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**COUNTY OF SONOMA**  
**PERMIT AND RESOURCE MANAGEMENT DEPARTMENT**

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**DATE:** April 28, 2009 at 2:30 p.m.

**TO:** Board of Supervisors

**FROM:** Sigrid Swedenborg, Project Planner

**SUBJECT:** UPE05-0090, Hall and Bartley for Michel-Schlumberger Partners LP

**Action of the Board of Zoning Adjustments:**

At its regularly scheduled meeting on May 22, 2008, the Board of Zoning Adjustments, with a 5-0 vote, approved the request by Hall and Bartley, for owner Michel-Schlumberger Partners LP, for a Use Permit to add public tasting and 12 special events per year with a maximum of 150 people and three events with a maximum of 500 people to an existing winery located at 4155 Wine Creek Road, Healdsburg; APN 090-110-019; Zoned LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion); Supervisorial District 4.

On June 2, 2008, an appeal of the decision was filed with the Board of Supervisors by Lea and Alejandro Zaffaroni.

**Background:**

On November 10, 1982, the Sonoma County Board of Zoning Adjustments (BZA) approved a Use Permit, UP10376, for a winery with a maximum annual production capacity of 12,000 cases. In 1985 that Use Permit was modified to allow a production capacity of 25,000 cases. No public tasting or special events were allowed.

In 2005 the applicant requested a Use Permit for public tasting and 15 special events a year. The applicant was required to prepare several studies (hydrogeologic and noise) and elected to have a traffic study done. The BZA conditionally approved that request on May 22, 2008. On June 2, 2008, an appeal of the BZA decision was filed with the Board of Supervisors by Leah and Alejandro Zaffaroni. Issues raised with the appeal included potential environmental impacts, including traffic, noise, and light, and neighborhood compatibility.

The item was scheduled for a hearing with the Board of Supervisors on July 15, 2008. Prior to the Board's hearing, staff had a conversation with the applicant about the winery's internet site's listing of events and the discrepancy between advertised and requested events. The applicant requested a continuance of the hearing before the Board so that the issue of special events could be clarified. The hearing was not opened.

The applicant modified their request, revising the number of annual special events and

attendees to 40 events with up to 50 participants and six events with up to 200 participants. They also requested the ability to participate in seven industry-wide events a year, to be held during normal tasting room hours.

The applicant submitted the revised request and a Board of Supervisors hearing was rescheduled to February 10, 2009. However, just before that hearing, the applicant requested a continuance to further clarify issues regarding events at the winery.

The applicant again modified their request, reducing the number of requested annual special events and attendees to five events with up to 50 participants and five events with up to 200 participants. The applicant's revision is to legalize the larger events (greater than 35 people) currently taking place at the winery. The smaller events (less than 35 people) are not regulated as they fall below the BZA interpretation of the criteria regarding special events (i.e. 35 or more participants) would continue as part of the winery's general operations under the existing Use Permit. As a result, a determination was made that the Mitigated Negative Declaration needed to be revised with the new project description.

### **ISSUES DISCUSSED AT THE PUBLIC HEARING**

#### **Issue #1:** Special Events

The winery's web site lists many events currently occurring at the winery. The first project description included 12 special events per year with a maximum of 150 people and three events with a maximum of 500 people. However, the website for the winery lists numerous events including: the Courtyard Music Series every Friday night at 5:30 p.m. to 8:00 p.m., from the end of May to the end of October; A Wine and Food Affair; Estate Kitchen Series; Cheese and Wine Pairing every weekend; Harvest Luncheon Series; etc. The website also advertises for private events, including weddings, where the facility is rented out.

The BZA questioned staff on the legality of these events. Staff responded that they were not addressed under the current Use Permit and therefore are not allowed. The applicant stated that they have been holding events for many years without incident. The request would not increase events over what they have currently, they only want to memorialize the ability to have events. The BZA was concerned about the scheduled events related to timing of the condition requiring off-site road improvements. One Commissioner stated that they should consider alternatives that allow the events while the improvements are going on, but not allow public tasting until the conditions related to road improvements have been met.

The BZA was reluctant to approve events with 500 attendees. The applicant stated that people come and go all day for those large events; 500 people are not on-site at one time. The BZA determined it appropriate to condition the project with an allowance for special events to be limited to a two-year term unless the road improvements are completed and/or the Use Permit is reviewed and modified.

Following the BZA approval, the discrepancy between the project request and advertised events on their website became a substantial issue and the applicant wanted to rectify the discrepancy and clarify the request before the project was to be heard by the Board of Supervisors.

The applicant revised the project request to include 40 events with up to 50 participants and six events with 200 participants, annually. A hearing was scheduled with the Board of Supervisors on February 10, 2009.

Meanwhile, the BZA made an interpretation of the definition of cultural event and determined that an event was a large gathering of 35 or more participants.

The applicant requested the ability to review their proposed event calendar with this number. Apparently a large number of their events, such as the Friday Evening Courtyard Music Series, have less than 35 participants. The applicant requested a continuance of the February 10, 2009, Board of Supervisors hearing to revise their proposal statement again. The hearing was not opened.

On March 3, 2009, the applicant submitted a revised events schedule and a Board of Supervisors hearing was again scheduled. The revised events schedule for 10 events is as follows:

<u>Event</u>	<u>Attendees</u>	<u>Hours</u>
March Cab Release (2 events)	150	10:00 a.m. to 5:00 p.m.
Earth Day Luncheon	48	11:00 a.m. to 2:00 p.m.
Petanque Party	50	11:00 a.m. to 4:00 p.m.
Fete de la Musique	100	10:00 a.m. to 5:00 p.m.
Wild Pig Party	100	1:00p.m. to 4:00 p.m.
Wine Bench Stargazers Dinner	40	6:00 p.m. to 9:30 p.m.
Bastille Day	40	11:00 a.m. to 4:00 p.m.
Wine Bench Picnic	60	11:00 a.m. to 4:00 p.m.
Holiday Event	48	10:00 a.m. to 5:00 p.m.

Note that only one of these events is scheduled after 5:00 p.m.

The only definition for special events is in the Zoning Code under "Cultural Events," defined as a periodic special event such as a parade, concert, festival, race and gathering which attracts, either by direct participation, or as spectators, a large gathering of people. At a noticed public hearing on February 28, 2008, the BZA interpreted the Zoning Code's definition of "Cultural Event (Section 26-02-140) and they determined an event with less than 35 people does not constitute a "large gathering of people." The Courtyard Music Series has been ongoing for several years, with an average of 28 people (11 trips). Based on the BZA interpretation, these events do not meet the threshold to be included in the total number of permitted events.

**Issue #2:** Road Safety

The BZA discussed Conditions of Approval requiring improvements to the project access road, Wine Creek Road is a public road, although the County only has prescriptive rights over portions of the roadway. Special events (such as are being proposed under this Use Permit) have been occurring for several years at the winery without any reported traffic accidents. Project conditions require widening of roadway vertical curves, improving sight distance, striping

center lines, and construction of two turnouts at narrow areas. The focus is to improve safety, not to rebuild the entire road. In order to complete the roadway work, the applicant will have to obtain approval from the land owners. The BZA understood that the County does not use eminent domain to benefit a private project. The project is conditioned such that, if the applicant can acquire the rights to make safety-related improvements, then public tasting can occur after the road improvements are complete.

One Commissioner questioned if the BZA can approve a Use Permit when the applicant may not be able to acquire the rights to make road improvements. This issue had been discussed with the applicant, who accepted that if he cannot complete the road conditions, he would not be able to have public tasting or special events. However, the applicant could apply for special events annually through the Special Event Zoning Permit process unless otherwise prohibited by Conditions of Approval.

The BZA granted the Use Permit with a two-year review process for possible modifications or possible revocation if the road conditions cannot be met. The approval allowed the events to continue, but the tasting room could not operate without the road work being completed.

### **ISSUES RAISED WITH APPEAL**

#### **Issue #1:** Environmental Impacts

The appellant is concerned about environmental issues including:

Lighting: Increased lighting required for events, ingress or egress, parking in the vineyard, pedestrian safety, or signage will impact the dark, natural setting with light glare.

Staff Comment: No new lighting is proposed. The project is conditioned with a requirement that any new exterior lighting would require Design Review and be low mounted, downward casting and fully shielded to prevent glare. Light fixtures may not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. Lighting must shut-off automatically after closing and security lighting shall be motion-sensor activated.

Disturbance to Wine Creek: Impacts to the creek with respect to increased erosion and runoff.

Staff Comment: With no new construction, there will not be an increase of erosion. It is unlikely that the applicant would allow parking in the vineyards to create erosion. Events would occur during times of the year when the vineyards are not muddy, reducing the potential of erosion.

Traffic: An increase in activities of the proposed magnitude would create unacceptable traffic levels.

Staff Comment: The professional traffic engineers determined that the tasting room would result in an average of eight additional trips a day. This was determined not to be significant if the road improvements were completed. Non-permitted special events have been occurring on-site for many years with no record of accidents.

Adverse aesthetics/visual impacts: The existing visual character of the environment will be degraded by the required the road improvements, create a new source of light intrusion and glare, and require the removal of vegetative screening and fencing that currently provide privacy, soften views between the parcels, and create a barrier to vehicle headlights that shine directly into the residence located at 4106 Wine Creek Road.

Staff Comment: Road improvements will not create a substantial visual impact, no new lights are proposed and no vegetative screening or fencing between the parcels is proposed to be removed.

Noise: The project proposal presents both transportation-related noise increases (traffic noise, backup beeping from trucks, doors slamming) and non-transportation noise increases based on event activities.

Staff Comment: A Noise Study was prepared by a professional acoustical consultant and a determination was made that the proposed use is in conformance with General Plan noise criteria. The Conditions of Approval do not permit amplified sound equipment outside.

**Issue #2:** Project Studies

The appellant is concerned that the studies prepared for the project are inadequate and deficient.

The following studies were prepared for the project:

1. Hydrogeologic Report prepared by Damon Brown of EBA
2. Sound Study prepared by Sound Solutions
3. Focused Traffic Impact Analysis for Michel Schlumberger Wine Estate prepared by W-trans, a traffic engineering firm.

Staff Comment: The appellant has not identified specific deficiencies in these reports nor have they submitted documentation prepared by experts in these fields to dispute the findings of these professionally prepared studies. PRMD and Department of Transportation and Public Works staff have reviewed the studies and concurs with the conclusions.

**Issue #3:** Existing Events in Non-Compliance

The appellant contends that approving a change in permitted uses because they have occurred in the past, in violation of existing permits, is an invalid basis for approval.

Staff Comment: Noise and traffic studies were required to review the potential impact of the special events, even though they have been occurring for many years. A Mitigated Negative Declaration was adopted by the BZA establishing Mitigation Measures to insure that impacts of the proposal are less than significant.

**Issue #4:** Neighborhood Incompatibility

The appellant has stated that there is currently no neighborhood use or activity that is remotely similar to the proposed use and that the proposed use is incompatible with and will adversely impact the tranquil, quiet and rural character of the neighborhood.

Staff Comment: A Use Permit (UPE01-0184) has been granted for another winery, located at 3655 Wine Creek Road, with a maximum annual production capacity of 5,000 cases with tasting by appointment only and three special event weekends on-site. The project proposal requests public tasting at a facility that currently allows tasting by appointment only. The Traffic Study finds that there will be an average of eight trips per day for public tasting. The web site for the winery states that tours are available at 11:00 a.m. and 2:00 p.m. daily, by appointment only.

**STAFF CONCLUSION**

The revised project description is in substantial compliance with the previous analysis, including noise and traffic. No new impacts have been identified with the modification in event numbers.

**List of Attachments:**

Draft Board of Supervisors Resolution

EXHIBIT A: Draft Conditions of Approval

EXHIBIT B: Appeal Form

EXHIBIT C: Event Revision Request

EXHIBIT D: Response to Comments to Traffic Impact Analysis from W-Trans dated March 2, 2009

EXHIBIT E: Board of Zoning Adjustments Resolution No. 08-013

EXHIBIT F: Board of Zoning Adjustments Minutes dated May 22, 2008

EXHIBIT G: Board of Zoning Adjustments Staff Report May 22, 2008

EXHIBIT H: Letters from Neighbors

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Separate attachment for Board of Supervisors: Revised Mitigated Negative Declaration dated March 11, 2008

# SONOMA COUNTY BOARD OF SUPERVISORS

## EXHIBIT A

### Draft Conditions of Approval

**Date:** April 28, 2009 **File No.:** UPE05-0090  
**Applicant:** Hall and Bartley c/o Scott Bartley **APN:** 090-110-019  
**Owner:** Michel-Schlumberger Partners LP  
**Address:** 4155 Wine Creek Road, Healdsburg

**Project Description:** Request for a Use Permit to add public tasting and special events to an existing 22,444 square foot winery.

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**Prior to commencing the use, evidence must be submitted to the file that all of the following pre-operational conditions have been met.**

#### **BUILDING:**

1. The applicant shall apply for and obtain building related permits from the Permit and Resource Management Department (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
2. Prior to initiation of the approved use, the project shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the PRMD Building Division. Such accessibility requirements shall apply to all new construction and remodeling and, where required by the CBC, to retrofitting of the existing structure.

#### **HEALTH:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

#### **PRIOR TO PROJECT OPERATION:**

##### Water:

3. Prior to project operation, the applicant shall cause the proposed water supply system to be evaluated for potential contamination or pollution via backflow by an American Water Works Association certified Cross Connection Control Specialist. The recommendations for cross connection control shall, at a minimum, meet the requirements of the 1998 California Plumbing Code and subsequent editions adopted by Sonoma County. A copy of the report must be submitted to the Project Review Health Specialist for review. Backflow prevention devices shall be installed as necessary.
4. Prior to project operation, provide the Project Review Health Specialist with the bacteriological (E. Coli and total coliform) and arsenic analysis results of a sample of your water tested by a California State-certified lab. If the analysis shows contamination, the applicant will be required to treat the well per County requirements and re-test the well. If the contamination cannot be cleared from the well, destruction under permit of this department may be required. Copies of all laboratory results must be submitted to the Project Review Health Specialist.
5. Prior to the project operation, apply for a water supply permit from the State Health Department, Office of Drinking Water if more than 25 persons per day for 60 days within a year are served by the water system. (This process should begin as soon as possible, as the application, plan check and sampling may take some time.) Copies of the approval letter must be submitted to the Project Review Health Specialist, or the Office of Drinking Water may email approval directly to PRMD.
6. If a water supply permit is required, then the water supply well is required to have a 50-foot annular seal (the well drilled under WEL96-0066 shows a 50-foot seal in the driller's report).
7. Prior to project operation, any new or existing water well serving the activities authorized under this Use Permit shall be fitted with a water meter and a groundwater level measuring tube and port, or electronic groundwater level measuring device.

8. Prior to project operation, an easement is required to be recorded for this project to provide Sonoma County personnel access any on-site water well and any monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All easement language is subject to review and approval by PRMD Project Review and County Counsel prior to recordation.

Septic:

9. Prior to commencing public tasting and special events, the applicant shall have an analysis made by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources, including employees, wine tasting visitors and special event attendees. Any necessary system expansion or modifications shall be done under permit and the current standards from the Well and Septic Section of PRMD and may require both soils analysis and percolation testing. The Project Review Health Specialist shall receive a final clearance from the district specialist that all required septic system testing and design elements have been met.
10. All future sewage disposal system repairs shall be completed in the designated reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area.
11. Toilet facilities shall be provided for patrons and employees. A copy of the floor plan showing the location of the restrooms shall be submitted to Project Review Health prior to project operation.

Consumer Protection:

12. Prior to project operation, plans and specifications for any retail food facility must be submitted to, and approved by, the Environmental Health Division of the Health Services Department. Contact the Environmental Health Division at 565-6544 for information. The PRMD Project Review Health Specialist shall receive a letter of approval from the Environmental Health Division to verify compliance with requirements of the California Uniform Retail Food Facility Law (CURFFL).

Solid Waste:

13. Prior to any building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the Building Plan Check Section of PRMD. (Fees may apply.) Note that trash trucks must have at least a 32-foot turning radius at the trash enclosure and the dumpster must have 16 feet of overhead clearance. Please note that the Local Enforcement Agency (at Environmental Health) bills at an hourly rate for enforcement of violations of the solid waste requirements.

**OPERATIONAL REQUIREMENTS:**

14. The property owner or lease holder shall have the backflow prevention assembly tested by an American Water Works Association certified Backflow Prevention Assembly Tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter.
15. A safe, potable water supply shall be provided and maintained.
16. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this site for all activities authorized by Use Permits on this site shall be monitored quarterly and reported to PRMD in January of the following year pursuant to section RC-3b of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance.
17. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to PRMD Project Review at least once every five years.

Septic:

18. Maintain the annual operating permit for any alternative (mound or pressure distribution) or experimental septic system installed per Sonoma County Code 24-32, and all applicable waste discharge requirements set by the Regional Water Quality Control Board.

Hazardous Materials Program:

19. Comply with applicable hazardous waste generator, underground storage tank, above ground storage tank and AB2185 (Hazardous Materials Handling) requirements and maintain any applicable permits for these programs from the Hazardous Materials Division of Sonoma County Department of Emergency Services.

Consumer Protection:

20. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving food at any tasting room activity or special event.

Noise:

21. Noise shall be controlled in accordance with the following as measured at the exterior property line of any affected residential or sensitive land use:

<b>Hourly Noise Metric<sup>1</sup>, dBA</b>	<b>Daytime (7 a.m. to 10 p.m.)</b>	<b>Nighttime (10 p.m. to 7 a.m.)</b>
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.

Limit exceptions to the following:

- a. If the ambient noise level exceeds the standard in Table NE-2, adjust the standard to equal the ambient level, up to a maximum of 5 dBA above the standard, provided that no measurable increase (i.e. +/- 1.5 dBA) shall be allowed.
- b. Reduce the applicable standards in Table NE-2 by five dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as pile drivers and dog barking at kennels.
- c. Reduce the applicable standards in Table NE-2 by 5 decibels if the proposed use exceeds the ambient level by 10 or more decibels.
- d. For short term noise sources which are permitted to operate no more than six days per year, such as concerts or race events, the allowable noise exposures shown in Table NE-2 may be increased by 5 dB. These events shall be subject to a noise management plan including provisions for maximum noise level limits, noise monitoring, complaint response and allowable hours of operation. The plan shall address potential cumulative noise impacts from all events in the area.
- e. Noise levels may be measured at the location of the outdoor activity area of the noise sensitive land use, instead of the exterior property line of the adjacent noise sensitive land

use where:

- 1) The property on which the noise sensitive use is located has already been substantially developed pursuant to its existing zoning, and
- 2) There is available open land on those noise sensitive lands for noise attenuation.

This exception may not be used on vacant properties which are zoned to allow noise sensitive uses.

22. Special events shall be limited to the hours of the Daytime Noise Standard found in the Noise Element of the Sonoma County General Plan (currently 7:00 a.m. to 10:00 p.m.). No events allowing the patrons to reside on the premises overnight are authorized by this Use Permit.
23. No outdoor sound amplification equipment shall be permitted. Noise shall be controlled in accordance with the standards set in the Noise Element of the Sonoma County General Plan.

Mitigation Monitoring: Any noise complaints will be investigated by PRMD staff. If such investigation indicates the appropriate noise standard levels have been or may be exceeded, the permit holders shall be required to install, at their expense, additional professionally designed noise control measure(s). Failure to install the additional noise control measure(s) will be considered a violation of the use permit conditions. If noise complaints continue, PRMD shall investigate complaints. If violations are found, PRMD shall seek voluntary compliance from the permit holder and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate. No outdoor entertainment or outdoor sound amplification equipment shall be permitted.

#### TRANSPORTATION AND PUBLIC WORKS:

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

24. Prior to having public tasting on site, the intersection of West Dry Creek Road with Wine Creek Road shall be reconstructed to a width, with appropriate pavement returns, to insure that right-turn movements from southbound West Dry Creek Road onto Wine Creek Road do not encroach into opposing lanes. Stopping sight distance shall be provided for a design speed of 30 miles per hour. Special events are limited to a two year term unless the road improvements are completed and/or the Use Permit is reviewed and modified.
25. The Department of Transportation and Public Works (DTPW) has identified segments of Wine Creek Road that require widening for safe passing, or sight distance improvement. Prior to having public tasting on site, the required improvements shall be constructed at the locations listed below. Stopping sight distance shall be provided for a design speed of 25 miles per hour. The engineer shall define an appropriate design vehicle and design all widened pavement to accommodate the design vehicle wheel path. All new pavement shall have sufficient section to provide for a Traffic Index of 7.5.

<u>Approx. Post Mile</u>	<u>Issue (Corrective action needed)</u>
11.36	Vertical curve (widen crest to 18 feet and stripe centerline)
11.31	Sight distance through horizontal curve (provide stopping sight distance or widen to 18 feet and stripe centerline)
11.24	Narrow road (construct turnout)
11.16	Vertical curve (widen crest to 18 feet and stripe centerline)
11.10	Narrow road (construct turnout)

Note: The post mile (P.M.) at the intersection of West dry Creek Road and Wine Creek Road = 11.41

Mitigation Monitoring: The tasting room may not be opened for public tasting until the road work is done. The road work must be completed to the satisfaction of the Sonoma County DTPW. Prior to operation of the tasting room the road work must be inspected and approval must be obtained from DTPW and PRMD. This Use Permit cannot be vested and will become void unless the road improvement conditions have been met.

26. To create and preserve clear sight triangles at the winery entrances, all sight obstructions including, but not limited to, trees, brush, fencing and other structures located within each sight triangle shall be removed from the applicant's frontage with Wine Creek Road subject to the review and approval of DTPW and prior to the commencement of public tasting and special events. The minimum length of each leg of the triangles shall be in accordance with AASHTO recommendations.
27. All gates on the developer's frontage with Wine Creek Road shall be located a minimum distance of 30 feet from the edge of the traveled way, in accordance with Sonoma County Mandatory Fire Safe Standards, Section 13-38.
28. The developer shall install traffic control devices as required by the DTPW, including items such as traffic signs, roadway striping, pavement markers, etc.
29. All improvements shall be constructed in accordance with the DTPW Road Policy.
30. The developer shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these Improvement Plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24-inch by 36-inch sheets for review. The plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
31. Plan checking fees and inspection fees, including those involving off-site frontage improvements, shall be paid to PRMD, prior to signature of the Improvement Plans by the County Engineer in the DTPW.
32. Prior to issuance of any permit which results from approval of this application, a development fee (Traffic Mitigation Fee) shall be paid to the County of Sonoma, as required by Section 26, Article 98 of the Sonoma County Code.
33. The developer shall submit Improvement Plans for all required improvements to the Office of the County Surveyor in PRMD for review and approval. The County Engineer in the DTPW shall sign the Improvement Plans prior to the issuance of a grading, building or encroachment permit.
34. The developer shall obtain an encroachment permit from PRMD prior to constructing any improvements within County road right-of-way.
35. Prior to occupancy of any new building or new use of an existing building which result from this application, the developer shall complete construction of all the required public improvements.
36. The applicant shall complete an "Event Schedule" form and submit said form to the Sonoma County DTPW for review prior to clearance of these conditions.

**PLANNING:**

"The conditions below have been satisfied" BY \_\_\_\_\_ DATE \_\_\_\_\_

37. This Use Permit allows an existing 22,444 square foot winery with a maximum annual production capacity of 25,000 cases to have public tasting, participate in seven industry wide events and

have five special events with up to 50 participants and five events with up to 200 participants annually. The tasting room may operate only if the road improvements are completed. The special events are limited to a two year term, unless this Use Permit is modified or all road improvements are completed. Hours of operation for the tasting room are between 10:00 a.m. and 5:00 p.m., seven days a week. All special events must cease by 9:30 p.m. This Use Permit (UPE05-0090) shall supercede all prior Use Permits (including UP10376) upon implementation of the events or when all the pre-operational conditions have been met and this Use Permit is vested. The use shall be operated in accordance with the proposal statement and revised event schedule dated March 2, 2009, and site plan located in File No. UPE05-0090 as modified by these conditions.

39. Within five working days after project approval, the applicant shall pay a mandatory Notice of Determination filing fee of \$50 (or latest fee in effect at time of payment) for County Clerk processing, and \$1,993.00 (or latest fee in effect at the time of payment) because a Negative Declaration was prepared, for a total of \$2,043.00 made payable to Sonoma County Clerk and submitted to PRMD. If the required filing fee is not paid for a project, the project will not be operative, vested, or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code.) NOTE: If the fee is not paid within five days after approval of the project, it will extend time frames for CEQA legal challenges.
40. The days and hours for special events shall be subject to review and approval by a Special Events Coordinator or similar program established by the County or at the County's direction. The applicant shall submit to the County an annual request and schedule for special events for each calendar year including the maximum number of participants, times and dates. The applicant shall contribute, on an annual basis, a fair share towards the cost of establishing and maintaining the program. The program should consider the fairness for long-established uses and establish reasonable costs for managing the program.
41. The following types of food service are allowed under this permit:
  - a. Samples or tastes of pre-prepared food featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
  - b. Samples or tastes from cooking demonstrations featuring local foods and food products offered in conjunction with wine tasting, marketing or promotional activities, or charitable events.
  - c. Appetizers or meals featuring local foods and food products offered in conjunction with charitable events or weddings/special events.
  - d. Appetizers or meals featuring local foods and food products offered in conjunction with marketing or promotional activities not open to drop-in guests or noticed to the general public.
  - e. Retail sales of pre-prepared food not associated with the activities described in a), b), c), and d) above, is allowed subject to the following limitations:
    - 1) Retail sales of pre-prepared food shall be permitted only during tasting room hours as approved by this permit.
    - 2) Retail sales of pre-prepared food shall be for on-site consumption only.
    - 3) No restaurant or deli service is provided.
    - 4) No indoor seating area or table service is permitted in conjunction with retail sales of pre-prepared food. Outdoor seating areas are permitted for use as outdoor picnic areas.

- 5) No off-site signs advertising retail sales of pre-prepared food shall be allowed. However, one exterior on-site sign shall be permitted, subject to design review.

No other food service, including, without limitation, retail sales of cooked-to-order food, shall be allowed under this permit.

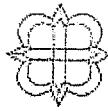
42. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of PRMD or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.
43. The Director of PRMD is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to PRMD demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. PRMD shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by PRMD are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from PRMD, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

44. No winery or event related parking is allowed on Wine Creek Road.
45. Any new exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights shall not be permitted. Lighting shall shut off automatically after closing and security lighting shall be motion-sensor activated.
46. A Use Permit must be obtained for any off-site signs.
47. Prior to conducting any events, the applicant shall apply for a Use Permit revision in order for the County to review public tasting, special events, and compliance with all conditions including the requirement for roadway improvements and may modify or revoke Use Permit.
48. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if:  
(a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) year after the date of the granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

*Michel-Schlumberger Wine Estate*



April 6, 2009

To: Members of the Sonoma County Board of Supervisors

The following list is typical of events which have taken place at Michel-Schlumberger Wine Estate since 1990:

Charitable and Fundraising Events

- Redwoods Summer Music Festival (100 attendees)  
Chamber music concerts which took place once each summer 1992-1997.  
Charitable event to benefit Santa Rosa Symphony.
- Classical Jazz Quartet (approximately 60 attendees)  
Santa Rosa Symphony League charitable event to benefit the Santa Rosa Symphony. 2004 - 2007
- Dinner and Chamber Music (40 attendees)  
Fundraiser to benefit the Green Music Center.
- Lomi Psychotherapy Clinic dinner (approximately 100 attendees)  
Charitable event to benefit programs at the Lomi Clinic. 2003 and 2008
- Fundraisers for the Healdsburg Education Foundation (approximately 60 attendees). 2007 - 2009. Ongoing.
- Fundraisers for Listening for a Change 100-130 attendees). 2000 - 2009.  
Ongoing.
- Dry Creek Valley Association Annual Picnic (60-80 attendees). Three times since 1992.

Press, Trade, Marketing and Sales Events

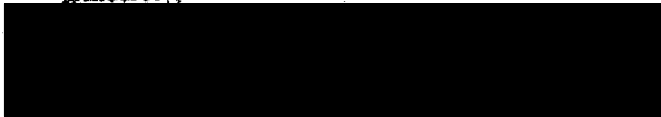
- Press/Trade tastings with members of Winegrowers of Dry Creek Valley (approximately 100 attendees). Three times since 1996.
- Fête de la Musique (approximately 130 attendees). Annual Event since 2006.
- Annual Wine Industry Open House (approximately 70 attendees). Since 2000.

MICHEL-SCHLUMBERGER WINE ESTATE 4155 WINE CREEK ROAD, HEALDSBURG, CALIFORNIA 95448  
PHONE 800.447.3060 FAX 707.433.0444 wine@michelschlumberger.com www.michelschlumberger.com

- Wine Bench Annual Picnic (65-250 attendees)  
This is an annual event for our wine club in June. In the late 1990's as many as 250 people attended. In recent years we have reduced the scope of this event. In the last 3 years 65-70 people have attended. Michel-Schlumberger has hosted this event since 1992.
- Corporate meetings, seminars and catered luncheons (20-45 attendees). Two annually since 1995.

The foregoing is a sample of events which have taken place at Michel-Schlumberger over the years. I would be happy to provide clarification if requested.

Sincerely,



Jacques Pierre Schlumberger  
Chairman - CEO

**Michel-Schlumberger  
Events Schedule**

Hall & Bartley  
Project No. 0510

<b>Current Functions</b>	<b>Public</b>	<b>Wine Bench Members Only</b>	<b>Number of Events/Yr.</b>	<b>Number of Attendees</b>	<b>Hours</b>
March Cab Release	Yes		2	150	10am-5pm
Earth Day Luncheon	Yes		1	48	11am-2pm
Petanque Party	Yes		1	50	11am-4pm
Fete de la Musique	Yes		1	100	10am-5pm
Wild Pig Party	Yes		1	100	1:00-4:00pm
Wine Bench Stargazers Dinner		Yes	1	40	6:00-9:30pm
Bastille Day		Yes	1	40	11am-4pm
Wine Bench Picnic		Yes	1	60	11am-4pm
Holiday Event		Yes	1	48	10am-5pm
			<b>Number of Events/Yr.</b>	<b>Number of Attendees</b>	
<b>Original Requested Events in UP</b>					
Medium Events			12	150	
Large Events			3	500	
			<b>Total Attendees</b>	<b>3300</b>	
<b>Revised Request (Based on Above)</b>					
Small Events			5	50	
Medium Events			5	200	
			<b>Total Attendees</b>	<b>1250</b>	

Resolution Number 08-013

County of Sonoma  
Santa Rosa, California

May 22, 2008  
UPE05-0090 Sigrid Swedenborg

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,  
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A  
MITIGATED NEGATIVE DECLARATION AND GRANTING A USE  
PERMIT TO MICHEL-SCHLUMBERGER PARTNERS LP, FOR  
PROPERTY LOCATED AT 4155 WINE CREEK ROAD,  
HEALDSBURG; APN 090-110-019.

WHEREAS, the applicant, Hall and Bartley, for owner Michel-Schlumberger Partners LP, filed a Use Permit application with the Sonoma County Permit and Resource Management Department to add public tasting and special events to an existing winery located at 4155 Wine Creek Road, Healdsburg; APN 090-110-019; Zoned LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion); Supervisorial District No 4; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on May 22, 2008, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The proposal is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan objectives including, but not limited to Objective AR-1.1 which states, "Create and facilitate opportunities to promote and market agricultural products grown or processed in Sonoma County."
2. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows for tasting rooms under Section 26-04-020 of the Zoning Ordinance.
3. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. Conditions for improvements along Wine Creek Road and at the intersection with West Dry Creek Road will increase safety so new traffic generated by the tasting room will have less than significant impacts.
  - b. No outdoor entertainment or outdoor sound amplification equipment is permitted.

- c. The use has been operating for 16 years without complaints related to the special events.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Board of Zoning Adjustments certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Board.

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

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner Alberigi, who moved its adoption, seconded by Commissioner Civian, and adopted on roll call by the following vote:

Commissioner Williams	Aye
Commissioner Feibusch	Aye
Commissioner Civian	Aye
Commissioner Furch	Aye
Commissioner Alberigi	Aye

Ayes: 5      Noes: 0      Absent: 0      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.



# Sonoma County Board of Zoning Adjustments Minutes

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

Date: **May 22, 2008**  
Meeting No.: **08-009**

## ROLL CALL

### Commissioners

Bob Williams  
Marcel Feibusch  
Jeff Civian  
Rue Furch  
Pam Alberigi, Chair

### Staff Members

Jennifer Barrett  
Steve Padovan  
Blake Hillegas  
Sigrid Swedenborg  
Cynthia Demidovich  
Susan Dahl  
David Hurst, Chief Deputy  
County Counsel

## REGULAR CALENDAR

**Call to order:** 1:05 p.m.

**Approval of Minutes:** Minutes from March 27, April 10, and April 17 were approved.

**Public Appearances for items not on the Agenda:** None

<b>Item No. 3</b>	<b>Time:</b>	<b>1:45 p.m.</b>	<b>File:</b>	<b>UPE05-0090</b>
	<b>Applicant:</b>	<b>Hall and Bartley</b>	<b>Staff:</b>	Sigrid Swedenborg
	Env. Doc.:	Mitigated Negative Declaration		
	Proposal:	Request for a Use Permit to add public tasting and special events to an existing winery.		
	Location:	4155 Wine Creek Road, Geyserville		
	APN:	090-110-019	Sup. Dist:	4
	Zoning:	LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion)		

**Sigrid Swedenborg** summarized the written staff report which is incorporated herein by reference. Two new conditions were added; one prohibits parking on Wine Creek Road, and the other requires any new lights to be fully shielded. A Use Permit will be required for directional signs that are located off site.

**Public Hearing Opened:** 4:00

**Speakers: Scott Barkley**, architect, thanked staff for their efforts. The winery has had a Use Permit since the 80's, and there have never been complaints or reports of accidents on the road. There are no proposed changes to the facility. The traffic study showed an increase of 8 trips a day, and found that five areas of the road need to be fixed. Improvements would have to be made at Wine Creek Road and West Dry Creek Road.

**Jacques Schlumberger**, owner, said that the winery is on a narrow back road, and they only hope to capture traffic that already is on the road. They do not foresee a significant increase in traffic. He tries to be considerate of his neighbors. Schlumberger produces a world class wine, and plans to be organically certified next year. Schlumberger said he tries to be a good steward of the land.

**Karl Kowalski**, nearby neighbor, likes the owners of the winery, but opposes opening the winery to the public for traffic and noise reasons. He asked that the permit stay as is, and complained that he did not receive a notice of the hearing.

**Scott Bartley** said the applicant thought that special events were allowed under their 1982 Use Permit. The applicant does not intend for the winery to become a major tourist attraction, and for those events of 150 people, all parking will be provided on site in paved areas.

**Public Hearing Closed:** 4:20

**Commission Discussion: Commissioner Williams** asked whether the list of special events from the winery website are allowed under the existing use permit. **Staff Swedenborg** said that, although the winery has been holding them, they are not addressed under the current permit. There is no public tasting, so it is likely that no events are allowed. **Deputy Director Barrett** explained that the Code is permissive, and if something is not listed, then it is not allowed. If the current permit is approved, events will not be allowed until the road improvements are complete. **Deputy Director Barrett** indicated that this is a big problem, for many events proposed on inadequate roads. If Public Works does not have right-of-way, the County does not use eminent domain to benefit a private project. Additionally improvements that have to be done occur on other people's properties. If an applicant can acquire the rights to make safety-related improvements, then public tasting can occur after the improvements are complete. This does not apply to winery staff.

**Counsel Hurst** asked **Kevin Howze** to explain the right-of-way. **Howze** explained that the right-of-way is prescriptive, and the County has no fee title for the 40 foot right-of-way. They can maintain the existing road, but expansion would require acquisition from adjoining property owners.

**Commissioner Furch** wondered what the County's liability was in regards to the road if it was not built to standards. **Counsel Hurst** asked what the road improvements were. **Staff Swedenborg** said that Condition 25 requires widening the vertical curves, improved sight distance, striped center lines, and construction of two turnouts at narrow areas. The focus is to improve safety, not redo the entire road.

**Commissioner Alberigi** said that the situation was a "Catch 22," and asked how the Commission can recommend approval of a Use Permit when the applicant may not be able to acquire the rights to make road improvements. **Staff Swedenborg** said that she had discussed it with the applicant, who accepted that if he cannot complete the road conditions, he won't get the expanded Use Permit. **Deputy Director Barrett** added that the use permit would give the applicant the time and ability to work with the neighbors for the next couple of years to try to get the access, and the neighbors have shown some willingness to cooperate. If he does not complete improvements, then this Use Permit will expire and his existing Use Permit would remain in effect. The applicant could apply for occasional events through a zoning permit.

**Commissioner Civian** said it put the applicant in a tough spot, and the Commission should consider alternatives that allow the events while the improvements are going on.

**Commissioner Furch** was concerned about approving project where the County was in a position of liability relative to road access. She also asked for clarification of Condition 23, as to where events take place and whether there is amplified music. **Bartley** clarified that events with music take place in the courtyard, and other events take place under the oaks. There is no amplified music.

**Commissioner Alberigi** asked if any complaints had been received, and **Staff Swedenborg** said there had been no complaints or traffic accidents related to special events. **Commissioner Alberigi** was reluctant to approve events of 500 people, and **Staff Swedenborg** said that people come and go all day to those large events, and would not be 500 people on site at one time. **Commissioner Alberigi** approved a closing time of 5:00 p.m., consistent with other wineries in the area, and the other commissioners concurred.

**Commissioner Alberigi** made a motion to approve the staff recommendation, including the new conditions mentioned during review by Sigrid, and to grant the use permit with a two year review process for possible modifications or possible revocation if the road conditions cannot be met.

**Changes in draft conditions:**

Finding 4(c):	Modify to state that the winery has been operating for over 16 years without incident.
Condition 23:	Strike "entertainment," and clarify that there is no outside amplified music.
Condition 25:	Modify the second sentence to read "Within 2 years, and prior to having public tasting on site, the required improvements shall be constructed at the locations listed below."
New condition:	Prior to any special event activities, they need to apply for Use Permit to review the roadway improvement, public tasting and special events, with possible modification or revocation of the event uses.



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There being no further business to come before the Planning Commission/Board of Zoning Adjustments at this time, all items having been handled and all persons having been given an opportunity to be heard on any matter before the Planning Commission/Board of Zoning Adjustments in public hearing or otherwise, the meeting was adjourned.



# Sonoma County Board of Zoning Adjustments STAFF REPORT

Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue, Santa Rosa, CA 95403  
(707) 565-1900 FAX (707) 565-1103

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**FILE:** UPE05-0090  
**DATE:** May 22, 2008  
**TIME:** 1:45 p.m.  
**STAFF:** Sigrid Swedenborg

Appeal Period: 10 calendar days

## SUMMARY

**Applicant:** Hall and Bartley c/o Scott Bartley

**Owner:** Michel-Schlumberger Partners LP

**Location:** 4155 Wine Creek Road, Healdsburg  
APN 090-110-019 Supervisorial District 4

**Subject:** Use Permit

**PROPOSAL:** Request for a Use Permit to add public tasting and special events to an existing winery.

**Environmental Determination:** Mitigated Negative Declaration

**General Plan:** Land Intensive Agriculture/20 Acre Density

**Zoning:** LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), Z (Second Dwelling Unit Exclusion)

**Application Complete for Processing:** March 12, 2008

**Ordinance Reference:** Section 26-04-020 (j)

**RECOMMENDATION:** Adopt the Mitigated Negative Declaration and approve the request for the Use Permit.

## ANALYSIS

### **Background:**

On November 10, 1982, the Sonoma County Board of Zoning Adjustments approved a Use Permit, UP10376, for a winery with a maximum annual production capacity of 12,000 cases. A petition was submitted in opposition to the project with the main objection being use of Wine Creek Road for a winery. To mitigate the concern, the Department of Transportation and Public Works (DTPW) recommended that the applicant widen the road to twenty feet from Grape Creek Bridge to 50 feet past the driveway entrance to the project and reconstruct the road with eight inches of subbase and 1½ inches of asphalt concrete. With that mitigation in place, and the fact that the applicant was not proposing public tasting, the BZA approved the request.

In 1985, complaints were submitted to Code Enforcement related to production at the winery in excess of the 12,000 cases permitted. The violation was confirmed through an investigation with the State's Bureau

of Alcohol Beverage Control (ABC). The applicant then applied to increase the annual production capacity to 25,000 cases. Area residents again expressed concern about the impact the project would have on Wine Creek Road related to additional truck traffic. The DTPW required that the applicant construct the road to 18 feet in width from the intersection of West Dry Creek Road and the Grape Creek Bridge to tie into the previous improvements required by the County.

According to the applicant's representative, neighbors were opposed to the road widening, concerned that the road would lose its rural character. Also, the road right-of-way was not large enough to contain the proposed improvement, so that condition was deleted. That project was approved, conditioned on a requirement that no public tasting was allowed. Private tasting and winemaker dinners were permitted.

The applicant applied for a Use Permit to allow public tasting and special events on August 12, 2005. An incomplete letter was sent to the applicant requesting a hydrogeological report to prove that there is adequate groundwater to support the use, and a sound study to address noise impacts of special events on nearby residences. The Hydrogeologic Report, prepared by Damon Brown of EBA Engineers, was submitted on June 27, 2006. A Noise Impact Study prepared by Sound Solutions was submitted on June 12, 2006.

The Sonoma County DTPW conditioned the project on a requirement that the minimum paved width of Wine Creek Road between West Dry Creek Road and the primary event entrance be 20 feet. The applicant had concerns about this requirement and elected to have a Traffic Impact Analysis prepared. That document was prepared by W-trans, a traffic engineering company, and submitted in draft form on September 6, 2007. Comments were made on that document by Planning and DTPW staff. The final Traffic Impact Study is dated March 12, 2008.

#### **Project Description:**

The applicant's request is for a Use Permit to allow public tours, tasting and 12 special events per year with a maximum of 150 people and three events with a maximum of 500 people at the existing winery. The events would be winery-oriented events; the facility would not be rented out for private parties. With public tasting, the facility can participate in industry-wide events that are held during normal tasting room hours; these events are not included in the request for the 12 special events and are not included in the traffic counts. The special events would be held outdoors, in the existing courtyard. The courtyard is surrounded on all sides by the winery structure, which will help in attenuating any noise. There is a 10' by 40' reflecting pool with a fountain in the center of it. Hours of operation for the tasting room would be from 10:00 a.m. to 5:00 p.m., seven days a week, except for Fridays, when the tasting room would stay open until 7:00 p.m. No new construction is proposed.

#### **Site Characteristics:**

The site is located on Wine Creek Road in Dry Creek Valley, west of the City of Healdsburg. The parcel is 80 acres in size and has about 64 acres planted in vines. The site is developed with the winery facilities and a mobile home. The total existing complex (all structures including raised terraces and arcades) is 26,543 square feet in size.

#### **Surrounding Land Use and Zoning:**

The site is located at the edge of the Dry Creek Valley, with the terrain becoming steeper and heavily wooded to the west of the site. Most of the parcels in the project vicinity are fairly large and some are developed with vineyards. The closest residence is approximately 450 feet from the winery.

Surrounding zoning is Land Intensive Agriculture with 20 acre densities. All of Dry Creek Valley is in a Scenic Landscape Unit, and zoned SR (Scenic Resources).

### **DISCUSSION OF ISSUES**

**Issue #1:** General Plan and Zoning Consistency

The request for a wine tasting facility at an existing winery complies with the Land Intensive Agricultural General Plan designation and other goals and policies of the County's General Plan and it conforms with the LIA zoning district.

The General Plan includes the following objective and policy:

**Objective AR-1.1:** "Create and facilitate opportunities to promote and market agricultural products grown or processed in Sonoma County."

**Policy-AR6d:** "Follow these guidelines for approval of visitor serving uses in agricultural areas, such as wine or cheese tasting: 1) the use promotes and markets only agricultural products grown or processed in Sonoma County, 2) the use is compatible with existing agricultural production activities in the area, and 3) the use will not require the extension of sewer and water."

The tasting room would promote wine processed on site, made from grapes grown on site and in the area. It is compatible with existing agriculture. This area does not have any public sewer or water systems.

The project is consistent with the goals and policies of the Sonoma County General Plan.

**Issue # 2:** Traffic

The site is served by Wine Creek Road off of West Dry Creek Road. The site is approximately 3/4 of a mile down Wine Creek Road. Wine Creek Road has no outlet and provides access to about 15 driveways which serve residences, vineyards, one other winery and the subject site. The paved road ranges between 16 and 24 feet wide. The Traffic Study states that the tasting room is expected to generate a peak of 25 visitors per day, with an average of 19 visitors a day. At an average of 2.5 persons per vehicle, this equates to 8 trips a day. The Traffic Study finds that there have been no reported collisions at the intersection of Wine Creek and West Dry Creek Roads and the 3/4 mile study segment of Wine Creek Road in the past 10 years. The study has several recommendations including placing warning signs on the road, centerline striping and vegetation removal.

In order to increase safety, a determination has been made by DTPW that the intersection of West Dry Creek Road with Wine Creek Road must be reconstructed to a width with appropriate pavement returns to insure that right-turn movements at the intersection (turning from southbound West Dry Creek Road on to Wine Creek Road) does not encroach into opposing lanes. Stopping sight distance for the intersection must be provided for a design speed of 30 miles per hour. DTPW has also identified segments of Wine Creek Road that require widening for safe passing or sight distance improvement. Stopping sight distance on Wine Creek Road must have a design speed of 25 miles per hour. The required improvements are to be constructed on Wine Creek Road at the locations listed below:

<b>Approx. Post Mile</b>	<b>Issue (Corrective action needed)</b>
11.36	Vertical curve (widen crest to 18 feet and stripe centerline)
11.31	Sight distance through horizontal curve (provide stopping sight distance or widen to 18 feet and stripe centerline)
11.24	Narrow road (construct turnout)
11.16	Vertical curve (widen crest to 18 feet and stripe centerline)
11.10	Narrow road (construct turnout)

To create and preserve clear sight triangles at the winery entrances, all sight obstructions including, but not limited to, trees, brush, fencing and other structures located within each sight triangle shall be removed

from the applicant's frontage with Wine Creek Road. The minimum length of each leg of the triangles shall be in accordance with AASHTO recommendations.

Between the intersection with West Dry Creek Road and the bridge at Grape Creek, the right-of-way is prescriptive. Since the land is not owned by the County in fee title, the improvements may necessitate approval from the underlying land owners. The County does not desire to be in the position of condemning land for the benefit of another private use. To insure that the road safety measures are in place, a Mitigation Measure has been established stating that the tasting room may not be opened and no special events may occur unless the owner acquires the rights to make the required improvements and completes the road work. The Use Permit cannot be vested and the request for a public tasting room and special events will become void unless the road improvement conditions are met.

**Issue #3:** Parking

The site contains 38 designated parking spaces. For larger events parking is done by valets with cars parked in the exterior production areas of the winery and along vineyard avenues. The 80-acre site has room to provide for parking for the 150-person events. No off-site parking will be permitted.

**Issue #4:** Noise

A Noise Impact Study was prepared for the project by Sound Solutions to address noise impacts of special events on nearby residences. The study found that wine tasting and special events are expected to comply with the Sonoma County General Plan Noise Performance Standards. In order to insure that the standards are met, Sound Solutions and the Project Review Health Specialist have suggested that no outdoor entertainment or outdoor sound amplification equipment be permitted. Noise shall be controlled in accordance with the standards set in the Noise Element of the Sonoma County General Plan.

**Issue #5:** Hours of Operation

The application includes a request for public tasting from 10:00 a.m. to 5:00 p.m., seven days a week, except for Fridays, which the applicant requested that the tasting room stay open until 7:00 p.m. Staying open until 7:00 p.m. raises several concerns. The extended hours on Friday for the tasting room may encourage the operator to serve food related to appetizers or dinner. Staff has generally recommended that tasting rooms close well before the cocktail or dinner hour to avoid the potential for conversion of the use to a restaurant or bar atmosphere. Allowing later hours for this facility may also set a precedent for other tasting rooms. The BZA recently considered a similar request for later hours of operation and directed staff to evaluate hours for tasting room operations and establish a more consistent approach. Staff analyzed permitted hours of operation of other public tasting rooms in the project vicinity, and although they varied from opening times (10:00 to 11:00 a.m.), the Conditions of Approval required that they all close at 5:00 p.m. Staff recommends that the request for later hours on Friday be denied and that tasting room hours be limited to 5:00 p.m., similar to other wineries in the area.

**Issue #6:** Neighborhood Compatibility

The winery project approved in 1982 was controversial. The primary concern was about winery related traffic using Wine Creek Road. The facility has been operating, apparently without incidents, for about 25 years. Improvements to Wine Creek Road will increase safety for both residents and the public. No outdoor entertainment or outdoor sound amplification equipment is permitted, so potential noise impacts are less than significant.

**STAFF RECOMMENDATION**

Adopt the Mitigated Negative Declaration and approve the Use Permit request after making the following findings and subject to Conditions of Approval.

1. The proposal is consistent with the General Plan land use designation of Land Intensive Agriculture, and General Plan objectives including, but not limited to Objective AR-1.1 which

states, "Create and facilitate opportunities to promote and market agricultural products grown or processed in Sonoma County."

2. The proposal is consistent with the LIA (Land Intensive Agriculture) zoning designation, which allows for tasting rooms under Section 26-04-020 of the Zoning Ordinance.
3. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project. The Negative Declaration has been completed in compliance with CEQA State and County guidelines and the information contained therein has been reviewed and considered.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a. Conditions for improvements along Wine Creek Road and at the intersection with West Dry Creek Road will increase safety so new traffic generated by the tasting room will have less than significant impacts.
  - b. No outdoor entertainment or outdoor sound amplification equipment is permitted.

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Proposal Statement
- EXHIBIT C: Vicinity Map
- EXHIBIT D: Overall Site Plan
- EXHIBIT E: Site Plan
- EXHIBIT F: Main Floor Plan
- EXHIBIT G: Draft Resolution

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Separate attachments for Commissioners: Mitigated Negative Declaration

Background information is on file at:

County of Sonoma Board of Supervisors Office  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.

Supporting maps are on file at:

County of Sonoma Board of Supervisors Office  
575 Administration Drive, Room 100A  
Santa Rosa, CA 95403

They can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.