Consistency

Existing Compliance

The 58.65-acre property is under a Type II Land Conservation Act contract (2864/44) for commercial grazing within Agricultural Preserve 2-528. The owner currently maintains contract compliance and continues to lease the parcel for commercial grazing in accordance with the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones.

Proposed Compliance

Before commencement of any future permitting activities for the proposed winery, the Sonoma County Uniform Rules require the existing Type II grazing contract be replaced with a new hybrid contract recognizing both Prime and Nonprime agricultural uses, including verification of Prime vineyard use on 20.47 acres and Nonprime grazing use on a certain remaining portion of the parcel. The replacement contract must also verify compliance of new compatible uses for the property, including the 61,993-square-foot production winery and public tasting facility. Staff determines the planned vineyard, grazing operation, and new winery facility as conditioned, are consistent with the Uniform Rules. Staff summarizes its findings below.

- **Uniform Rule 4.2** establishes eligibility requirements, including that contracted lands be devoted to agricultural use(s) occupying at least 50 percent of the total parcel area. On

August 22, 2024, the Sonoma County Agricultural Commission approved (ACO17-0161) 20.47 acres on the rear northerly side of the parcel for new vineyard development. The 20.47-acre vineyard accounts for 34 percent of the total property acreage and provides that the owner shall retain at least 9 acres in use for commercial grazing ensuring compliance with Uniform Rule 4.2.

- **Uniform Rule 8.2** limits the combined area of “Compatible Uses” for the subject property to occupying not more than five acres. The proposed winery development, including accessory structures, occupy a combined use area of 1.47 acres (61,993sf) and meets the area limitation for compatible uses under the Uniform Rules.
- **Uniform Rule 8.3 (B)** restricts the use of contracted agricultural lands to supporting the processing of agricultural products grown only in Sonoma County. Agricultural processing facilities are listed as compatible uses under this section provided these facilities process agricultural products produced in Sonoma County.

The project proposes to source at least 75 percent of its grapes from Sonoma County with the option to outsource up to 25 percent outside the County as needed. To ensure compliance with Uniform Rule 8.3 (B), a condition of approval requiring 100 percent use of locally-grown grapes is included in the draft conditions at Attachment 2. The proposed project as conditioned is therefore consistent with the provisions of the Uniform Rules allowing *Compatible Uses* that involve the processing, sale, and marketing of wine products containing processed locally grown grape.

Interpretation Request

The applicant requests additional BZA consideration regarding compliance with Uniform Rule 8.3 (B). Specifically, the applicant requests BZA approval to retain the option for outsourcing up to 25 percent of its grapes from outside Sonoma County. Uniform rules provide for limited flexibility through issuance of interpretations as allowed under Uniform Rule 1.4. Staff requests the BZA consider this matter as discussed in the attached memorandum at Staff Report Attachment 3.

General Plan Consistency

Staff has determined the project as designed and conditioned, is consistent with the applicable policies of the General Plan Agricultural Resources element. The related policies are referenced in full at Staff Report Attachment 4. Project consistency with these policies is discussed below.

AGRICULTURAL RESOURCES ELEMENT

Primary Agricultural Use

General Plan Policy AR-4a requires agricultural designated parcels be devoted to agricultural

production and related processing, support services, and visitor serving uses. Assuming establishment and operational status of the 20.47 acres planned for vineyard production, the proposed 30,00-case per year production winery and public tasting facility with annual events is consistent with this General Plan policy. At project build out, the expected scope of agricultural use for the property will be 34 percent (20.47 acres) vineyard, at least 15 percent (9 acres) grazing, and less than 0.02 percent (1.47 acres = 61,993sf) developed for supporting agricultural processing and promotional activities. A condition of approval requiring that the 20.47-acre vineyard be operational prior to permit issuance for winery construction is in place.

Incidental Promotional Use

The following analysis discusses project consistency with General Plan Policies AR-1a, AR-6a, AR-6d, and AR-6g for promoting the County's agricultural industry by allowing specific, limited visitor-serving uses that support primary agricultural production and local products through related marketing and promotional activities in agricultural areas.

Policy AR-1a encourages the permitting of a wide variety of promotional and marketing activities of County grown and processed products. Policies AR-6a and AR-6d require that visitor serving uses only promote or sell products grown and produced in the local area and that the visitor serving uses are secondary and incidental to local agricultural production. At project build out, less than 0.02 percent (1.47 acres = 61,993sf) of the site will be developed for supporting agricultural processing and promotional visitor-serving activities with 34 percent (20.47 acres) of the property devoted to vineyard use. The production facility proposes 30,000 cases per year sourcing at least 75 percent of its grapes from Sonoma County, including those produced on-site from its own 20.47-acre vineyard. A condition of approval requiring 100 percent use of locally-grown grapes is in place pursuant to Uniform Rule 8.3.

Additionally, Policy AR-6d provides that the proposed use shall not require an extension of sewer or water service and is compatible with and incidental to the surrounding agricultural production activities and uses in the area. The project proposes on-site improvements for providing water and managing process wastewater and does not require an extension of sewer or water service. The proposed winery development and associated visitor-serving and agricultural support uses are compatible with the surrounding agricultural lands and uses that predominantly makeup the project surroundings.

The project therefore proposes a combination of agricultural support and visitor serving activities, including vineyard processing and wine production, and promotional tasting, sales, and events consistent with the applicable policies under the Agricultural Resources General Plan element.

Local Concentration

The following analysis discusses project consistency with Policies AR-5g and AR-6f. These two policies provide that local concentrations of visitor-serving and agricultural support uses, even if

related to surrounding agricultural activities, are detrimental to the primary agricultural use of land for production of food, fiber and plant materials, and shall be avoided. Staff determines the proposed project will not constitute a detrimental concentration of visitor serving uses. The project is located on a major transportation corridor along Highway 12/121 and is predominantly surrounded by existing agricultural lands and vineyards, including those of the Nicholson Ranch winery located on the opposite easterly side of the Napa Road. No other wineries or tasting room operations exist within 1.49 miles of the Napa Road and Highway 12/121 corridor intersection.

Winery Separation

The Sonoma Valley Citizen Advisory Committee has adopted advisory winery guidelines that include separation criteria addressing overconcentration of winery and tasting room establishments. The SVCAC separation criteria provides that wineries and tasting rooms be limited to no more than two facilities for every half mile. While County regulations do not require project compliance with the SVCAC Guidelines, Staff notes the current proposal would result in no more than two winery facilities operating within 1.49 miles of one another, including the proposed project and the Nicholson Ranch Winery on the opposite side of Napa Road.

The next nearest winery and/or tasting room facility is located 1.5 miles to the south on Ramel Drive, 1.5 miles to the west on Burndale Road, 2.0 miles to the north on Denmark Street, and 2.0 miles further east on Highway 12/121 in Napa County. An exhibit listing and mapping these uses and proximities in relation to the project is included at Attachment 5.

Visitor Traffic

The project is not expected to result in any joint road access conflicts or in traffic levels that exceed the Circulation and Transit Element's objectives for level of service on a site specific and cumulative basis. The project is located on a major transportation corridor along State Highway 12/121 and is predominantly surrounded by existing agricultural lands and vineyards. The traffic study prepared for the project by WTrans estimates an annual average of approximately 110 daily vehicle trips. The site currently has four existing driveways from Highway 12/121 for vehicle access. The project will eliminate two of these driveways and improve the two others for primary site access. The existing center-turn lane along Highway 12/121 will continue to provide two-way left turn access.

Sonoma County Public Infrastructure has reviewed and accepted the project traffic study. Standard conditions of approval have been provided. The California Department of Transportation has also reviewed and forwarded its recommended conditions of approval supporting the project. The Caltrans conditions are included in the project conditions of approval.

Water Use Demand

The March 2023 groundwater study prepared by O'Connor Environmental per the specifications of PRMD Policy # 8-1-14 for hydrogeologic studies analyzes the estimated water use demand and

potential impacts of the proposed project on groundwater recharge capacity, water quality, and neighboring well use. The study identifies a 110-acre-aquifer comprising the groundwater recharge area serving the project and the adjacent vineyard parcels and winery operation to the east.

Groundwater Use and Capacity:

For the 110-acre recharge area of the subject aquifer, the O’Conner report estimates average yearly recharge at 42.8 acre-feet, existing water use demands from adjacent uses at 22.6 acre-feet per year, and the cumulative water demand with inclusion of the project at 32 acre-feet per year. The projected water balance therefore supports the subject aquifer as having sufficient capacity to meet the cumulative water demand between both existing and proposed uses. The projected water demand based on the 30,000-case production output and landscape irrigation is 1.8 acre-feet per year for the proposed the project, plus an estimated 8.2 acre-feet per year for the approved vineyard on 20.47 acres. The historic water use of the site based on the former dairy operation is estimated at approximately 18 acre-feet per year, supporting the conclusion that the proposed water use conditions under the current project will be less than those historically existing for the site.

Well Use and Potential Interference:

The project well (PW) is located near the southeastern corner of the parcel, within an unnamed non-navigable tributary that drains directly to Schell Slough and the San Pablo Bay. A well yield test recorded a static water level near the surface at 6 feet producing 36 gallons per minute for 1 hour with a total drawdown of 1 foot. The well yield test indicates the project well has sufficient capacity to support the project.

The Report identifies the nearest neighboring well as having a proximity of approximately 1,100 feet to the project well site and highly unlikely to experience well interference from the project. The report identifies existing site conditions for the project well allow sufficient horizontal and vertical separation from surrounding streams, supporting that the project is also unlikely to impact streams or other perennial watercourses within the groundwater basin.

The report discusses groundwater level trends and conditions based on various wells the Sonoma Valley Groundwater Sustainability Agency (GSA) currently employs as Representative Monitoring Points (RMP). Many RMPs within the southeastern Sonoma Valley north of Highway 12 that are screened within the “deep” aquifer below approximately 200 feet have water levels below sea level and declining groundwater level trends. This is an area of concern for the Sonoma Valley Groundwater Sustainability Agency.

The project well is located over one mile from the RMPs exhibiting declining trends and is located within a separate sub-watershed. Given the horizontal separation, it is considered unlikely that conditions of RMPs are representative of the project aquifer. In addition, water levels of the project well were observed at shallow levels near the ground surface at an

elevation of approximately 180 feet above sea level, while water levels of RMPs of the Sonoma Valley have water levels that are often 100 feet or more below ground surface at elevations below sea level. Given the great lateral separation and contrast in water level elevations, it is considered reasonable to conclude that the project well draws water from an aquifer that is largely disconnected from the area of concern identified in the southeastern Sonoma Valley

Conclusion:

The O’Conner Groundwater Report concludes the project has little potential for negatively impacting groundwater supply, neighboring wells, and potentially interconnected surface waters. Permit Sonoma’s staff geologist has reviewed the report and notes in its referral response *“the analysis is well documented and generally of appropriate detail and effort to support the findings.”*

Noise

Noise resulting from operation of the winery, tasting room, and event uses is expected to meet General Plan noise standards at the property lines

The nearest residential uses are located on opposite sides of the Highway to the south and across Napa Road to the east. State Highway 12/121 is a major transportation corridor and reasonably serves as an ambient noise barrier between the project and southernmost sensitive noise receptor. The property’s existing ridgeline continuing along Napa Road reasonably serves as a physical noise barrier between the project and easternmost sensitive noise receptors on the Nicholson Ranch property.

Additionally, the attached Mitigated Negative Declaration identifies specific mitigation measures addressing potential construction-related noise impacts resulting from the project. The required mitigation and monitoring measures ensure potential noise impacts are reduced to a less than significant level and are included in the conditions of approval for the project.

Rural Character

The project will not be detrimental to the rural character of the area as the winery and tasting room will not result in significant traffic, visual, noise, or water impacts. The project site borders Highway 12/121 and Napa Road and is surrounded by lands devoted to vineyard. The proposed development would be substantially screened by modified terrain. All buildings are limited to a maximum building height of 35 feet and all exterior lighting is required to be dark-sky compliant.

Zoning Consistency

Staff determines the project scope and design consistent with the applicable sections of the County Zoning Code. Project consistency with the current standards is summarized below.

Zoning Development Standards

The proposed project meets the development standards required under LIA (Land Intensive Agriculture) zoning, including a maximum five percent lot coverage and 35-foot building height. Five percent lot coverage on 58.65 acres allows a total building footprint area of 127,739 square-feet. The proposed building footprint is the total development size, 61,993 square-feet, less the main building's upper floor and tasting level, 10,663 square-feet, which is 51,330 square-feet and well within the maximum lot coverage limitation. Additionally, the main winery building and proposed accessory structures are under the 35-foot height limit and far exceeding minimum setback requirements from the side and rear property lines per LIA zoning standards.

Scenic Corridor

The project is subject to additional setback requirements set forth under Code Section 26-64-030 for Scenic Corridors. State Highway 12/121 is a designated Scenic Corridor and requires a 200-foot minimum setback for new development measured from the roadway centerline. The project locates the proposed winery facility 275 feet from the property frontage exceeding the minimum setback requirement from the Highway centerline. The Design Review Committee has reviewed the project site design and architecture and forwarded comments in favor of its design compatibility with the Scenic Corridor. The attached conditions of approval require DRC review of final exterior finish treatments, planting selections, and lighting details to ensure scenic corridor compatibility and conformance with County design standards prior to winery construction.

Additionally, the project proposes to reconstruct two nonconforming agricultural buildings within the 200-foot scenic corridor setback. Current nonconforming provisions under section 26-94-020 provides that any legal nonconforming agricultural structure destroyed by fire, explosion, Act of God, (etc.), may be rebuilt on the original foundation footprint. Reconstruction of these two buildings as proposed is subject to and consistent with this provision.

Riparian Corridor

The riparian corridor (RC) designation refers to the drainage channel located at the far northwest corner of the site on the northern side of the property. The proposed winery is over 1,000 feet away from this location on the opposite south-facing side of the property.

Agricultural Processing and Tasting Room Facilities

Zoning Section 26-18-030 allows for the processing of agricultural products grown off-site in accordance with General Plan Policy AR-5g. Section 26-18-210 allows for approval of tasting room facilities not requiring sewer or water service extension in accordance with General Plan

Policies AR-6d and AR-6f. The proposed project is consistent with the zoning standards required for agricultural processing and tasting room facilities within the LIA Zoning District under Code Sections 26-18-030 and 26-18-210. The proposed production winery and tasting room activities do not require an extension of sewer or water service consistent with General Plan Policy AR-6d, and the proposed operation will not result in an overconcentration of incompatible visitor-serving or agricultural support uses that may otherwise be detrimental to primary agricultural use of the surroundings.

Winery Standards

In 2023, the Board of Supervisors adopted a Winery Events Ordinance No. 6404 (Sec. 26-18-260 “Winery Definitions and Standards”) establishing use and activity standards for wineries, tasting rooms, and winery events. The project demonstrates consistency with the standards established under the ordinance. Sizing of the proposed events is based on site constraints and surrounding uses, including, septic capacity, available water supply, emergency access, availability of on-site parking, noise attenuation, increased risk of harm to people or property as a result of hazards, and the potential for negative cumulative effects related to noise, traffic, and water supplies.

On-Site Parking

The proposed parking plan meets the on-site parking requirements under section 26-18-260 by providing 42 spaces for daily tasting operations and 48 overflow spaces for peak visitor demands and events. The County’s winery standards for on-site parking require one (1) space per two and one-half (2.5) guests, plus one (1) space per employee. The winery standards further require that the provision of overflow spaces not be counted toward accommodating visitor serving activities for the winery.

For typical daily tasting operations under the proposed project, including with 15 employees and approximately 65 daily visitors on average, the on-site parking requirement is 41 spaces. For peak demands such as a large 200-person event with 6 employees or an industry-wide event during normal tasting hours with up to 135 daily visitors and 15 employees, the on-site parking requirement ranges between 69 and 86 spaces. The total provision of 90 parking spaces as proposed is therefore sufficient to accommodate daily visitor operation and peak demands for the project.

Additionally, Staff recommends the applicant identify specific measures as part of the required traffic management plan addressing potential conflicts in parking availability between daily tasting operations and large events, such as scheduling planned closures of the tasting room should a large non-industry event be held during regular tasting hours.

Noise Attenuation Setbacks

Table 18-2 under Zoning Section 26-18-260 establishes required noise attenuation setbacks for proposed winery facilities. The setback requirement is measured from the exterior property line

of the adjacent sensitive land use to any outdoor gathering areas or areas involving amplified music of the project, as follows:

450 feet	Parking lots
625 feet	Outdoor gathering areas or non-amplified music
1,600 feet	Outdoor areas involving amplified music

No outdoor gathering areas or outdoor amplified music is proposed for the project. The nearest residential uses are located on opposite sides of the Highway to the south and across Napa Road to the east. The distance from the lower parking level to the exterior property line of the adjacent southerly parcel containing one dwelling unit across Highway 12/121 is 465 feet, meeting the 450-foot minimum setback requirement. The distance from the parking area to exterior property line of the adjacent easterly parcel containing four dwelling units across Napa Road is over 1,000 feet, also meeting the required noise attenuation setback.

Hours of Operation

Staff finds the proposed winery, tasting room, and agricultural promotional events are consistent with Sec. 26-18-260 operating standards for hours of operation, parking, food service, traffic management, and noise. New winery applications subject to Sec. 26-18-260 are limited to industry wide events occurring between the hours of 10:00 am and 5:00 pm. Additionally, the attached conditions of approval require that the tasting room and event operations serve and promote local agricultural products in the tasting room and during events in accordance with the applicable Agricultural Resources policies discussed in the preceding *General Plan Consistency* section.

Environmental Analysis

The proposed project is subject to environmental review and an initial study supporting findings in favor of a Mitigated Negative Declaration (MND) has been completed in accordance with the California Environmental Quality Act (CEQA) and CEQA Review Guidelines, California Code of Regulations. The Mitigated Negative Declaration supports that project impacts can be mitigated to a less than significant level and was published for public review on December 6, 2024.

The 30-day public review period and opportunity for agency comments closed on January 6, 2025. The California Department of Transportation (Caltrans) forwarded its response to the MND. The Caltrans response outlines encroachment permit requirements for anticipated site access improvements interfacing with the State right-of-way along Highway 12/121. The Caltrans comments have been incorporated into the conditions of approval for the project. No other agency comments or responses to the MND public review period have been received.

The MND finds that potential environmental impacts have been fully mitigated to less-than-significant levels. Mitigation measures for these potential impacts are detailed in the Mitigated

Negative Declaration and have been incorporated into the conditions of approval. For more detailed analysis on the topic areas subject to Mitigation, please refer to the corresponding CEQA Initial Study sections and Source References containing links to project-specific technical reports within the attached Mitigated Negative Declaration:

Source References:	Section 7. Geology and Soils
Section 1: Air Quality	Section 13. Noise
Section 4: Biological Resources	Section 18. Tribal Cultural Resources
Section 5. Cultural Resources	

NEIGHBORHOOD/PUBLIC COMMENTS

Sonoma Valley Citizens Advisory Committee

The SVCAC advisory comments on the current proposal are recorded in the minutes of its July 25, 2023, meeting with the applicant. The minutes indicate the Committee generally supports the reductions in production scope and building scale while expressing concern over uncertainties related to visitor traffic, adequate site access, ground water availability, and the overall cumulative impact of winery overconcentration in Sonoma Valley. The minutes do not offer specifics as to which details of the project scope remain uncertain as it may relate to these areas of concern.

Staff notes the SVCAC rational basis for concern presumably relies on applying its adopted advisory guidelines for new wineries.. The SVCAC adopted advisory guidelines are based on unique conditions to its area of concentration. The purpose of the guidelines is to provide guidance to winery applicants on the design of their projects, as well as a local framework for advisory body review and evaluation of use permit applications for new visitor serving agricultural uses. Though advisory only, the SVCAC guidelines and recommendation is important to inform the application submittal, review, and decision-making process

Staff notes the preceding analysis sections under *General Plan Consistency* sufficiently weigh the project scope against applicable County policies and standards for permitting winery related uses and development on agricultural lands. Specifically, the analysis covering water demand, visitor traffic, noise, and local concentration addresses the SVCAC topics at issue and adequately supports the staff recommendation for approving the project subject to attached conditions. Additionally, the *General Plan Consistency* analysis specifically looks at what constitutes “overconcentration” under the SVCAC adopted advisory guidelines and concludes that the project is clearly outside that criteria.

In summary, the project does not result in what SVCAC guidelines define as “overconcentration” because only one other winery exists within 1.49 miles of the project. The SVCAV guidelines define “overconcentration” as more than two wineries existing within 0.5 miles. Staff has prepared an

exhibit identifying the surrounding winery establishments and showing those geographic proximities to the project at Attachment 5.

As of January 29, 2025, no further public comments have been received.

RECOMMENDATION

Permit Sonoma recommends that the Board of Zoning Adjustments adopt the Mitigated Negative Declaration, consider issuing an interpretation regarding the applicability of Uniform Rule 8.3, and approve the Use Permit and Design Review request subject to conditions of approval as attached, or as otherwise modified by the BZA.

ATTACHMENTS

1. Draft BZA Resolution
2. Exhibit A. Draft Conditions of Approval
3. Interpretation Request
4. General Plan Policies Exhibit
5. Surrounding Wineries Exhibit
6. Project Proposal Statement
7. Project Design Plans
8. Mitigated Negative Declaration