

Resolution Number

County of Sonoma
Santa Rosa, California

April 22, 2010
UPE09-0027 Cynthia Demidovich

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,
COUNTY OF SONOMA, STATE OF CALIFORNIA ADOPTING
THE MITIGATED NEGATIVE DECLARATION, APPROVING A
USE PERMIT FOR A NEW RETAIL TASTING ROOM OPEN TO
THE PUBLIC WITH 18 SPECIAL EVENTS PER YEAR WITH A
MAXIMUM OF 200 PEOPLE PER EVENT LOCATED AT 15001
MEYERS GRADE ROAD, JENNER; APN 109-160-020.

WHEREAS, the applicant, Lester Schwartz, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a Use Permit for a 4,991 square foot new retail tasting room open to the public with 18 special events per year with a maximum of 200 people per event, located at 15001 Meyers Grade Road, Jenner; APN 109-160-020, zoned RRD (Resource and Rural Development), B7 (Frozen Lot Size) and TP (Timber Production), B7 (Frozen Lot Size); Supervisorial District No. 5; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on April 22, 2010, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

NOW THEREFORE BE IT RESOLVED that said Board of Zoning Adjustments makes the following findings:

1. The project is consistent with the General Plan land use designation of Resource and Rural Development, and the Agriculture Resource Element Goals and Policies.
2. The proposal is consistent with the Resource and Rural Development zoning district, which allows tasting rooms for agricultural products which are grown on site if a Use Permit is secured.
3. Based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because Mitigation Measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
4. 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:

- a. A focused Traffic Study indicates that the proposed tasting room will have an insignificant impact on the existing traffic conditions and the existing road will adequately support additional trips associated with the proposed project. Hours of operation are shortened during the winter months because roadway visibility is enhanced during daylight hours.
- b. A Ground Water Study indicates that wells on the neighboring properties will not be influenced by the proposed tasting room as the parcel to the north and adjacent to the project site is served by a spring. The study indicates there is no connection between the well that will serve the proposed tasting room and the spring located 800 feet to the north which will serve the adjacent parcel. The study also indicates that wells on other properties are at least 1,200 feet away.
- c. The project meets the General Plan objectives and policies of the Noise Element as the project will not create an adverse impact on adjoining properties as the location of the outdoor events will be limited to the area on the "Outdoor Events Location Map," dated October 2, 2009, and hours for events are restricted for neighborhood compatibility reasons and conformance with General Plan standards.
- d. A Wildlife Habitat Assessment indicates that the biotic resources located on the project site will not be impacted by the proposed tasting room as the tasting room will be located approximately 680 feet to the south west of the biotic resources and the main driveway and parking area will be located approximately 400 feet to the south west of the tasting room.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments adopts the Mitigated Negative Declaration and Mitigation Monitoring Program set forth in the Conditions of Approval. The Commission certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA State and County guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment of the Board.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

Resolution #
April 22, 2010
Page 3

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.