

**ACTION MINUTES  
LAND USE & COMMUNITY DEVELOPMENT COMMITTEE**

November 30, 2023

**MEMBERS PRESENT:** Richard Forster, Supervisor District 2  
Frank Axe, Supervisor District 4 (absent - meeting conflict)

**STAFF PRESENT:** Glenn Spitzer, Deputy County Counsel  
Chuck Beatty, Planning Director  
Mary Ann Manges, Recording Secretary

**CALL TO ORDER:** Supervisor Forster called the meeting to order at 2:16 p.m.

**AGENDA:** Approved by consensus.

**PUBLIC MATTERS NOT ON THE AGENDA:** None.

**APPROVAL OF MINUTES:** September 14, 2023 held over until the next meeting for a full Committee

**CORRESPONDENCE:** None.

**ITEM 1: Continued review and discussion of the County's zoning ordinances related to wineries, wine tasting rooms, and their associated events.**

Supervisor Forster introduced the item.

Chuck Beatty, Planning Director, shared the staff report reviewing the proposed changes.

Supervisor Forster asked if there is any public comment.

Brian Jobson, Foothill Conservancy, said that they have expressed their concerns about maintaining rural character and agricultural integrity which have been addressed to some extent. He asked that language be included to ensure that expansion of existing wineries requires them to be compliant with county codes.

Supervisor Forster asked Deputy County Counsel Spitzer if it is necessary to verify that they are not compliant and what weight it would hold.

Deputy County Counsel Spitzer responded that he wants to think that through because he does not know that it is necessary because of the nonconforming use requirement.

Mr. Beatty said that he believes that Mr. Jobson is referencing situations where there is noncompliance, not because it is a nonconformity, but because it is a willful violation of the code.

Mr. Jobson responded that if we are grandfathering things, it is important not to give the impression that we are overlooking whatever is there now and that it is good going forward.

Supervisor Forster said if uses are not consistent with current code that it can be enforced at any time.

Mr. Jobson stated that the ones being grandfathered should recognize that they need to be in compliance with the code.

Supervisor Forster asked Deputy County Counsel Spitzer if he needs to do a little more work on this

Deputy County Counsel Spitzer responded yes.

Mr. Beatty said that existing violations of the code are not going to be grandfathered. He added we are grandfathering existing uses and ordinances, but not uses that were not consistent with that to begin with.

Mr. Jobson stated that it is better to send a clear message even if it is redundant.

Supervisor Forster asked that Counsel have some time to consider this.

Mr. Jobson added that the new ordinances should also include compliance noise and signage codes, and to limit outdoor amplified music to 8pm rather than 10pm.

Supervisor Forster said that the neighbors would be able to have outdoor amplified music until 10 p.m. because the noise ordinance allows it.

Mr. Jobson said as long as it is compliant with decibel levels and that it is probably good for the code to say "as long as it complies with other noise limits."

Mr. Jobson also suggested that there should be stricter setbacks for Steiner Road and Shenandoah School Road because they are narrow, have a lot of residences and sharp curves, and are not conducive to high speeds.

Deputy County Counsel Spitzer added that the intent is to list all of the major roads applicable to the code, with everything else defined as a minor road.

Mr. Jobson said that the attendance maximums should clear that they are per day, and added a lot is being put on the fire official and asked that fire be consulted now.

Mr. Beatty said that the included text was a recommendation from the fire marshal.

Mr. Jobson said it is a big issue if a property needs two exits instead of one and is a big issue to leave up to one person.

Supervisor Forster said that he thinks that the appropriate agencies that have the expertise should be the ones to make that decision.

Mr. Jobson added that idling vehicles are now allowed. He explained that this is a rural area where noise and air emissions are a concern.

Supervisor Forster said that limousine drivers do not want to go in and want to run the air conditioner.

Mr. Jobson responded that it is cool inside and there are residences next door that are affected.

Supervisor Forster asked County Counsel what authority is available.

Deputy County Counsel Spitzer responded that a time limit could be added.

Supervisor Forster said that can take it to the Board for discussion.

Mr. Jobson added that it will give a neighbor a standing to have a complaint addressed.

Mr. Beatty said that he believes the General Plan has criteria for limiting the amount of idling for discretionary permits and that it can be looked at to apply those same standards to by right uses.

Supervisor Forster asked that this be brought to the Board for discussion.

Jane O'Riordan asked why the parking area is not included in the 200 ft. setbacks and stated that 50 ft. is

not very far. She added that some people have dogs and that people tend to get louder when they have been drinking.

Supervisor Forster said the Committee had to come up with some kind of number and settled upon 50 ft. and that the Board can change that. He added that it is one area that is going to be addressed before it goes to the Planning Commission.

Ms. O'Riordan said that maybe idling does not need to be discussed if the parking setback is changed. She added that she tells her limousine drivers not to idle for environmental and noise reasons.

Supervisor Forster said that he recommends going to Board for a ROI with discussion of areas brought up.

Mr. Beatty pointed out that most of the discussion has been about A and AG Districts with not much about the R1A District, but we got here because of issues with use permits in the R1A District. He explained that the R1A District will be amended to put limits on future wineries and tasting rooms that meet the new proposed A District and would not be able to exceed the requirements in the A District.

Supervisor Forster asked that a detailed staff report be prepared for the Board to adequately explain how we got here, the process, and why it has taken so long. He asked that the draft September minutes be brought back to the next Land Use Committee meeting and asked Mr. Beatty which Board meeting this would be on.

Mr. Beatty responded the second meeting in December.

The meeting was adjourned at 2:54 p.m. The next Land Use Committee meeting is scheduled for December 28, 2023 at 2:00 p.m.