



Legislation Text

File #: 2023-0134, **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: Majority

Supervisory District(s): Countywide

Title:

9:35 AM - ORD16-0001 Winery Events Ordinance

Recommended Action:

Hold a final Board of Supervisor's 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.

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 a draft Winery Events Ordinance, as modified by the Planning Commission.

On November 1, 2022, the Board of Supervisors held a public hearing and motioned to continue the item to a date uncertain. The Board directed staff to return with a revised Ordinance that responds to Board concerns regarding clarity and how the ordinance distinguishes standard daily operations from events. During the public hearing, the Board made preliminary edits to staff's original recommendation for definitions and standards.

The revised ordinance defines key terms and sets standards for winery events and standard daily operations (winery visitor serving activities). Operating Standards for sizing, hours of operation, third party rentals, on-site parking, food service, traffic management, and compliance with General Plan noise limits are included. 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:

The 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.

On November 1, 2022, the Board of Supervisors held a public hearing to consider the proposed Winery Events Ordinance and motioned to continue the public hearing to a date uncertain. The Board directed staff to return with a revised Ordinance that responds to Board concerns summarized below. The Ordinance defines key terms and sets standards for winery events and standard daily operations (winery visitor serving activities). Operating Standards for sizing, hours of operation, third party rentals, on-site parking, food service, traffic management, and compliance with General Plan noise limits are included.

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").

Summary of November 1, 2022 Board Direction to Staff:

For Definitions:

- Take out definition of *"Catering Kitchen"*, *"Commercial Kitchen"*, and *"Food & Wine Pairing"*. Return with a definition of *"Restaurant"* to address food service issue.
- No recommendation / no direction to staff regarding definition of *"Rural Area"*.
- Accept staff's recommendation regarding definitions for: *"Winery"*, *"Winery Events"*, *"Industry-Wide Events"*, *"Wine Tasting Room"*, and *"Wine Trade Partners"*.
- For the definition of *"Agricultural Promotion Events"*, accept staff's recommendation, as modified by Supervisor Hopkin's successful friendly amendment to add language "...beyond defined activities during standard daily operations that are..." between the words "Event" and "directly".
- Respond to Board concerns and return with more clarity in definitions for *"Winery Visitor Serving Activities"*, *"Sales Activities"*, and *"Wine Trade Activities"*.

For Operating Standards:

- Reject operating standards, as proposed by staff, as part of code amendments to
- align with General Plan Policy AR-6g, per staff recommendation during the public hearing, for the following: *"Wine Tasting Rooms"*, *"Neighborhood Notification"*, *"Event Space"*, and *"Access"*, *"On-Site Coordinator"*, *"Event Proposal"*, and *"Outdoor Burning"*.
- Accept operating standards, as proposed by staff, as part of code amendments to align with General Plan Policy AR-6g, per staff recommendation during the public hearing, for the following: *"Winery Visitor Serving Activities"*, *"Winery Events"*, *"Sizing"*, *"Hours of Operation"*, and *"On-Site Parking"*, *"Food Service"*, *"Traffic Management"*, and *"Noise Attenuation Setbacks"*.

- Pursuant to Supervisor Hopkins' successful friendly amendment, additionally accept operating standard, for "*Third Party Rentals*," as proposed by staff, as part of code
- amendments to align with General Plan Policy AR-6g.

Background:

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. 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. See Attachment 2 (November 1, 2022 Board Summary Report) for more background on Winery Events Policy history, community input, prior Board of Supervisors and Planning Commission actions, and local guidelines prepared by Dry Creek Valley and Sonoma Valley citizen advisory groups.

General Plan and Zoning Consistency:

The 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.

Recommendation:

Permit Sonoma recommends 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.

Strategic Plan:
Not Applicable

Prior Board Actions:

Date	Board Action
November 2022	Board continued the public hearing to a date uncertain and directed staff to return with a revised ordinance that responds to Board concerns.
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

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

- Att 1 Winery Events Ordinance
- Att 2 Winery Events Ordinance Exhibit A Allowed Land Use Table
- Att 3 Winery Events Ordinance Exhibit B "Section 26-18-260 - Winery Definitions and Standards"
- Att 4 November 1, 2022 Board Summary Report for Winery Events Ordinance

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