



Legislation Text

File #: 2022-0867, **Version:** 1

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Georgia McDaniel, Project Planner (707) 565-4919

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

1:45 PM - ORD16-0001 Winery Events Ordinance

Recommended Action:

To conduct a Public Hearing and adopt an Ordinance of the Board of Supervisors of the County of Sonoma, State of California, amending Sonoma County Code Chapter 26 (Zoning Regulations) to add winery definitions and standards for new winery visitor serving uses on lands zoned Land Intensive Agriculture, Land Extensive Agriculture, and Diverse Agriculture (outside of the coastal zone); and determine the project to be exempt from the California Environmental Quality Act. (4/5th Vote Required)

Executive Summary:

On October 11, 2016, the Board of Supervisors directed staff to prepare zoning code amendments to address key issues associated with winery events and promotional activities, and to develop siting criteria and standards for areas of concentration. Three areas of local concentration were identified in the county: Sonoma Valley, Dry Creek Valley, and Westside Road. Stakeholders in each of the three areas of concentration have worked at the local level to establish local guidelines for their respective community.

On May 19, 2020, the Board of Supervisors directed Permit Sonoma staff to obtain additional public feedback and move forward with preparing a countywide winery events ordinance that defines key terms and addresses common issues identified across the local guidelines. After extensive community input, including facilitating a 195-person public workshop and working directly with local stakeholders, staff presented a draft ordinance to the Planning Commission.

On June 7, 2022, the Planning Commission voted in favor of recommending that the Board of Supervisors adopt the proposed draft Winery Events Ordinance. The draft ordinance defines key terms and sets standards for winery events, tasting rooms, sizing of events, hours of operation, access, parking, and food service. Neighborhood notification of upcoming events, on-site coordinators, traffic management, and compliance with General Plan noise limits would be required for all winery events. Stand-alone tasting rooms, third party rentals, and dedicated event space would be prohibited, as well as outdoor burning of solid fuel. The ordinance will apply to new and modified use permit applications for winery visitor serving uses and will be used by Permit Sonoma staff and decision makers when considering new and modified use permit applications for winery visitor serving uses.

Discussion:

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 periodic special 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. Since 1993, when zoning code amendments were adopted to allow promotional activities and events with a use permit, the wine industry has increasingly shifted the mode of wine marketing to focus on direct-to-consumer sales. This shift has driven an increase in promotional activities and events that bring customers to agricultural areas for wine release parties, winemaker dinners, industry-wide events and other gatherings that have, in some situations, resulted in neighborhood impacts and potential land use conflicts. Of the 464 winery and tasting room permits approved in the unincorporated areas of Sonoma County, 307 are permitted for visitor serving uses, such as tasting and events. Most of the permitted tasting rooms are allowed to participate in industry-wide events unless prohibited in the use permit. Use permits also specify other promotional activities and events depending upon site constraints and marketing plans of the operator.

Permit Sonoma continues to receive new and modified use permit applications for wineries and tasting rooms. Since 2016, Permit Sonoma has received 62 new and modified use permit applications for wineries and tasting rooms. Of these 62 applications, 27 have been approved through the public hearing process and 35 remain under discretionary review. Prior to 1997, an average of 1 to 2 winery and tasting room use permits were processed annually. Between 1997 and 2015, Permit Sonoma processed an average of 14 winery and tasting room use permits per year.

Winery Events Policy History:

The Winery Events Policy effort commenced on December 9, 2014 when 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 and 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.

Following the Working Group meetings, staff conducted a 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 in areas of concentration.

On October 11, 2016, after holding two Winery Event Study Sessions, the Board of Supervisors adopted a Resolution of Intention directing staff to “clarify the definition of events and food service” and “to develop standards and siting criteria for events in areas of local concentration, for adoption either as part of the Zoning Code or as separate guidelines.” Staff would work through the Dry Creek Valley Citizens Advisory Council, the Sonoma Valley Citizens Advisory Commission, and a stakeholders group for the Westside Road area to facilitate development of criteria and standards for each local area of concentration.

Local Guidelines:

The purpose of the local area guidelines is to provide guidance to winery applicants on the design of their projects, as well as a local framework for advisory body review and evaluation of use permit applications for new visitor serving agricultural uses. The Dry Creek Valley Citizens Advisory Council (DCVCAC) and Sonoma Valley Citizens Advisory Commission (SVCAC) adopted advisory guidelines are based on unique conditions to its area of concentration. The Winery Events Ordinance will apply countywide, including areas where local area winery event guidelines exist. Though advisory only, the local guidelines and CAC recommendations are important to inform the application submittal, review, and decision-making process.

Dry Creek Valley Guidelines

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. On October 16, 2018, the Board of Supervisors adopted an amendment to the DCVCAC’s Blue Book, adding Guidelines for New Use Permits with Visitor-serving Agricultural Uses.

Sonoma Valley Guidelines

The Sonoma Valley Working Group (Stakeholders Group) was formed to develop local guidelines for Sonoma Valley and began meeting in 2017. On November 18, 2020, draft guidelines prepared by the Stakeholders Group were presented to the SVCAC. In spring of 2021, SVCAC formed a Winery Events Ad Hoc Committee to recommend changes to the draft guidelines. The SVCAC adopted the Ad Hoc Committee’s guidelines on May 26, 2021. Permit Sonoma staff provided support for this effort to ensure the final draft countywide ordinance harmonized with local guideline efforts and public input. SVCAC transmitted their guidelines to the Board of Supervisors on their consent calendar for Nov 1, 2022.

Westside Road Guidelines

Currently, there is no Citizens Advisory Council/Commission (CAC) for the Westside Road area. The Westside Road Stakeholders Group, comprised of winery industry representatives and community members, met with the task of preparing winery guidelines for siting criteria and operational standards within the Westside Road area. The stakeholders were not able to reach consensus on siting criteria and operating standards therefore, draft guidelines have not been prepared and the meetings discontinued.

Winery Events Ordinance:

In response to October 2016 and May 2020 Board direction, Permit Sonoma staff developed a draft countywide winery events ordinance that provides consistency and clarity to the use permit evaluation process, reduces impacts to surrounding uses, protects agricultural land, and preserves rural character. To inform the development of the draft ordinance, staff used local guidelines, advisory and stakeholder group input, information from traffic and noise studies commissioned for this policy effort, as well as community input received during numerous stakeholder meetings and community workshops.

On June 3, 2021, the Planning Commission began reviewing the draft ordinance. During four public hearings, Commissioners received additional public input, considered the common issues identified across local guidelines, and made various revisions to the definitions and standards proposed in the draft ordinance. On June 7, 2022, the Planning Commission recommended the Board of Supervisors adopt the draft ordinance, as modified by the Planning Commission.

Changes recommended by the Planning Commission:

- New Definitions for Wine Tasting Rooms, Winery Events, Agricultural Promotional Events
- Remove Definitions and Standards for normal winery and tasting room business operations
- New Standards for Wine Tasting Rooms, Neighborhood Notification, Event Space, Access, Event Proposal, Outdoor Burning
- Other minor revisions to various Definitions and Standards

Attachment 3 provides a Winery Events Ordinance Comparison Table that reflects changes made by the Planning Commission to staff's original proposal for the draft Ordinance. These changes are underlined in the Comparison Table.

The draft Winery Events Ordinance proposes amendments to Sonoma County Code Chapter 26 (Zoning Code) by amending uses allowed in agricultural zoning districts to establish definitions and standards for winery visitor-serving uses. The ordinance will apply to new and modified use permits for winery visitor-serving uses in the agricultural districts, LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), and DA (Diverse Agriculture), outside of the Coastal Zone.

The draft ordinance defines key terms, such as winery events and food service, and sets forth operating standards that clarify existing General Plan policies, permit requirements, and standard conditions of approval. Operating Standards for winery events, tasting rooms, sizing of events, hours of operation, access, parking, and food service are included. Neighborhood notification of upcoming events, on-site coordinators, traffic management, and compliance with General Plan noise limits will be required. Stand-alone tasting rooms, third party rentals, and dedicated event space will be prohibited, as well as outdoor burning of solid fuel.

The new winery definitions and standards will be used by Permit Sonoma staff and decision makers when considering new and modified discretionary applications for winery visitor serving uses. All existing wineries and tasting rooms will continue to operate in accordance with their approved use permit, or if applicable, under the Zoning Code's regulations for legal nonconforming uses (often referred to as "grandfathered uses").

General Plan and Zoning Consistency:

The draft Winery Events Ordinance implements General Plan Land Use Element and Agricultural Resources 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 visitor serving uses that support and are secondary and incidental to agricultural production. The draft ordinance will not create an internal inconsistency in the General Plan or the Zoning Code. The proposed zoning amendments do not involve specific development nor do the amendments increase development beyond that which the Zoning Code currently allows by use permit in agricultural zones. The proposed amendments will clarify compatible agricultural promotional uses allowed with a use permit by adding definitions and establishing standards for these visitor serving uses. The Zoning Code will continue to require use permits for agricultural processing and tasting rooms.

CEQA Determination:

Staff finds the proposed ordinance is exempt from further review under the California Environmental Quality Act (CEQA) under Section 15308 exempting standards authorized by state law to assure protection of the environment; and under the general rule in 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. No exceptions listed under Section 15300.2 apply.

Community Input:

The draft ordinance is informed by community input received during numerous stakeholder meetings and community workshops starting in 2015 and culminating with a 195-person public workshop held on February 18, 2021, per direction of the Board on May 19, 2020. Additional public comment was received during the Planning Commission's review of the draft ordinance between June 2021 and June 2022. Public comments largely cover key issues that were identified early in the winery events policy effort.

- Wine-industry business need for direct marketing activities
- Neighborhood compatibility
- Potential impacts related to noise, traffic, dust, and water supplies
- Commercialization of agricultural lands and concentration
- Maintaining rural character
- Monitoring and enforcement
- Existing wineries

Since holding the public workshop in 2021, Permit Sonoma has received and considered comments from wine industry representatives, neighborhood groups, environmental groups, and other stakeholder groups. Wine industry members express concern about the industry's need for more flexibility to engage with consumers as

they face ongoing challenges with wine wholesale and distribution consolidation. The wine community also points to impacts resulting from wildfire, smoke exposure, floods, power shutoffs, diminished tourism, and the pandemic. Wine industry members note that the wine community is a major employer and crucial contributor to the Sonoma County economy and supports hundreds of non-profit charitable organizations. Neighborhood and environmental groups, as well as a number of private citizens, continue to comment on the need for meaningful and enforceable definitions and standards. Other concerns raised include the loss of agricultural lands to development, maintaining rural character, event centers occurring on agricultural lands, and impacts on surrounding neighborhoods. Moreover, the draft Ordinance balances a number of considerations, such as key components of the local guidelines adopted by Dry Creek and Sonoma Valley CAC (See Attachment 3).

During the Sonoma County General Plan update, there will be an opportunity to look at these issues globally for visitor serving uses and events in agricultural areas beyond those sponsored by wineries, if that is desirable.

Recommendation:

On June 7, 2022, the Planning Commission recommended the Board of Supervisors adopt an Ordinance amending Chapter 26 of the Sonoma County Zoning Code to add Winery Definitions and Standards and find the action exempt from CEQA. Therefore, staff recommends the Board of Supervisors approve a resolution and adopt an Ordinance amending Chapter 26 of the Sonoma County Zoning Code to add Winery Definitions and Standards and find the action exempt from CEQA.

Strategic Plan: Not Applicable

Prior Board Actions:

Date	Board Action
May 2020	Board directed staff to prepare countywide winery event ordinance
June 2019	Board adopted 2017-19 Work Plan with Winery Events
October 2018	Board adopted an amendment to the DCVCAC Blue Book, adding local advisory guidelines for new visitor serving agricultural uses
October 2016	Board held a Winery Events Study Session and adopted a resolution of intent directing staff to prepare zoning amendments and policy options for local guidelines
July 2016	Board held a Winery Events Study Session
December 2014	Board adopted 2015-17 Work Plan with Winery Events Policy
September 1996	Board adopted a resolution of intent allowing limited food service in tasting rooms
March 1993	Board adopted Zoning Code amendments allowing agricultural promotional activities and events with a use permit, as part of implementation of the 1989 General Plan

FISCAL SUMMARY

Not Applicable

Narrative Explanation of Fiscal Impacts:

Not Applicable

Staffing Impacts: Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Att 1 Ordinance

- a. Exhibit A "Table 6-1: Allowed Land Uses in Agricultural and Resource Zones"
- b. Exhibit B "Section 26-18-260 - Winery Definitions and Standards"

Att 2 Planning Commission Resolution (June 7, 2022)

Att 3 Winery Events Ordinance Comparison Table - comparing Planning Commission approved Ordinance with original staff recommendation

Att 4 Planning Commission Staff Report (June 3, 2021)

Att 5 October 2016 Board of Supervisors Resolution of Intent

Att 6 Related General Plan Agricultural Resource Element Policies

Att 7 Public Comments for Planning Commission Hearing

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

1. May 19, 2020 Winery Events Local Area Guidelines and Ordinance Update Board Summary Report
2. October 11, 2016 Winery Events Study Session Report
3. July 12, 2016 Winery Events Study Session Report