

County of Sonoma
Winery Event Working Group
Key Issues and Policy Options for
Development Criteria and Performance Standards

A number of issues and concerns have emerged from the discussion at the Working Group that appear to focus on several key issue areas including: 1) business need for direct marketing activities; 2) neighborhood compatibility; 2) potential impacts related to noise, traffic, dust and water supplies; 3) commercialization of agricultural lands and concentration; and 4) maintaining rural agricultural character.

There are a number of development criteria and performance standards that are commonly used in zoning regulations to address these types of issues as noted in the Summary of Other Jurisdictions previously provided to the Working Group. This discussion paper outlines the key issues and policy options to begin the discussion of criteria and standards for events held at wineries or tasting rooms.

Staff identifies the following criteria and standards as one way to balance the needs of the wineries with the general welfare of neighboring property owners while maintaining the rural character and integrity of the agricultural lands. Any criteria and standards must also be consistent with the policies of the General Plan. If effective, they would also clarify definitions of terms, provide consistency among use permit approvals, provide more certainty to the permitting process and reduce the potential for neighborhood conflicts and impacts.

The following discussion closely follows the Summary of Other Jurisdictions table for ease of reference. Please keep in mind that different standards could be developed for Areas of Concentration. These criteria and standards would be applied to new applications that propose events that are received after the effective date of the ordinance. New regulations establishing criteria and standards would not affect any vested rights in previously approved use permits.

Minimum Site Area: A minimum site area or lot size is often used to disperse development intensities and ensure that cumulative impacts are minimized. Minimum site area for events could ensure sufficient space between more intensive land uses and disperse traffic and noise. However, a larger minimum lot size would limit the ability of owners of smaller parcels to conduct events. The minimum lot size for commercial agriculture is 10 acres of land with a minimum of 6 acres planted under the Land Conservation Act and Uniform Rules for Agricultural Preserves. Minimum parcel sizes in the Zoning Code range from 10 acres to 20 acres in agricultural areas. However, many parcels in agricultural zones are smaller than the minimum lot size required for creation of new parcels and in some areas clustering is allowed with minimum parcels as small as 1.5 acres. The range of minimum lot sizes indicated in the Summary of Other

Jurisdictions ranges from 2 acres for a small winery to 40 acres for large wineries. Some jurisdictions also require a minimum area of planted acreage.

Policy Options

- A. No minimum site area requirements
- B. Establish a minimum lot size at 7 acres to accommodate a commercial size vineyard of 6-acres and 1-acre building site.
- C. Establish a minimum lot size of 10 acres consistent with the minimum lot size considered viable under the Land Conservation Act and Uniform Rules for Agricultural Preserves.
- D. Establish a minimum lot size for different thresholds of event sizes.

Discussion Point: A minimum site area of 7 acres for a project that includes events, other than industry-wide events or food and wine pairing, as discussed below. The minimum site area requirements would be applied only to sites requesting events of a certain size threshold as discussed further below. Wineries on smaller lots could still be allowed.

Setbacks:

Setbacks are used to establish open space between land uses or public rights-of-way to maintain rural character and ensure neighborhood compatibility. Even on large parcel sizes, a proposed event area can be sited too close to neighboring properties to meet noise standards or avoid traffic conflicts. Because noise levels decrease an estimated 6 dBA for every doubling of distance, setbacks are often used to minimize impacts related to noise. As we have discussed previously in the Working Group, regulations are more effective where they focus on site design elements at the design/development stage rather than after the winery operation commences.

The County General Plan Adjusted Daytime Noise standards must be met for event activities. Maximum noise levels are adjusted -5 dBA for music or speech (45 dBA up to 60 dBA max) and an additional -5 dBA (40 dBA up to 55 dBA max) when the noise source exceeds ambient conditions by 10 dBA or more. Events that occur for 30 minutes or more must meet the lower standard, which has been consistently used in Noise Studies for permitted event activities.

The following table summarizes the predicted noise levels for event activities with and without music.

Typical Noise Levels for Event Activities (A-Weighted L₅₀ Levels)

Event or Activity	Typical Noise Level at 50 feet
Amplified Wedding Music (or similar type event)	72 dBA
Amplified Speech	71 dBA
Non-amplified Music	67 dBA
Films – Voices/Music	64 dBA
Raised Conversation	64 dBA

Source: Illingworth and Rodkin, Noise Consultants

Noise Attenuation Distances. Noise is attenuated by distance from the noise source. Based analysis from six noise studies conducted for projects with events and review and input from two qualified noise consultants, the following setback distances for events was determined to meet the noise standards of the General Plan adjusted for music or speech without mitigation measures.

Events with no acoustical music or amplified sound would require a minimum attenuation distance of 450 feet.

Non-amplified acoustical music from piano, strings, and woodwinds would require a minimum attenuation distance of 625 feet.

Amplified speech and music, or acoustic brass winds and drums would require a minimum attenuation distance of 1,000 feet to 1,125 feet.

Additional attenuation distance would be required to meet the adjusted General Plan Noise standards when the proposed use exceeds ambient conditions by 10 dBA or more.

Mitigation measures.

In some cases the event areas can be sited behind the winery or tasting room building or there may be intervening terrain or other structures that block the line of sight that can attenuate noise to some degree. A minimum of 5 dBA of attenuation could be accomplished by blocking the line-of-sight between the noise source and receptor.

Adjustment factors for interior noise levels are generally 12-15 dBA assuming the windows or doors are open and 20 to 25 dBA if the windows and doors are closed.

Sound walls can also be used to attenuate noise, but are considered undesirable in rural areas and detract from the scenic beauty, sense of open space and rural character of agricultural areas.

Policy Options:

- A. Establish a minimum setback of 1,000 feet for outdoor event areas involving amplified sound.
- B. Establish a minimum setback of 625 feet for outdoor event areas involving acoustical music.
- C. Establish a minimum setback of 450 feet for outdoor event areas with no outdoor music.
- D. Allow reduction of setback where existing terrain or structures attenuate the noise without the use of sound walls.
- E. No minimum setback requirements, establish on a case-by-case basis in the use permit process.
- F. Limit all outdoor events to acoustic music only.

Discussion Point: A minimum setback of 450 feet from the property line for all outdoor event areas with no outdoor music could be established. Setbacks may be reduced by review authority when there is existing intervening terrain or buildings that attenuate noise to meet standards. Setbacks may be increased by review authority based on a Noise Study for events involving outdoor music or amplified sound. Sound walls are strongly discouraged in rural agricultural areas.

Tasting Room:

A key issue that has been raised for tasting rooms is the allowance for stand-alone tasting rooms currently allowed in the agricultural zones and allowances for more than one tasting room on a site. Other concerns have been raised with multiple wineries represented at a single site. Tasting rooms are only allowed for on-site agricultural in the RRD and are not allowed in rural residential zone (AR). The Board of Zoning Adjustments have denied tasting room permits when there has been no agricultural production or processing on a site. Most jurisdictions only allow tasting rooms in agricultural areas when they are accessory to a winery processing facility. Custom crush facilities and multiple wineries promoting from a single tasting room would provide needed agricultural support services to smaller vineyard owners and could reduce potential impacts of each site needing their own facilities.

Policy Options

- A. Limit the number of tasting rooms per site.
- B. Limit custom crush operations.
- C. Allow tasting rooms only when accessory to a winery.

- D. Allow tasting rooms only when there is a minimum 6 acres of vineyard on-site.
- E. Establish a maximum site area devoted to tasting room and visitor serving uses to ensure the use is incidental.
- F. Continue to allow stand-alone tasting rooms by use permit.

Discussion Point: Allow a tasting room accessory to winery or require a minimum of 6 acres planted in vineyard if no processing on-site in the agricultural (LIA, LEA, DA) or resource (RRD) zones.

The combined floor area of the tasting areas including wine cave areas used for tasting or events, all retail floor area, tasting room offices, case good storage, food preparation, restrooms and outdoor seating/event areas are clearly incidental and secondary to the agricultural production and processing use. Generally, no more than 15% of the site area up to max of 2 acres devoted to tasting site area; no more than 20% of the floor area of a processing facility.

Visitor Hours:

Hours of operation are routinely used to limit the intensity of land uses and ensure neighborhood compatibility. Hours of operation can also be used to avoid peak hour traffic and avoid noise impacts during evening and night time hours when people are more sensitive to noise. The General Plan establishes a Nighttime Noise Limit from 10 pm to 7 am. Most use permits have limited events to the hours of 10 am to 10 pm, including clean up. More recent use permits limit the hours of events to end by 9 pm and allow clean up by 10 pm.

Policy Options

- A. Establish operating hours on a case-by case basis through use permit
- B. Limit events to tasting room hours only (10 am to 5pm)
- C. Limit only outdoor events to tasting room hours
- D. Limit events to the standard condition of 10 am to 9 pm with clean up by 10 pm.

Discussion Point: Limit event hours to 10 am to 9:00 pm w/clean up by 10 pm or as limited by use permit.

Food Service:

Food service at winery tasting rooms has been allowed for events on a limited basis since the Board directive in 1996. Food service has generally been limited to appetizers or tastes of local food products. Full meal service has been allowed on a very limited basis only for events.

Restaurants, cafes, cooked to order foods, menus and table service is generally prohibited at tasting rooms. Increasingly, food and wine pairing is seen as an important component of wine marketing that helps support other agricultural products and diversifies the agricultural sector and reduces the potential for impaired behaviors among wine tasters.

In recent use permits, the BZA has allowed food and wine pairing with limited seating and full-scale commercial kitchens with stove tops and hoods. In several cases, outdoor barbecues and pizza ovens have been requested, but denied as beyond the business needs for direct marketing of wine.

Issues related to food service include: the difficulty in limiting the use to distinguish from a restaurant; the intensification of land use and related impacts of traffic, noise, and odors; and, the commercialization of agricultural lands.

Restaurant uses are typically characterized by the provision of table service and wait staff, open during meal hours, commercial kitchens and seating areas with dining tables, menus and cooked-to-order foods. These same types of facilities are required for food and wine pairing, winemaker dinners and event functions, but have been limited to event days, such that the facilities would not support a restaurant-level of intensity.

Policy Options

- A. Allow food and wine pairing during tasting room hours only.
- B. Limit the number of seats or area where food service is provided.
- C. Limit meals to permitted events only.
- D. Limit facilities to a caterer's kitchen with warming ovens but no stove top or hood.
- E. Prohibit other commercial kitchen appliances such as deep fat fryers, pizza ovens, ice cream makers, etc.

Discussion Point:

Prepackaged foods featuring local food products can be sold or sampled (i.e. cheese, nuts, crackers, olive oil, jams, etc.)

Food and wine pairing during tasting room hours only in reserve tasting room area limited to 15 seats and no more than 15% of tasting room floor area up to max of 600 sq. ft. limited to a pre-set menu of paired flights

and small appetizer plates only in accordance with past BZA/Board approvals.

Commercial kitchens with refrigeration, triple sinks, dishwashers, warming ovens, and a stove top/grill and hood could be allowed on a case-by-case basis per use permit, but no deep fat fryers, bread ovens, ice cream makers, outdoor barbeques, pizza ovens or similar commercial food service facilities.

Cooking demonstrations and meals for events only with permanent features such as a stove/grill designed and approved per use permit or allowed with a temporary portable grill/stove.

Promotional Activities:

There are a number of promotional activities that occur at wineries and tasting rooms that are permitted through the use permit process. “Special events” or “Agricultural Promotional Events” are terms that have been used in use permits to define types of promotional activities other than drop-in tasting ranging from winemaker dinners, food and wine pairings, wine release or pick-up parties, weddings, and outdoor concerts. These activities are distinguished from normal tasting room activities by larger groups of people, the availability of food service, music, advertising, and specific dates or start times.

General Plan policies limit promotional activities in agricultural areas to the promotion of agricultural products that are grown or processed in the local area. While there are many different types of activities that can be classified as events, they all involve larger groups of people that can have detrimental impacts on a neighborhood, regardless of the type. Likewise, the impacts related to events is not based on whether a fee is charged, but more so on the size of the event, the location of the event and event parking areas, the access to the event and the type of outdoor activities.

Events that are not directly related to promotion of agricultural products and expanded food service can affect the intensity of the use on agricultural lands. Even though all tasting room and promotional activities are permitted and defined by a use permit, it is helpful to have a clear definition of common terms and thresholds for events allowing a minimum level of promotional activities that are considered part of normal tasting room activities.

Policy Options

- A. Define events by the number of persons and limit the number of events for each size threshold.
- B. Define or limit by the type of event activity in compliance with General Plan policies.
- C. Distinguish between indoors versus outdoors activities.
- D. Distinguish by whether fees are charged.
- E. Distinguish by whether the event involves outdoor amplified sound.
- F. Limit the number of industry-side event days by appellation.

Discussion Point: The definition of events could be based on the number of persons with a maximum number of events for each size threshold.

Event definition: Activities conducted at a winery or tasting room for the education, marketing, sale and promotion of wine involving groups other than drop-in or by appointment tasting, including: activities involving cooking demonstrations or service of meals other than food and wine pairing as noted above; activities that occur outside the tasting room hours of operation; outdoor activities that involve entertainment, music, outdoor amplified sound, parties or similar activities; and activities that are advertised to the public via web, press, radio, flyers, or email, including wine club members or other similar mailing lists or targeted groups. All event activities in agricultural and resource areas must directly promote the wine and local agricultural products.

Event types: Industry-wide events: Promotional activities sponsored by a recognized industry organization that involve multiple tasting rooms. Special event permits are required to be obtained by the industry sponsor and participation is limited to public tasting rooms, unless otherwise restricted by use permit. Industry-wide events can be limited to a specified number of days per year in any given appellation or area. Within Agricultural Preserve areas, events are limited to no more than 2 consecutive days to conform to Ag Preserve Rules.

Agricultural promotional event: Events that are directly related to the education and marketing of wine to consumers including but not limited to: winemaker dinners, release parties, wine club parties.

Business trade events: Business trade meetings with distributors, wine trade buyers, restaurant owners, and employees of the winery that occur

during permitted winery or tasting room operating hours are not counted as events. Business trade events (larger than 15 persons) that take place outside permitted tasting room or winery operating hours shall be counted as events.

thresholds: Private and other events: weddings/receptions, corporate retreat/dinners, private parties, concerts, film or theatrical presentations, and charitable or political fundraising events allow for the sale of wine, but the wine related content is subordinate to the primary purpose of the event. **Event size**
Small events: 15-25 persons at any one time allowed 24/year or as allowed by vested use permit. (i.e. winemaker dinners)

Medium events: 25 – 100 people at any one time 12/year or as allowed by vested use permit. (i.e. release parties, corporate retreats, weddings, fundraisers)

Large events: 100-300 people at any one time 4/year or as allowed by vested use permit. (i.e. large weddings, harvest festivals)

Events greater than 300 persons no more than 2/per year for 5 year limited term permit only or as otherwise allowed by vested use permit. (i.e. concerts, large weddings, festivals)

Limit private events, charitable events, weddings, corporate retreats and other similar activities that do not directly promote wine to no more than 4 of the otherwise permitted events per year, except as otherwise allowed in a vested use permit.

Limit industry wide events to tasting room hours only. Limit the total number of industry-wide event days to 15 in any appellation/area with no more than 2 consecutive days in designated Agricultural Preserve areas. The event sponsor is required to obtain a special event permit and each participating tasting room must have a use permit for public tasting.

Third party rentals: There is a general concern that event facilities could be rented out to third parties for weddings, fundraisers and other non-agricultural related activities. However, banquet facilities and stand-alone event buildings and structures, such as amphitheaters are not allowed on agricultural lands. The BZA has prohibited rental of facilities to third parties in some use permits.

Policy Option and Discussion Point

A. Prohibit rental of winery or tasting facilities to third parties.

Access: Conflicts regarding access roads and public safety is another issue raised about events particularly in more remote locations or where rural roads do not have adequate sight distance or pavement widths to accommodate two-way traffic. Fire safe standards typically require a minimum road width of 18 feet for emergency access.

Policy Options

- A. Require access from public roads or within ½ mile of a publicly maintained road for event activities.
- B. Require minimum pavement width of 18-feet for access roads

Discussion Point: Require a minimum pavement width of 18-feet for access roads for medium and large event activities

Parking: Parking at events is generally accommodated within vineyard roads or on-site, although there have been several sites that are constrained or where event activities have exceeded the available parking. Event parking along public roads is generally prohibited in use permits, but is not enforceable without Board action to create the no parking zone and install signage.

Establish minimum parking requirements for events at 1 space per 2.5 persons at permitted events, plus 1 space per employee.

Require a Parking Plan for event activities including industry wide events. The plan should include:

- A. The use of a parking coordinator and parking staff shall be present at all times during winery special events attended by 100 or more persons to manage and direct vehicular movement and parking.
- B. The use of dust control measures to keep dust generation to a minimum along access roads and to minimize the amount of dust leaving the site.
- C. Appropriate signage placed onsite directing visitors to and indicating the location of parking areas, including open field overflow areas. Signs shall be in place before the commencement of each event.

Discussion Point: Consider standards noted above.

Monitoring and Enforcement:

Monitoring and enforcement are additional issues that have been raised. Enforcement of event conditions can be problematic due to the fact that events generally occur in the evening and weekend hours when code enforcement staff presently is not available. Monitoring of noise levels by a qualified consultant during events is generally required whenever there are valid complaints. Event activities have been subject to an event coordinator, annual reporting of events, and payment of a monitoring fee in the standard event condition since 2004, but was not anticipated to be enforced until an Event Coordinator position is created.

Policy Options

- A. Require an on-site coordinator to address complaints regarding noise, parking or trespass and notice to neighbors of the 24/7 contact person.
- B. Require events to be calendared at the beginning of each year with an event coordinator, including industry-wide event permits.
- C. Require annual reports on event activities from the preceding year including number of events, number of attendees and hours.
- D. Establish an annual monitoring fee and conduct an audit of 15% of tasting room/event permits annually.
- E. Establish a process to randomly select use permits for annual audits.
- F. Employ code enforcement staff on evening and weekends.

Discussion Point

Consider standards noted above.