ORDINANCE NO. ( )

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 OF THE SONOMA COUNTY ZONING CODE FOR WINERY VISITOR SERVING USES BY AMENDING USES ALLOWED IN AGRICULTURAL ZONING DISTRICTS (LIA, LEA, AND DA), ADDING DEFINITIONS, AND ESTABLISHING STANDARDS FOR WINERIES, TASTING ROOMS AND WINERY EVENTS.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose. The Board finds and declares that the adoption of this Ordinance is necessary and appropriate to implement the policies and programs of the Sonoma County General Plan, to ensure neighborhood compatibility, protect the general welfare of residents in the County, protect agricultural lands, and promote the economic viability of the local agricultural economy.

Section II. The Agricultural & Resource-Based Land Use Category in Table 6-1 of Section 26-6-030 of the Sonoma County Code is amended as shown in underline, in *Exhibit A*, attached.

Section III. New Section 26-18-260 is added to Sonoma County Code Chapter 26, Article 18 as shown in *Exhibit B*, attached.

Section IV. Sonoma County Code Chapter 26, Section 26-18-030(C) is amended to add new subsection 26-18-030(C)(5), as follows:

5. LIA, LEA, DA zones: Wineries and winery events are subject to Winery Definitions and Standards in section 26-18-260.

Section V. Sonoma County Code Chapter 26, Section 26-18-210(B) is amended to add new subsection 26-18-210(B)(3), as follows:

3. LIA, LEA, DA zones: Wine tasting rooms and winery events are subject to Winery Definitions and Standards in section 26-18-260.

Section VI. The Board of Supervisors hereby finds and declares that the project is exempt from the California Environmental Quality Act pursuant to Public Resources Code Section 15308 in that the standards set forth in the ordinance are authorized by state law to assure the protection of the environment; and Section 15061(b)(3) because it can be seen with certainty that adoption of the ordinance will not result in a significant effect on the environment. The basis for this determination is the Ordinance proposes zoning amendments that do not create an intensification of use of land, involve specific development, or increase development beyond what County Code currently allows by Use Permit in agricultural zones. Further, the Ordinance implements General Plan Land Use Element and Agriculture Resource Element policies and programs to protect and enhance agricultural lands and the unique character of unincorporated communities and

areas, as designated by the Board, while allowing for land uses and development associated with agricultural- production, processing, and visitor serving uses authorized by General Plan Land Use Element Policy 2.6, consistent with the General Plan Agriculture Resource Element policies for promoting and marketing agricultural products. The changes proposed by the Ordinance are in line with current application evaluation practices which requires a discretionary review process, including CEQA review, for winery visitor serving uses. No exceptions listed under Section 15300.2 apply.

Section VII. Pipeline Projects. An application for winery, tasting room or winery event activity that was determined complete for processing prior to the effective date of this ordinance may continue to be processed and reviewed under the zoning code provisions pertinent to winery events and tasting rooms in effect at the time the applications were deemed complete or approved.

Section VIII. Severity Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IX. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the _____day of _____, 2022, and finally passed and adopted this ___ day of _____ 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Rabbitt:	Coursey:	Hopkins:	Gore:

Ayes:	Noes:	Absent:	Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

_____
Chair, Board of Supervisors
County of Sonoma

ATTEST:

_____
Sheryl Bratton,
Clerk of the Board of Supervisors

Exhibit A: Table 6-1 of Section 26-6-030
Exhibit B: New Section 26-18-260

EXHIBIT "A"
CHAPTER 26. SONOMA COUNTY ZONING REGULATIONS
ARTICLE 6. AGRICULTURE AND RESOURCE-BASED LAND USE

Table 6-1: Allowed Land Uses in Agricultural and Resource Zones
Key of symbols for Table 6-1:
P = Permitted Use
P* = Permitted Use, subject to discretionary approval criteria
C = Conditional Use
- = Prohibited Use
† = Permit requirement indicated in Use Regulations column

Land Use	LIA Zone	LEA Zone	DA Zone	RRD Zone	TP Zone	Use Regulations
Agricultural & Resource-Based Land Use Category						
Agricultural Crop Production and Cultivation	P	P	P	P	-	26-18-020
Agricultural Processing	C	C	C	C	-	26-18-030; 26-88-210, 26-18-260
Agricultural Processing, Small Scale	P*	P*	P*	P*	-	26-18-040
Agricultural Support Services	P*/C	P*/C	P*/C	-	-	26-18-050
Animal Keeping: Beekeeping	P	P	P	P	P	26-18-060
Animal Keeping: Confined Farm Animals	P/C	P/C	P/C	C	-	26-18-070
Animal Keeping: Farm Animals	P	P	P	P	-	26-18-080
Animal Keeping: Livestock Feed Yards	C	C	C	C	-	26-18-090
Animal Keeping: Pet Fancier	P	P	P	P	-	26-18-100
Aquaculture	-	C	C	C	-	26-18-110
Composting, Commercial	-	C	C	C	-	26-18-120
Composting, Non-commercial	P	P	P	P	-	26-18-130
Farm Retail Sales	P	P	P	P	-	26-18-140
Farm Stands	P	P	P	P	-	26-18-150
Indoor Crop Cultivation	P	P	P	P/C	-	26-18-160
Land and Resource Management	P	P	P	P	P*	26-18-170
Mining, Surface	-	-	-	C	C	26-18-180; Chapter 26A
Mushroom Farming	C	C	C	C	-	26-18-190
Nursery, Wholesale	P	P	P	P	-	26-26-200
Tasting Rooms	C	C	C	C	-	26-18-210, 26-18-260
Timber Management	-	-	-	P	P	26-18-220
Timber Operator Storage Yard, Off-Site	-	-	-	C	C	26-18-230
Timber Operator Storage Yard, On-Site and Incidental	-	-	-	P	P	26-18-230
Timber Saw Mills and Lumber Production	-	-	-	C	C	26-18-240

Timberland Conversions, Major	-	-	-	C	C	26-18-250; 26-88-160
Timberland Conversions, Minor	P	P	P	P	-	26-18-250; 26-88-150
Industrial, Manufacturing, Processing and Storage Land Use Category						
Animal Product Processing	C	C	C	C	-	26-20-020
Fertilizer Plants	C	C	C	C	-	26-20-030
Recreation, Education & Public Assembly Land Use Category						
Camp, Organized	-	-	-	C	C	26-22-020
Campgrounds	-	C	C	C	C	26-22-030
Community Meeting Facilities	C	C	C	C		26-22-050
Country Club	-	-	-	C	-	26-22-060
Educational Institution: Elementary and Secondary Schools	-	C	C	C		26-22-080
Golf Course	C	C	C	C	-	26-22-100
Parks and Playgrounds	P	P	P	-	-	26-22-110
Periodic Special Events	P*	P*	P*	P*	P*	26-22-120
Recreation and Sports Facilities: Rural Sports and Recreation	C	C	C	C	-	26-22-160
Studios for Art Crafts, Dance, Music	P	P	P	P	-	26-22-190
Residential Land Use Category						
Accessory Dwelling Unit	P	P	P	P	P	26-24-020; 26-88-060
Agricultural Employee Housing: Caretaker Dwelling	P	P	P	P	-	26-24-030
Agricultural Employee Housing: Full-Time	P	P	P	P	-	26-24-040
Agricultural Employee Housing: Seasonal	P	P	P	P	-	26-24-050
Agricultural Employee Housing: Temporary Camp	P	P	P	P	-	26-24-060
Agricultural Employee Housing: Year-Round or Extended Seasonal	P	P	P	-	-	26-24-070
Cottage Food Operation	P	P	P	P	P	26-24-100
Dwelling, Single-Family	P	P	P	P	P	26-24-130
Family Day Care Home, Large	P	P	P	P	P	26-24-150; 26-88-080
Family Day Care Home, Small	P	P	P	P	P	26-24-150
Farm Family Dwelling	P	P	-	-	-	26-24-160
Guest House	P	P	P	P	-	26-24-170
Home Occupation	P	P	P	P	-	26-24-180; 26-88-121
Junior Accessory Dwelling Unit	P	P	P	P	P	26-24-190; 26-88-061
Live/Work	C	C	C	C	-	26-24-200; 26-88-122
Permanent Supportive Housing	P	P	P	P	-	26-24-230
Residential Community Care, Large	C	C	C	C	-	26-24-240
Residential Community Care, Small	P	P	P	P	P	26-24-240
Temporary Occupancy of Travel Trailer	P	P	P	P		26-24-260; 26-88-010(p)

Transitional Housing	P	P	P	P		26-24-270
Retail Land Use Category						
Firewood Yard	-	-	C	C	C	26-26-060
Nursery, Retail	C	C	C	C	-	26-26-120
Services Land Use Category						
Cemeteries	C	C	C	C	-	26-28-050
Commercial Horse Facilities	C	C	C	C	-	26-28-060
Commercial Kennels	C	C	C	C	-	26-28-070
Day Care Center	C	C	C	C	-	26-28-080
Horse Boarding	P	P	P	P	-	26-28-100
Lodging: Agricultural Farmstay	P	P	P	P	-	26-28-110; 26-88-085
Lodging: Agricultural Marketing Accommodations	C	C	C	-	-	26-28-120
Lodging: Bed and Breakfast (B&B)	-	C	C	C	-	26-28-130; 26-88-118
Lodging: Hosted Rental	P	P	P	P	-	26-28-140
Lodging: Vacation Rental	-	P	P	P	-	26-28-160; 26-88-120
Veterinary Clinic	-	-	-	C	-	26-28-230
Transportation, Energy, Public Facilities Land Use Category						
Airfield and Landing Strips: Agricultural, Resource or Personal Landing Strip	-	C	C	C	C	26-30-020
Low Temperature Geothermal Resource Development	C	C	C	-	C	26-30-050
Oil and Gas Exploration and Extraction	-	-	-	C	-	26-30-070
Public Safety Facilities	C	C	C	C	C	26-30-090
Public Utility Facilities	C	C	C	C	C	26-30-100
Renewable Energy Facilities	†	†	†	†	†	† See 26-30-110 and Section 26-88-200, -202, -206, and -208
Telecommunications Facilities	†	†	†	†	†	† See 26-30-120 and Section 26-88-130
Other Land Uses						
Cannabis Cultivation, Personal Use	P	P	P	P	P	26-88-258
Commercial Cannabis Uses	†	†	†	†	†	† See 26-88-250; 26-88-254

EXHIBIT "B"
CHAPTER 26. SONOMA COUNTY ZONING REGULATIONS
ARTICLE 18. AGRICULTURE AND RESOURCE-BASED USE STANDARDS

26-18-260 – Winery Definitions and Standards

A. Purpose. This Section 26-18-260 provides a greater level of detail for the desired character of development in areas zoned LIA - Land Intensive Agriculture, LEA - Land Extensive Agriculture, and DA - Diverse Agriculture. For the areas zoned LIA, LEA, and DA, this Section 26-18-260 identifies procedures and criteria applicable to new or modified use permit applications for winery visitor serving uses. The Standards in this division shall be referred to as "Winery Standards."

B. Applicable Areas. The provisions of this section apply to parcels zoned LIA – Land Intensive Agriculture, LEA-Land Extensive Agriculture, and DA -Diverse Agriculture. For split-zoned parcels, the provisions of this section apply to the portion of the parcel zoned for any of the agricultural zoning districts listed above.

C. Local Advisory Guidelines. Citizen advisory councils/commissions established by the Board of Supervisors review projects subject to this section in accordance with their adopted local advisory guidelines, and make advisory recommendations to the Permit and Resource Management Department, Board of Zoning Adjustments, Planning Commission, and Board of Supervisors.

D. Terms and phrases used in this section are defined as follows:

1. **Catering Kitchen** means a facility used to receive catered food to be served in conjunction with winery visitor-serving activities and/or winery events. A catering kitchen associated with a winery and/or tasting room can include warming ovens, sinks and refrigeration, but no stove top, grill or range hood.
2. **Commercial Kitchen** means a facility used for the preparation of food to be served in conjunction with winery visitor-serving activities and/or winery events. A commercial kitchen associated with a winery and/or tasting room can include counter space, sinks, microwave oven(s), warming oven(s), refrigeration, a stove or range, grill and an exhaust hood, and outdoor equipment such as pizza ovens or barbecues.
3. **Food and Wine Pairing** means providing samples or tastes of site-grown or locally-grown food products that are showcased with different wines.
4. **Rural Area** means any area not located within an urban service area designated on the General Plan Land Use Map.
5. **Winery** means an agricultural processing facility that converts fruit into wine. Wineries may include crush areas, production rooms, case goods and barrel storage, tank rooms, warehouses, bottling lines, laboratories, and administrative offices, as a whole that are proportionate to the production of the winery.
6. **Winery Events** means a gathering of people at a pre-scheduled date and time. Some events last for two or three days. In these cases, each day is counted as a separate event. Periodic Special Events are defined by Sec. 26-22-120 of the Zoning Code.
7. **Agricultural Promotional Events** are events where the primary purpose is directly for public education, sales, promotion and/or marketing of agricultural products grown

or processed in the local area. Agricultural Promotional Events support and are secondary and incidental to local agricultural production, and meet the standards of General Plan Policy AR-6d. Determination of secondary and incidental is advised by considering the following, but not limited to: site circumstances, comparative economic returns, physical development and infrastructure, and operational capacity.

8. **Industry-Wide Events** are promotional activities sponsored by a wine industry association that may involve multiple wineries and/or tasting rooms. Industry-wide events are held within a specified geographic area, during regular tasting room hours, and may last up to 3 consecutive days.
9. **Wine Tasting Room** is a visitor serving use for the tasting, sampling and retail sales of wine made from locally grown wine grapes and other wine related products and may include food.

E. Operating Standards.

1. Winery Events. Winery events held at wineries and tasting rooms must:

   a. Promote and market agricultural products grown or processed onsite or in the local area; and

   b. Be secondary and incidental to agricultural production activities occurring onsite and/or in the area; and

   c. Be consistent with General Plan Policy AR-6d; and

   d. Be consistent with the hours of operation, maximum number of event days, maximum number of guests allowed, building occupancy limits, and operational requirements specified in the use permit; and

   e. Comply with neighborhood notification requirements outlined in Operating Standards 5 and 11 below.

2. Wine Tasting Rooms. Wine Tasting Rooms must operate in accordance with the hours of operation, building occupancy limits, parking, food service, and operational requirements specified in the use permit. Wine Tasting Rooms shall meet the standards in General Plan Policies AR-6d and AR-6f summarized below:

   a. Promote and market only agricultural products grown or processed in the local area. Incidental sales of items related to local area agricultural products are allowed.

   b. Be compatible with and secondary and incidental to agricultural production activities in the area.

   c. Stand-alone Wine Tasting Rooms are not allowed.

d. Not require extension of sewer and water.

e. Not result in a detrimental concentration of visitor serving uses.

3. Sizing of winery events and maximum number of event days is based upon a variety of factors specific to the site and surrounding uses. Factors to be considered include, but are not limited to neighborhood compatibility, rural character, visual impacts, noise attenuation, available water supply, emergency access and evacuation, septic capacity, availability of on-site parking, 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.

4. Hours of Operation. The maximum hours of operation for tasting rooms and winery events are specified below, unless further limited by the use permit.

   a. Tasting Rooms. Regular business hours for tasting rooms may occur no earlier than 10 am and no later than 5 pm.

   b. Winery Events. The maximum hours of operation for events are specified below by event type.

      (1) Agricultural Promotional Events may occur during the hours of 10 am – 10 pm, with all cleanup occurring no later than between 9:30 pm – 10 pm.
      (2) Industry-wide Events may occur during the hours of 10 am – 5 pm.

5. Neighborhood Notification. Early Neighborhood Notification of new and modified use permit applications for winery events and tasting rooms shall be sent to owners and occupants of lots within 1,000 feet of the winery/tasting room lot boundaries.

6. Third Party Rentals. All activities and events will be hosted by the proprietor, with on-site management by the proprietor's staff. The facility will not be rented out for use by a third party and no rental fees will be charged.

7. Event Space. No permanent structured dedicated to events shall be constructed or maintained. Events may be held in any indoor or outdoor area that is commonly used for the winery or tasting room facility.

8. Access. Access to the parcel on public roadways of at least 18 feet in width is required for use permits with visitor-serving agricultural uses.

9. On-Site Parking. The following on-site parking is required for wineries and tasting rooms:

   a. 1 parking space per 2.5 guests and 1 space per employee. The parking standard may be reduced in accordance with Article 86. - Parking Regulations Sec. 26-86-010 (i).

b. Use of on-site unimproved overflow parking areas or shuttling may be allowed only to accommodate winery events, if specified in the use permit.

c. No parking is permitted along any public or private roadways or on shared vineyard roads.

10. Food Service. Food service is allowed as specified below.

a. All food service must be designed to promote and enhance marketing of wine. Food service shall be secondary and incidental to agricultural production, wine sales and education.

b. Operating the food service area as a restaurant, café, delicatessen or any food service offering cooked-to-order food is prohibited.

c. Food and wine pairings featuring local foods and food products is allowed in conjunction with wine tasting.

d. Meals prepared by the winery/tasting room, caterer, or mobile food facility shall feature local foods and food products and is only allowed in conjunction with winery events.

e. Retail sales of pre-packaged food in conjunction with wine tasting is allowed subject to the following limitations:

(1) Retail sale of pre-packaged food featuring local foods and food products is allowed during the regular business hours identified in the use permit.
(2) Retail sale of pre-packaged food is allowed for on-site consumption only. Outdoor seating areas may be allowed for use as outdoor picnic areas.
(3) Indoor seating area or table service in conjunction with retail sales of pre-packaged food is prohibited.
(4) Off-site signs advertising retail sales of pre-packaged food are prohibited.

11. Event Coordination and Traffic Management.

a. On-Site Coordinator. An on-site coordinator is required to address complaints about winery events both during and following an event. The on-site Coordinator shall:

(1) Ensure that the winery's website prominently lists a telephone number for the public to make event-related complaints; and
(2) Send an annual notice to owners and occupants of lots within 300 feet of the winery/tasting room lot boundaries to provide the "complaint hotline" telephone number.
(3) Send written notification to owners and occupants of lots within 1,000 feet of the winery/tasting room lot boundaries, plus any additional property owners who request notification, at least 10-days prior to each event.

b. Event Proposal. Industry-wide events shall be added to the County's special events calendar.

The approved event plan should be clearly set forth as a standard Condition of Approval in all new use permits and should include provisions for event coordination. In order to monitor the effects of the permit, and to confirm that it is being followed, the Use Permit should require that data regarding the numbers of visitors from each winery event and the total tasting room attendance for the previous year be submitted to the County annually.

c. Traffic Management Plan. Traffic management and parking plans are required to address the maximum number of people visiting during winery events. For events exceeding 100 participants and for events that require use of overflow parking, the traffic management plan shall include the following:
   (1) Provisions for event coordination to avoid local traffic delays.
   (2) Parking attendants for each day of the event.
   (3) A shuttle plan, if shuttling is needed, to support each day of the event. A convenient and secure "park and ride" area must be provided.
   (4) A plan for on-site parking requirements and queuing of traffic.
   (5) Enforcement of the on-street parking restrictions.
   (6) Subsequent changes to the approved Traffic Management Plan shall be submitted in advance to the Permit and Resource Management Department.

12. Noise Attenuation Setbacks. Noise is attenuated by distance from the noise source. To ensure compliance with the Sonoma County General Plan Noise Element thresholds for maximum allowable exterior noise exposure levels, winery events shall meet the required setbacks provided in Table 18-2 below:

Table 18-2: Required Noise Attenuation Setbacks

Noise generating land use	**Setback measured from the exterior property line of any adjacent noise sensitive land use**
Parking lots	450 feet
Outdoor areas involving groups of people or non-amplified music (i.e. acoustic)	625 feet
Outdoor areas involving amplified speech/music, or loud instruments such as brass instruments, horns, or drums	Project-specific noise study required

A project-specific noise study prepared in accordance with the Permit and Resource Management Department Guidelines for the Preparation of Noise Analysis is required for any:

a. Exceptions to setbacks listed in Table 18-2; and

b. Outdoor areas involving amplified speech/music, or loud instruments such as brass instruments, horns, or drums

13. Outdoor Burning. Outdoor burning shall be limited to code-compliant gas-fired appliances and barbecues. Gas-fired firepits shall be less than 3 feet in diameter. The burning of solid fuel is prohibited.