



Legislation Text

File #: 2019-1965, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Georgia McDaniel, 707-565-4919

Vote Requirement: Majority

Supervisorial District(s): All

Title:

8:45 A.M. - ORD16-0001 Winery Events Local Area Guidelines and Ordinance Update.

Recommended Action:

Receive an update on the preparation of the areas of potential overconcentration guidelines for the Dry Creek Valley, Sonoma Valley, and Westside Road areas, and discuss the proposed direction for completing the policy update for winery events.

Executive Summary:

On October 11, 2016, the Board directed staff to prepare options for updating policy on regulating winery events, particularly in Sonoma Valley, Dry Creek Valley and Westside Road, either as a zoning amendment or local event guidelines. The purpose of this Board workshop is to update the Board on Permit Sonoma's progress on this project. Staff will specifically review progress towards three objectives: (1) clarify definitions of events and recognize the viticulture industry as unique in this regard; (2) establish standards to reduce nuisances in areas of potential overconcentration (noted in General Plan Policies AR-5g and AR-6f as "detrimental concentration" of winery events); and (3) consideration of cumulative effects from permitted, legal nonconforming, and other event activities. Since project initiation, Permit Sonoma has held numerous community and stakeholder meetings to identify issues and a preferred policy direction. At this point, two of three local event guidelines have been prepared, and the third is expected in April 2020. The guidelines highlight local sensitivities to winery events compatibility issues in neighborhoods with relative event concentration. When the guidelines are complete, Permit Sonoma intends to utilize them to inform its completion of a proposed zoning amendment that will be considered by the Board at a future date, and if adopted would apply countywide by zoning district. If all or a portion of a local guidelines is incorporated into the zoning code then it will have a uniform effect and be enforceable. The zoning code will ultimately control over any conflicting local guidelines.

Stakeholders representing the agricultural industry and community for the three previously mentioned geographic areas of the County have developed local guidelines for those geographic areas. Stakeholders worked together toward consensus on regulating agricultural promotional activities. Stakeholder recommendations on guidelines were presented to the local Citizen Advisory Committees (if applicable)- thereby allowing public participation-before they were presented to the Planning Agency and Board of Supervisors. Stakeholder and Citizen Advisory Committee outreach has yielded three key benefits: (1) broader community and industry education about the challenges related to regulating winery events; (2) a ground-up

approach to consensus building that is providing more realistic policy direction; and (3) more in

On October 11, 2016, the Board directed staff to prepare options for updating policy on regulating winery events, particularly in Sonoma Valley, Dry Creek Valley and Westside Road, either as a zoning amendment or local event guidelines. The purpose of this Board workshop is to update the Board on Permit Sonoma's progress on this project. Staff will specifically review progress towards three objectives: (1) clarify definitions of events and recognize the viticulture industry as unique in this regard; (2) establish standards to reduce nuisances in areas of potential overconcentration (noted in General Plan Policies AR-5g and AR-6f as "detrimental concentration" of winery events); and (3) consideration of cumulative effects from permitted, legal nonconforming, and other event activities. Since project initiation, Permit Sonoma has held numerous community and stakeholder meetings to identify issues and a preferred policy direction. At this point, two of three local event guidelines have been prepared, and the third is expected in April 2020. The guidelines highlight local sensitivities to winery events compatibility issues in neighborhoods with relative event concentration. When the guidelines are complete, Permit Sonoma intends to utilize them to inform its completion of a proposed zoning amendment that will be considered by the Board at a future date, and if adopted would apply countywide by zoning district. If all or a portion of a local guidelines is incorporated into the zoning code then it will have a uniform effect and be enforceable. The zoning code will ultimately control over any conflicting local guidelines.

Stakeholders representing the agricultural industry and community for the three previously mentioned geographic areas of the County have developed local guidelines for those geographic areas. Stakeholders worked together toward consensus on regulating agricultural promotional activities. Stakeholder recommendations on guidelines were presented to the local Citizen Advisory Committees (if applicable)-thereby allowing public participation-before they were presented to the Planning Agency and Board of Supervisors. Stakeholder and Citizen Advisory Committee outreach has yielded three key benefits: (1) broader community and industry education about the challenges related to regulating winery events; (2) a ground-up approach to consensus building that is providing more realistic policy direction; and (3) more in depth analysis of the key issues related to winery events traffic and circulation. The processes to develop guidelines have highlighted sensitivities in each area of potential concentration and have been invaluable to identifying ordinance updates. Permit Sonoma is seeking Board support to finalize the local area guidelines and proceed with an Ordinance update.

Discussion:

Prior to 1989, the zoning code allowed agricultural cultivation by right and retail sales and tasting rooms with a use permit, but did not allow events or promotional activities. In 1989, the Agricultural Resources Element was added to the General Plan, which included a change in policy allowing agricultural promotional activities on agricultural lands so long as the promotional activities were compatible with long-term agricultural use of the land. These policies were implemented in the 1993 zoning code update, which allows sales and promotion of agricultural products with a use permit, as well as occasional cultural events with an administrative zoning permit.

In 2008, the Board approved an update to the General Plan, which expanded on policies regulating winery events activity and agricultural promotional events in general that were adopted in the 1989 General Plan. Attachment 6 lists relevant General Plan policies for winery events and the ordinance update.

On December 9, 2014, in response to growing concern, the Board of Supervisors adopted a Work Plan for Comprehensive Planning that included developing regulations to address winery events and potential overconcentration. Since that date, this effort has focused exclusively on winery events not general agricultural promotional events because this class of land uses had generated controversy. The Work Plan would update countywide standards and procedures for regulating promotional activities on agricultural lands to better address land use compatibility and potential overconcentration. The Work Plan anticipated focused policies in Sonoma Valley, Dry Creek Valley, and Westside Road because of the relative concentration of preexisting wineries, with approved or legal non-conforming events, combined with restricted circulation networks that create the potential for event overconcentration.

To complete the policy project, the Permit Sonoma Director formed a Working Group of stakeholders that met for six months to review existing policies and inform staff of key issues and policy options. Discussions were organized around the three foci for regulating event activity in the General Plan Agricultural Resources Element: preserve groundwater, minimize traffic-related nuisances, and maintain rural character (AR Element Policy AR-5g). The Winery Event Working Group (WEWG) comprised individuals representing both industry and neighborhood groups. A number of issues emerged through the WEWG: (1) a growing business need for direct marketing activities to remain competitive; (2) (rural and agricultural) neighborhood compatibility with regard to “character;” (3) effects on neighborhoods related to noise, traffic, dust and water supplies, especially through cumulative effects in areas

Background

Prior to 1989, the zoning code allowed agricultural cultivation by right and retail sales and tasting rooms with a use permit, but did not allow events or promotional activities. In 1989, the Agricultural Resources Element was added to the General Plan, which included a change in policy allowing agricultural promotional activities on agricultural lands so long as the promotional activities were compatible with long-term agricultural use of the land. These policies were implemented in the 1993 zoning code update, which allows sales and promotion of agricultural products with a use permit, as well as occasional cultural events with an administrative zoning permit.

In 2008, the Board approved an update to the General Plan, which expanded on policies regulating winery events activity and agricultural promotional events in general that were adopted in the 1989 General Plan. Attachment 6 lists relevant General Plan policies for winery events and the ordinance update.

On December 9, 2014, in response to growing concern, the Board of Supervisors adopted a Work Plan for Comprehensive Planning that included developing regulations to address winery events and potential overconcentration. Since that date, this effort has focused exclusively on winery events not general agricultural promotional events because this class of land uses had generated controversy. The Work Plan would update countywide standards and procedures for regulating promotional activities on agricultural lands to better address land use compatibility and potential overconcentration. The Work Plan anticipated focused policies in Sonoma Valley, Dry Creek Valley, and Westside Road because of the relative concentration of preexisting wineries, with approved or legal non-conforming events, combined with restricted circulation networks that create the potential for event overconcentration.

To complete the policy project, the Permit Sonoma Director formed a Working Group of stakeholders that met for six months to review existing policies and inform staff of key issues and policy options. Discussions were

organized around the three foci for regulating event activity in the General Plan Agricultural Resources Element: preserve groundwater, minimize traffic-related nuisances, and maintain rural character (AR Element Policy AR-5g). The Winery Event Working Group (WEWG) comprised individuals representing both industry and neighborhood groups. A number of issues emerged through the WEWG: (1) a growing business need for direct marketing activities to remain competitive; (2) (rural and agricultural) neighborhood compatibility with regard to “character;” (3) effects on neighborhoods related to noise, traffic, dust and water supplies, especially through cumulative effects in areas experiencing a relative concentration of winery events; and (4) commercialization of agricultural lands.

Following the Working Group meetings, staff conducted a large public workshop attended by roughly 500 people and received written comments from various groups. Staff reviewed regulations from other counties, completed an audit of use permits issued to date, updated the winery database (a catalogue of active wineries in Sonoma), and contracted with qualified traffic and noise consultants to prepare analyses on issues associated with winery events within these topic areas.

On July 12, 2016, the Board held a study session on Winery Events to consider key issues and policy options that could reduce the potential for neighborhood conflicts and provide more certainty to the permitting process. The Board discussed policy options, and directed staff to return with a summary of the Board’s comments and a revised Resolution of Intention.

On October 11, 2016, the Board recognized the need to clarify the definition of winery events. Updated definitions would not change how events are defined in existing or vested use permits, but would apply to new use permit applications. Other proposed code amendments would require cultural event permits for industry-wide events to coordinate their occurrence in the public right-of-way with triathlon, cycling and running events. The Board also expressed support for a code amendment to allow tasting rooms and events in Industrial Park zones where facilities already provide processing.

On October 11, 2016, the Board directed staff to return with options to adopt standards and siting criteria for events in Sonoma Valley, Dry Creek Valley and Westside Road, either as part of the zoning code update or as separate guidelines. Staff would work through the advisory bodies for the Dry Creek Valley Citizens Advisory Council and the Sonoma Valley Citizens Advisory Commission to develop the criteria and standards.

The Board also adopted a Resolution of Intention to initiate zoning code amendments to address key issues associated with winery events, and to develop siting criteria and standards for areas of local potential overconcentration associated with winery events.

On June 4, 2019, the Board directed Permit Sonoma to complete a list of existing projects in the Work Plan for Comprehensive Planning. Winery Events Policies is on the list.

Dry Creek Valley Guidelines

The Board created the Dry Creek Valley Citizens Advisory Council (DCVCAC in 2012, Resolution 12-0410). The purpose of the DCVCAC is to provide guidance on new use permits that include visitor serving agricultural uses (e.g. tasting rooms or events) in agricultural and resource zones in the Dry Creek Watershed. The DCVCAC

prepares advisory recommendations that help inform decision-making by the Sonoma County Board of Supervisors, the Sonoma County Board of Zoning Adjustments, and the Sonoma County Planning Commission.

In 2017, the DCVCAC prepared the Dry Creek Valley guidelines for agricultural promotional activities, which provides a set of definitions and preferred guidelines for use by the DCVCAC in investigating, discussing and considering applications for new use permits that include visitor serving agricultural uses in agricultural and resource zones in the Dry Creek Valley watershed. The DCVCAC guidelines are posted on the DCVCAC webpage at Permit Sonoma:

[<https://sonomacounty.ca.gov/Dry-Creek-Valley-Citizens-Advisory-Council/Guidelines/>](https://sonomacounty.ca.gov/Dry-Creek-Valley-Citizens-Advisory-Council/Guidelines/)

Sonoma Valley Guidelines

The Board of Supervisors and Sonoma City Council Resolution 93-1552 created the Sonoma Valley Citizens Advisory Commission (SVCAC) on October 12, 1993. On December 11, 2018, the Board approved another continuance of the SVCAC for an additional 5 years to December 31, 2023 via Resolution 18-0510. On December 17, 2018, the City of Sonoma approved Resolution 84-2018 concurrently.

SVCAC's purpose can be summarized as: (1) provide a regular forum for citizen participation in the formation of public policy; (2) consider local planning issues concerning the Sonoma Valley; (3) evaluate solutions to these issues; (4) advise elected officials and other decision makers and (5) form a bridge for communication between governmental agencies and the public.

The Sonoma Valley Working Group (Stakeholders Group) was formed to develop local guidelines for Sonoma Valley and began meeting on June 27, 2017. Two workshops were facilitated on September 5, and September 28, 2017. Tasting Room Siting Criteria and Operating Standards were discussed. The Complex Fire occurred on October 8, 2017 and the Sonoma County Stakeholders Group was put on hold.

On June 7, 2019, the Sonoma County Stakeholders Group meetings started again. Permit Sonoma staff prepared a workbook and discussion materials to assist guideline development. The Stakeholder Group reviewed data on winery events in Sonoma Valley, discussed development criteria and operating standards for wineries, and crafted definitions of winery events (event types, standards of review, and facilities). Following delays due to 2019 Public Safety Power Shutoff events and the Kincade Fire, the draft Sonoma Valley guidelines are ready for final review and approval by the Stakeholders Group at meeting in January 2020.

A joint meeting with the SVCAC and Stakeholder Group is scheduled for March 25, 2020. GHD, a traffic consultant hired by Permit Sonoma to prepare a cumulative traffic impact study for the Sonoma and Cry Creek Valleys, will also present the Sonoma Valley Capacity Threshold Study at the joint meeting (discussed in more detail below).

Westside Road Guidelines

Currently, there is no Citizens Advisory Council (CAC) for the Westside Road area. The Westside Road Stakeholders Group, comprised of winery industry representatives and community members (including members of the Westside Community Association), are preparing the guidelines

In July 2019, invitations to join the Westside Road Stakeholders Group were sent to 12 individuals that represent neighborhood groups and the agricultural industry. Ten members currently sit on the stakeholder group.

In August 2019, Permit Sonoma began facilitating monthly meetings with the Westside Road Stakeholders Group. Copies of the DCVCAC guidelines plus the draft Sonoma Valley guidelines were provided for reference. Permit Sonoma has facilitated three meetings with the Westside Road guidelines and expects to complete the guidelines in April 2020.

Capacity Threshold Traffic Study

One of the principal issues related to winery events is the associated traffic impacts from visitor activity along constrained roadways. To better understand where the sensitivity points are in the circulation system, and to establish a reference point for a possible impact threshold, Permit Sonoma contracted with GHD, a traffic consultant, to prepare a traffic study in Dry Creek and Sonoma Valley. The studies describe current traffic conditions, evaluate volume on a cumulative basis, and help define the road segments that are the most sensitive to additional activity that may be encouraged by permitting additional agricultural promotional activities in the valleys. To measure the relative impacts of seasonal tourism, events, and larger special event traffic on the local roadway network, weekend traffic conditions were analyzed using two years (2017 and 2018) of speed and travel time data, which determine congestion and travel time reliability metrics. Traditional traffic counts were also taken to supplement the speed and travel time data, and to “spot-check” volume changes during the study scenarios.

In November 2019, the Draft Dry Creek Valley & Westside Road Capacity Threshold Study, Draft Sonoma Valley Capacity Threshold Study, and Draft Background Conditions Report were posted on the Permit Sonoma website for public review and comment:

[<https://sonomacounty.ca.gov/PRMD/News/Traffic-Studies-for-Winery-Events/>](https://sonomacounty.ca.gov/PRMD/News/Traffic-Studies-for-Winery-Events/)

GHD will present the Sonoma Valley Capacity Threshold Study at the joint Sonoma Valley Stakeholders Group and SVCAC meeting on March 25, 2020. Public comment on the studies have been submitted and are currently under review by Permit Sonoma. Staff and GHD will also present the Dry Creek Valley & Westside Road Capacity Threshold Study to the DCVCAC although a meeting date has not yet been set.

Highlights from the capacity threshold studies are summarized below with the consultant’s policy recommendations in Att. 4 (Sonoma Valley) and Att. 5 (Dry Creek and Westside Road):

- From a roadway safety and capacity perspective, many of the County-maintained roads in the study area are built below typical modern design standards, and lack shoulders, sidewalks, or designated bike lanes.
- Additional driveway access points and intersections affect the capacity of the roadways so the location and design of new access points is critical when reviewing projects.
- **Sonoma Valley, Off-Peak:**
 - Industry-Wide Events appear not to have a large effect on the travel times and average speeds during the off-peak season.

- A few roadways are congested (SR 121 westbound east of SR 116, SR 116 southbound north of SR 121, and East Napa Street westbound east of SR 12), with several segments along SR 12, SR 121, SR 116, SR 37, East Napa Street, and Arnold Drive having moderate congestion. Several segments had unreliable travel times, including all approaches to the SR 121/SR 116 intersection, SR 37, SR 121 eastbound (heading towards Napa City), SR 12 northbound north of Verano Avenue, and portions of East Napa Street.
- In the northern valley, all study area roadways were uncongested with reliable travel times with or without industry-wide events.
- Miles unreliability/congested during off-peak with industry-wide events: 18.4
- **Sonoma Valley, Peak:**
 - Portions of Warm Springs Road, Bennett Valley Road, and SR 12 are usually efficient but least reliable during the Peak Season with Industry-Wide-Events.
 - During the peak season, SR 37 eastbound becomes congested and travel time reliability worsens at SR 116 along a longer distance (to Arnold Drive), SR 116 westbound east of Watmaugh Road, and East Napa Street westbound between 7th Street and 5th Street.
 - With industry-wide events in peak season SR 121 north of SR 37 becomes unreliable, which reduces travel time reliability and increases congestion at SR 121 and SR 37.
 - Miles unreliability/congested during peak season, industry-wide events: 33.0
- **Dry Creek, Off-Peak:**
 - A small portion of Healdsburg Avenue (101 to Kennedy Lane), experiences congestion and adjacent sections of Healdsburg Avenue through downtown experience moderate congestion. With industry-wide events, Dry Creek Road west of 101 becomes moderately congested and travel time becomes unreliable on east of 101.
 - Miles unreliability/congested during off-peak with industry-wide events: 6.9
- **Dry Creek, Peak:**
 - Healdsburg Avenue (Exchange Avenue to Plaza Street) becomes congested, and sections of Dry Creek Road become unreliable or moderately reliable.
 - With industry-wide events, travel time reliability worsens and more segments become moderately reliable or unreliable along Dry Creek Road, Canyon Road, and Healdsburg Avenue.
 - Miles unreliability/congested during peak with industry-wide events: 13.4

Winery Events Ordinance

Permit Sonoma is currently drafting the zoning ordinance amendment for the policy update; staff have been reflecting on local stakeholder discussions as community input on possible policy solutions and for a county-wide approach to winery events policy. The next steps are to:

1. Finalize all local guidelines (by April 2020);
2. Prepare a draft ordinance amendment that captures county-wide direction on winery events using input from the guidelines and data from noise and traffic consultants;
3. Harmonize the guidelines to ensure consistency with proposed Ordinance amendments, particularly around terminology and definitions; and
4. Present the policy update to the Planning Commission and Board by Fall 2020.

Existing stakeholder discussions have revealed the need for a countywide ordinance update. However, there are nuanced sensitivities to winery events in each of the areas of potential concentration. Given the unique character of the three geographic areas, Permit Sonoma recommends that the Board consider an ordinance update as well as local guidelines.

Board Discussion

Staff is seeking the Board's input on whether it supports the direction to prepare a countywide Ordinance as well as local guidelines within the three areas of potential concentration. Staff considered three possible directions for the policy update (described below):

1. Ordinance-only Approach:

This approach would put forward an Ordinance that includes Permit Sonoma's recommendations on regulating and winery events. The Ordinance would apply countywide and be organized according to zoning districts. This approach would be complete by Fall 2020.

Strengths of this approach are:

- Consistent and predictable policy county-wide;
- Uniform application and interpretation of the zoning ordinance to discretionary projects across the County;
- More streamlined review process for individual applications than the alternative approaches because review of a project's compliance with the zoning ordinance would not entail consultation of separate guidelines in defined geographic areas.

Challenges with this approach:

- Stakeholder discussions have proven that each area of potential concentration has unique sensitivities to additional winery events activity. In adopting an Ordinance only, the policies would apply to zoning districts, which do not exclusively align with the neighborhoods that lie within the areas of potential concentration. A standard that applies within a zoning district cannot be applied differently in certain portions of a zoning district.
- Community-involvement in the decision making process on individual development projects would be limited to providing comments as part of the project's review by Permit Sonoma, the Board of Zoning Adjustments or Board of Supervisors, depending on who has final decision-making authority for the particular project. This affords streamlining but limits the potential for formalizing expanded public involvement and the possibility of resolving contentious issues before decision-making hearings. Under this approach, however, the County would still have the ability to hold additional public meetings on an application should expanded public involvement be desirable on a case-by-case basis.

2. Guidelines-only Approach:

Under this approach the Board would consider adopting the local guidelines that are prepared by the stakeholders and supported by the local CAC (if applicable) and Planning Commission. If adopted, the

guidelines would provide local guidance for evaluating projects -to the extent they are consistent with current ordinance standards for winery events. Two of three guidelines are nearly complete, with the third anticipated in April 2020. This approach to the policy update would be complete by June/July 2020.

Strengths with this approach:

- Fastest completion timeline for the policy update; and
- Allows for local guidance and input on requests for permitting winery events.

Challenges with this approach:

- A local guidelines only approach does not provide county-wide regulation of winery events;
- Local guidelines would be advisory only and would not have the same binding effect as an ordinance; in the event of a conflict between a guideline and the zoning ordinance, the zoning ordinance would control.

3. Joint Ordinance and Guidelines Approach:

Staff recommends this approach for the policy update above the others. An ordinance update would provide clarity and consistency for countywide review of winery events, while local guidelines that are in harmony with the ordinance would provide additional advisory direction that promotes better projects and better planning for promotional activities. This approach would be complete by Fall 2020.

Strengths with this approach:

- Consistent and predictable policy county-wide;
- Facilitates the uniform application and interpretation of the zoning ordinance across the County to discretionary projects;
- Facilitates consideration of local guidance in areas with acute sensitivities to the impacts associated with agricultural promotional activities, in addition to the requirements of the zoning ordinance, but still consistent with them; and
- Provides a harmonized framework for expanded review of discretionary projects by establishing ordinance standards that apply uniformly, while also providing an opportunity for structured and predictable advisory guidance in areas with unique sensitivities.

Challenges with this approach:

- Less streamlined review of applications within areas of potential concentration as they would be reviewed using both the ordinance and advisory guidelines. However, both would be clear and predictable; and
- Requires preparation of a draft ordinance and harmonizing multiple local guidelines with the ordinance, which will lengthen the time to complete the policy update.

As proposed, the provisions contained in local guidelines but not required by the ordinance would be advisory only. It may be possible for different standards to apply to different specifically defined geographic areas of the county with binding effect, if consistent with the General Plan and adopted by the Board by ordinance.

In addition to the Board's direction on the policy update approach listed above, Permit Sonoma is seeking initial Board feedback on the conclusions reached in the traffic threshold studies for the Dry Creek and Sonoma Valleys.

Prior Board Actions:

June 4, 2019: Board approves the Comprehensive Planning Work Plan with direction to update policies regulating Agricultural Promotional Activities

October 11, 2016: Board holds a Winery Events Study Session

July 12, 2016: Board holds a Winery Events Study Session

December 9, 2014: Board approves the 2015-2017 Comprehensive Planning Work Plan

September 10, 1996: Board adopts Resolution of Intention to allow limited food service.

March 9, 1993: Board amends zoning ordinance for new Ag promotional activities policies.

March 23, 1989: Board adopts the General Plan including a new Agricultural Element

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

N/A

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

ATT 1: Map of Dry Creek Valley/Westside Road Winery Event Concentration

ATT 2: Map of Sonoma Valley Winery Event Concentration

ATT 3: Map of Westside Road Winery Event Concentration

ATT 4: Sonoma Valley Capacity Threshold Study consultant policy recommendations

ATT 5: Dry Creek Valley Capacity Threshold Study consultant policy recommendations

ATT 6: General Plan Policies for agricultural promotional events

Related Items "On File" with the Clerk of the Board:

- a. Dry Creek Valley & Westside Road Capacity Threshold Study, prepared by GHD (formerly Omni-Means)
- b. Sonoma Valley Capacity Threshold Study, prepared by GHD (formerly Omni-Means)
- c. Background Conditions Report for the Capacity Threshold Study, prepared by GHD (formerly Omni-Means)
- d. General Noise Standards, prepared by Bollard Acoustical Consultants, Inc.