



# County of Sonoma

## State of California

---

Date: April 4, 2023

Item Number: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

---

4/5 Vote Required

---

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,  
Finding the Project Exempt from the California Environmental Quality Act, approving a Zone  
Change from the Rural Residential Zone District to the Agriculture and Residential Zone  
District and Granting a Use Permit to allow for a Winery, on a 6-acre parcel located at 565  
Mountain Avenue, Sonoma, CA, APN: 056-281-053**

**Resolved**, that the Board of Supervisors (“Board”) of the County of Sonoma (“County”) finds and determines as follows:

**Section 1. Proposed Project and Procedural History**

- 1.1 On October 24, 2017, the applicant Jacques Mathieu submitted an application for a zone change and a use permit.
- 1.2 On August 12, 2020, the Sonoma Valley Citizens Advisory Commission held a meeting for the proposed project and recommended approval of the Use Permit.
- 1.3 On October 20, 2022, the Planning Commission (“PC”) held a duly noticed public hearing on the project and voted to approve a resolution recommending that the Board of Supervisors find the project categorically exempt from CEQA, approve a zone change from Rural Residential to Agriculture and Residential and approve the Use Permit with conditions.
- 1.4 Approval of the proposed project is exempt from the provisions of the California Environmental Quality Act pursuant to the Provisions of Title 14 of the California Administrative Code, under Section 15301 (Existing Facilities), which provides for negligible expansion of an existing use, Section 15303 (New Construction or Conversion of Small Structures), which provides for construction of a single-family residence and the conversion of such structures from one use to another where only minor modifications are made to

support the use and Section 15061(b)(3), Common Sense Exemption. The proposed winery will increase the applicant's current production which occurs offsite from 500 cases to 1,000 cases annually to occur onsite. The proposed project will provide for minor alterations of 1,775 square feet of a single-family residence and construction of a 1,500 square foot crushpad, but does not include new structural development to support the use.

A categorical exemption is appropriate because the evidence supports the conclusion the project will not have a significant impact on local traffic conditions. The proposed project is expected to result in 10 new trips per day over existing conditions. While the proposed project does increase production levels, the increased grape importation would be offset by the reduced grape exportation therefore the total daily trips associated with winery activities would remain relatively unchanged and will not have an impact on local traffic conditions.

Furthermore, Section 15061(b)(3), is appropriate because it can be seen with certainty that the rezone of the project parcel from Rural Residential to Agricultural and Residential will not have an indirect and reasonably foreseeable impact as the zone change will not result in any changes in the site's land use designation or density. The proposed zone change allows for a negligible increase in permitted and conditionally permitted agricultural uses which is appropriate as the property is presently developed in agricultural production.

No exceptions listed under CEQA Section 15300.2 apply, including the "unusual circumstances" exception because the evidence in the record supports the conclusion that there is no reasonable possibility the Project will have a significant effect on the environment due to unusual circumstances. The evidence does not support a finding that an unusual circumstance exists, and the traffic analysis did not identify significant effects on the environment.

1.4 On April 4, 2023 the Board of Supervisors conducted a duly noticed public hearing on the Proposed Project. The Board received all relevant oral and written testimony and evidence filed or presented at or before the close of the hearing. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Board closed the hearing, considered and discussed proposed project and staff's recommended action, and by a \_\_\_\_\_ vote, found the project to be exempt from CEQA review and approved the Proposed Project ("the Project"), subject to the conditions of approval imposed herein.

1.5 The Board has had an adequate opportunity to review this Resolution and the findings and determinations contained herein and finds that this Resolution accurately sets forth the Board's intentions regarding the Project and applicable CEQA exemptions. The Board's decisions herein are based upon the testimony and evidence presented to the County orally

or in writing prior to the close of the Board's hearing, including the full record of proceedings. By Board Rule, information submitted after the close of the Board hearing is deemed late and not considered by the Board.

## **Section 2. General Plan and Zoning Compliance**

### **2.1 General Plan Consistency.**

The rezone is consistent with the intent of the Rural Residential (RR) land use designation of the General Plan. A rezone does not require an amendment to the parcel's current General Plan designation of RR because the Agriculture and Residential (AR) zoning district is consistent with the RR land use designation pursuant to Section 26-01-010 of the Zoning Ordinance. Consistent with General Plan Policy LU-6d the Rural Residential land use category permits the application of the AR zone district which allows for expanded agricultural uses than that of the RR zone district. Due to the parcel's size, its contiguous surrounding agricultural uses to the east, and its onsite agricultural use, the rezone to AR would be consistent with the General Plan Rural Residential land use designation. This action is not precedent setting because, the uniqueness of the parcel due to its site characteristics, including topography, existing development, and existing agricultural production and capability, based on the existing residential structure in which the winery will be located, the size of the project parcel being at least 6 acres, the agricultural production onsite of 2.5 acres and planned 0.5 acre of existing vineyard development, the limitation of importation of 30% or 5 tons whichever is more restrictive and the project's annual production of 1,000 cases is considered a small scale production and therefore is compatible in size and scale with the project site and adjacent land uses.

The proposed winery use is consistent with the Rural Residential land use designation of the Sonoma County General Plan in that it proposes the use of a winery facility that is consistent with the agricultural permitted uses as allowed by General Plan Policies AR-5c and AR-5g. The project is consistent with these policies in that the proposed winery use would be compatible with the project site and its surroundings and will not be detrimental to the rural character of the area as the use is sized appropriately to accommodate but not exceed the project site's processing needs with production of 1,000 cases annually. The winery will not have an effect on local traffic conditions as the project is expected to generate 10 additional trips.

### **2.2 Zoning Consistency.**

The project is consistent with the Agriculture and Residential (AR) zone district, which allows agricultural processing limited to the standards outlined in Section 26-18-030(C) of the Zoning Ordinance with a Use Permit subject to General Plan policies AR-5c and AR-5g. The project meets the standards outlined in the Zoning Ordinance as the winery facility is sized appropriately to meet the needs of the onsite grape production, the processing facility will convert 1,775 square feet of a single family residence, and grapes imported from off site will

not exceed 30%. As the AR district allows for a limited expansion of agricultural uses, including agricultural processing (i.e., wineries), visitor serving uses in conjunction with wineries (i.e. tasting rooms, industry wide events) are not permissible in the AR district, this Use Permit could not be modified in the future to add such uses under current zoning and land use designations. The project and existing development onsite is in compliance with the building height, setback, lot coverage and parking requirements of the AR zoning district.

### 2.3 Fire Safe Standards Compliance.

Permit Sonoma finds that the Project meets Sonoma County Code Chapter 13 (Fire Code) and the Board of Forestry's fire safe standards regulations set forth in 14 California Code of Regulations §1270- 1276 (Fire Safe Standards). The Project applicant requested an exception to the Board of Forestry standards for the width road standards in regards to Mountain Avenue (14 CCR §1273.01 and §1273.08). The applicant included material facts and mitigation alternatives, documented with site maps. The County' Fire Marshal, acting as the Inspection Authority as officially designated by CAL FIRE, has determined those conditions of approval have the same practical effect as defined in the current regulations, thereby ensuring that the Project meets state law requirements.

### 2.4 General Use Permit Finding.

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: 1) The project's annual production capacity of 1,000 cases is considered small scale production and is therefore compatible in size and scale with the project site and adjacent land uses; 2) Winery operations include one full time employee and would be limited to weekdays only between the hours of 8:00 am to 5:00 pm, with extended hours during harvest; 3) Traffic generated by the project will not have a significant impact on local roads and will generate 10 ADT additional trips above existing conditions as determined by the project's trip generation; 4) The project does not allow for visitor serving uses including public tasting or industry wide events.

### **Now, Therefore, Be It Resolved**

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The use permit is granted for the proposed project as represented in the application package and as described in the Conditions of Approval attached

hereto as Attachment 2 and incorporated herein.

3. Staff is directed to file and post a Notice of Exemption of this action pursuant to the California Environmental Quality Act within five (5) days of the date of this resolution.

**Be It Further Resolved** that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

**Supervisors:**

Gorin:                      Rabbitt:                      Gore:                      Hopkins:                      Coursey:

Ayes:                      Noes:                      Absent:                      Abstain:

**So Ordered.**