



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission Draft Minutes

Permit Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

October 20, 2022
Meeting No.: 22-18

Roll Call

Commissioner District 1 Carr
Commissioner District 3 Absent
Commissioner District 4 McCaffery
Commissioner District 5 Koenigshofer
Commissioner District 2, Chair Reed

Staff Members

Scott Orr, Deputy Director
Cecily Condon, Division Manager
Marina Herrera, Staff
Tasha Levitt, Secretary
Jennifer Klein, Chief Deputy County Counsel

1:00 PM Call to order, Roll Call and Pledge of Allegiance.

Correspondence

Board of Zoning Adjustments/Board of Supervisors Actions

Staff Scott Orr announced that the Board of Supervisors has added an additional meeting to their calendar to accommodate the Sonoma Developmental Center Specific Plan. So, the Planning Commission is going to be getting some more time on that. **0h2m**

Commissioner Announcements

Public Comments on matters not on the Agenda: None **0h3m**

Commissioner Reed and **Staff Scott Orr** agreed to take a break and return at 1:25pm. **0h3m**

Approval of Minutes Approval of minutes from 06/16/2022; 08/18/2022; 09/01/2022; 09/15/2022

Commissioner Carr requested edits to the minutes from 06/16/2022 and 08/18/2022. **0h26m**

Commissioner McCaffery stated he has a time constraint of 4:30pm. **0h32m**

Staff Scott Orr asked Counsel if it would be better to take another break or proceed without Commissioner Koenigshofer. He suggested taking another ten minute break and said I'll attempt to get in touch with Commissioner Koenigshofer to determine whether he'll be here, and if he's not able to be here within the next twenty minutes we proceed. **County Counsel** responded that's perfectly acceptable **0h32m**

Commissioner Carr stated he supports that. This is the only item on the agenda, so at least we'll get to it right away when we come back. **0h32m**

Commissioners and **Staff** agreed to take another break until 1:45pm. **0h33m**

Commissioner Koenigshofer stated his apologies to all for arriving late. **0h44m**

Staff Scott Orr recommended holding off on the rest of the minutes, given that we started late and Commissioner McCaffery has a time restraint. **0h45m**

Commissioner Reed agreed and introduced the item. **0h45m**

Items scheduled on the agenda

Planning Commission Regular Calendar

Item No.: 1
Time: 1:05 PM
File: Mountain Ave Winery (PLP17-0031)
Applicant: Mathieu Jacques P & Jenifer K
Owner: Same
Cont. from: N/A
Staff: Marina Herrera
Env. Doc: Categorically Exempt from CEQA under State CEQA Guidelines including the following, Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures) and Section 15061(b)(3) (Common Sense Exemption).
Proposal: The project requests a 1) Zone Change from Rural Residential (RR) to Agriculture and Residential (AR) and 2) a Use Permit for a small winery with a maximum production of 1,000 cases annually to occur within a residential structure.
Recommended Action: Hold a public hearing to review the request for a Zone Change and a Use Permit for a small winery and make a recommendation to the Board of Supervisors to approve the project and find it categorically exempt from the California Environmental Quality Act
Location: 565 & 457 Mountain Ave. & 17384 Hillcrest Ave., Sonoma
APN: 056-281-052
District: One
Zoning: RR B6 5, RC50/50

Commissioner Disclosures:

Commissioner Reed stated he took a drive to the site and poked around a little bit. **0h45m**

Commissioner Koenigshofer asked if we disclose that we looked at the site and poked around a little bit on Google Street View. **Staff Scott Orr** responded he probably gets a pass on that. **0h46m**

Staff Marina Herrera summarized the staff report, which is incorporated herein by reference. **0h47m**

Commissioner Questions:

Commissioner Carr asked if the crushpad and winery is all indoors. **Staff Marina Herrera** responded the crushpad will be covered but is all outdoors. **0h57m**

Commissioner Carr asked if it's facing up the mountain to the Northeast toward the RRD zone and that the nearest home in that direction is 1200 feet. **Staff Marina Herrera** responded that is correct. **0h57m**

Commissioner Carr stated he's wondering if it's a good idea to close that so we don't have noise going that close by the property line. He asked how the thirty percent import allowance is enforced and how do we tell whether somebody is living within the thirty percent criteria. **Staff Marina Herrera** responded that the project is

conditioned as such and the thirty percent is based on the site's current production. So, if the applicant plants more vineyards on that site, that thirty would be based off of his current production on site. **0h58m**

Commissioner Carr proposed to use tonnage as opposed to percentage. He asked about the list of allowable uses in AR and RR zoning. **Staff Marina Herrera** responded I would like to correct you, it is a conditional use in both AR and RR. **0h59m**

Commissioner Carr stated I guess using the codes isn't working too well. Does AR still allow temporary or seasonal sales and promotion of agricultural products. **Staff Marina Herrera** responded the AR district does not allow for a tasting room **0h59m**

Commissioner Carr stated he's talking about temporary or seasonal sales and promotion etcetera, is that still a provision in the AR district? **1h00m**

Staff Cecily Condon responded she believes the definite has changed slightly with the new code. Now it would be farm retail sales and farm stands. **Commissioner Carr** asked so temporary or seasonal sales would no longer allow this rezoning to enable someone to do product tasting, wine tasting, without a use permit. **Staff Cecily Condon** responded it would exclude wine tasting and would be like a normal farm stand. People could have raw product, but not wine from the site. **1h0m**

Staff Marina Herrera stated the blurb you're reading was removed from the zoning code and now the farm retail sales and farm stands provisions exclude tasting rooms, serving alcoholic beverages. **Commissioner Carr** asked what about tasting rooms serving other crops. **Staff Marina Herrera** responded for farm retail sales that includes dairy and meat products. For farm stands that includes things like eggs, honey jams, pickles, nuts and things of that sort. She added a farm stand is allowed in both AR and RR zones. **1h01m**

Commissioner Carr clarified that the temporary sales and promotion clause is no longer in that code. **Staff Scott Orr** responded correct. **1h01m**

Commissioner Koenigshofer asked if with farm stands, an owner applied to the ABC to sell wine from grapes produced on site. They're not tasting, but they're selling agricultural product produced onsite, what would the department say relative to the inquiry by the ABC department, whether such a sales strategy would be allowed. **Staff Marina Herrera** responded she believes we would not permit that ABC permit because the farm stand code section specifically excludes alcoholic beverages. **1h02m**

Commissioner Koenigshofer asked about the two APN numbers listed and that only one was subject to the application. **Staff Marina Herrera** clarified that the this was listed incorrectly on the agenda, not the notice. **1h03m**

Commissioner Koenigshofer asked if the 052 parcel is owned by the same people. **Staff Marina Herrera** responded that it's owned by the same family. **1h03m**

Commissioner Koenigshofer asked how the grapes grown on that parcel factor into the calculation that you're using for the origin of the fruit. Is that calculated in as onsite grown or is it not counted at all towards the amount of grapes that are the baseline from which the 30 percent would be calculated. **Staff Marina Herrera** responded they would not be counted as on site, they would be four and a half tons imported. **1h04m**

Commissioner Koenigshofer stated that's kind of confusing to him and he's not sure what the implications are. He asked to see the map that shows the General Plan Land Use categories. **Staff Marina Herrera** asked for clarification. **Commissioner Koenigshofer** clarified. **1h04h**

Commissioner Koenigshofer asked about reference made to feathering out higher densities to lower densities and that often there would be RR and then AR and then RRD or LIA LEA or even DA. I don't dispute that generally but I also think it's very common to see feathering like this when you look at the land use designation, not specifically the zoning, and you do have some really high density residential here. You mentioned in part of your presentation, having to do with concentration, that there are no other wineries on Mountain Avenue, which I assume because the Zoning hasn't allowed wineries, is that correct? **Staff Marina Herrera** responded correct. **1h05h**

Commissioner Koenigshofer stated this looks a bit like spot zoning to me. He asked would this analysis apply to all other RR zoned properties in this little cluster of Rural Residential land use category. Would they all be eligible for the same exemption and analysis. **Staff Marina Herrera** responded that the majority probably would be as the majority, not all of them but the majority, are larger than 2 acres which is the threshold per the general plan. **1h06m**

Commissioner Koenigshofer asked what is the acreage threshold to be considered for a winery as a use permit under the AR. Is it 5 acres or 2 acres? **Staff Marina Herrera** responded she will check but doesn't believe there is one. **1h07m**

Staff Cecily Condon added the standard changes depending on the size of the parcel for how large the agricultural processing facility can be, it'd be limited to twenty-five hundred square feet on a parcel of less than five acres. **Commissioner Koenigshofer** asked so it could be as small as two acres and the only difference would be the size of the Ag production facility. **Staff Cecily Condon** responded yes, those are the current agricultural processing standards. **1h08m**

Commissioner Koenigshofer stated so when our analysis takes the first application in an area where, if you apply the logic presented in the staff report, it applies to nearly the entire footprint of the RR land use category. How do we deal with it when the next identical applications come in. He asked why don't we look at this whole area, as opposed to what smells a little like spot zoning which I've always understood the department and county have been disinclined to do. **1h09m**

Staff Scott Orr stated, looking at the existing uses on these parcels, most of the rural residential parcels do not have a fully planted agricultural operation. Like marina said, some parcels may be more suitable than others. The fact that we do have several large parcels with fully planted agricultural operations, they are more consistent with what we see in AR. Part of the balancing act is going to be does it make more sense to have one parcel with the allowance or is it better that every single parcel in this area could potentially have similar use on it. **Commissioner Koenigshofer** asked if that was before us then wouldn't we consider why was this entire cluster zones RR in the first place and does that have anything to do with the fact that it's adjacent to and you have to pass through high density residential to get to it. **1h9m**

Staff Scott Orr responded potentially, but I'm not able to provide an answer on why it was originally designated RR at this moment. **1h10m**

Commissioner Carr stated there's no two ways about it, this is spot zoning. I was going to take this on after the public hearing, but Eric's raised it, and it is spot zoning. All it would take for the other properties would be to say "I can get a winery if I plant some vineyard, okay let's do it." That just doesn't come into play. This is a compatibility issue here. R1 residences butting up against the front of the property RR all the way around it besides that R1. This is the definition of spot zoning and it's frustrating because the project is a pretty good project. The project isn't the problem, the problem is what we're sticking out nose into here that can lead to some unwarranted changes, and even more disappointing to me that the staff report mentions nothing about this. This is a spot rezone and we got nothing in the staff report to at least deal with the pros and cons of this issue. I'm happy to hear what the applicant has to say, but I'm struggling with how to narrow it to a point where we aren't opening up all the other parcels to the same privilege. **1h11m**

Commissioner Reed stated maybe it would be good to hear from the applicant. He commented about the farm stand and attitude about wineries and tasting. He asked staff or the applicant to comment on the scale of this. It appears to be more hobby-vineyard, hobby-winery, but maybe there's bigger ambitions there. **1h12m**

Staff Marina Herrera stated that she wants to address something to the best of her ability given that this hasn't been her project for the majority of the processing. Throughout the duration of project processing it was determined by different management that the applicant should revise his application and reduce the amount of parcels, as changing the zone on all these parcels would allow potential for increased wineries and traffic in the areas. It was thought as more of a potential cumulative impact to rezone all these vineyard parcels before you. **1h14m**

Staff Marina Herrera added the reason AR facilitates a more sufficient business opportunity for the applicant by reducing the number of truck trips necessary to process wine onsite. Originally, I think they were trying to avoid spot zoning by incorporating other parcels, but upon further consideration, we basically did not want to open those other parcels up to be wineries which could have resulted in additional demand on infrastructure and increase in traffic in the neighborhood. **1h15m**

Commissioner Koenigshofer stated that what staff just recited is precisely descriptive of the point I've raised. The fact given as to why to scale it back is the exact reason why you don't scale it back. The fact that no other property has applied for a winery here is a function of the operation of the existing zoning. To say, under this analysis, it may be okay to convert one of those parcels, then the issue is immediately before anybody that finds a line of logic to it, but what about the others. **1h15m**

Commissioner Reed asked for clarification on which parcels are owned by the applicant. **Staff Marina Herrera** responded that is not correct and clarified on the map. **Commissioner Reed** asked if the vines are trucked to some other facility. **Staff Marina Herrera** responded correct, not involved in the project. **1h16m**

Commissioner Reed asked to hear from the applicant. **1h16m**

Mr. Jacques Mathieu, Applicant, gave an overview of the project. **1h17m**

Commissioner Carr asked where the approved winery was located near him. **Applicant Jacques Mathieu** responded that was on one of the parcels, I don't know exactly what the zoning was. He has 5 or 6 different parcels there. **2h21m**

Commissioner Carr asked if that winery was to use Mountain Ave as the access road. **Applicant Jacques Mathieu** responded correct, that is the only road. **2h22m**

Commissioner Reed asked it seems like the road ends just past your property. **Applicant Jacques Mathieu** responded that is correct. The road becomes private just around the corner from our property. It's County owned basically up to my gate. **2h22m**

Public Hearing Opened: 2:23 PM

Stuart Main
Judi Irwin

Public Hearing Closed, and Commission discussion Opened: 2:31 PM

Commissioner Reed stated appreciation for the comments and asked to hear from the applicant. **1h28m**

Applicant Jacques Mathieu stated in response to the last caller that we have continued to have one employee and have crushed grapes elsewhere with that one employee as well as myself, my wife, my daughter and a lot of friends. We have exceptional dinners to encourage friends to volunteer to crush. We have been able to run the vineyard with 1 employee for 25 years and will continue to do so. **1h29m**

Applicant Jacques Mathieu responded to the concern about traffic. He stated this is one of the safest roads in the county. The traffic study done for this project shows a negligible increase in traffic. The important of grapes is going to be offset by the exporting we don't have to do. The amount of traffic isn't really changing, maybe 10 trips a day. It also had to include the potential ADU we might apply for at final. Right now the ADU is not considered in the permit, but the traffic study did consider the ADU and added another 10 trips for this which is why it's showing extra traffic. **1h30m**

Commissioner Reed asked for an overview of the issue of spot zoning and asked if it's correct that approving this project would send a precedent that would allow for that change to occur in this area, or wouldn't another zone change application have to go through this use permit process. **Staff Scott Orr** responded that the process would have to be repeated based on our analysis of the parcels nearby. None have the same characteristics whereby easily looking at it we can determine whether or not it can be supported. **1h32m**

Commissioner Reed stated one thing that seems to set this applicant apart is the scale which seems small compared to other vineyards. [1h32m](#)

Commissioner Carr stated in follow up to Scott's response that he could support this rezoning if there was some way to distinguish this parcel from all of the other rural residential parcels. My issue is part compatibility and part precedent. If there's some way to clearly distinguish, so that if an applicant came in on another parcel, there would be comparing the circumstances of this particular decision against the characteristics and application for the other parcels. If there's not something we can do that would clearly do that, then I'm not going to support this rezoning, it's too much of a precedent. [1h33m](#)

Commissioner Carr stated this is a good project, you dealt with the noise and traffic and crushpad facing the right area. The problem is it's not an agricultural parcel. It's got close proximity to other RR parcels that could eventually fall into the same category. I feel like I just can't support that precedent. Once you do it, even if they have to go through the rezoning process, the applicant will say you did the rezoning for Mr. Matieu, why not for me. If the Commission supports the rezoning, I would suggest the import criteria is changed from percentage of cases to tonnage. That's a more enforceable record that can be determined by various records that come into play. [1h35m](#)

Commissioner Reed stated he noticed this went through the Sonoma Valley Association review and asked if this was discussed then. **Commissioner Carr** responded that it came up, but only because I mentioned it as a concern. CAC wasn't concerned about it. [1h35m](#)

Commissioner McCaffery stated looking at the scale of this project and hearing from the applicant, it seems like this is the essence of small sustainable wine making. Staff, in their evaluation, considering if this is a spot zone, there's not other properties that would be possible to be a winery, and then hearing that there's one that was permitted just up the road, I support the rezoning and support the project. [1h36m](#)

Commissioner Koenigshofer stated this is an example of the worst position we find ourselves in and whether or not an individual project which has obvious appeal and merit, how do you weigh that against potentially significant countywide implications in terms of AR zoning. The reference in the staff report that this is a semi-rural residential area, I don't know what that means, we don't have this category. I know from past experience that a lot of thought went into these designations. I see feathering that probably acknowledged existence of larger parcels and larger parcels were put into the RR category to limit more intense activity, given this is one major road in that goes through all the higher density residential, I assume. [1h36m](#)

Commissioner Koenigshofer stated the idea of bogging someone down with the idea of general policy concerns is always challenging. I've been at this long enough to know that the temptation to respond significantly to the current owner good neighborliness and congeniality, but we also know this, these decisions go with the land so it's hard to separate that from a likeable, responsible owner. The more individual parcels can shift from rural residential zoning to a zoning with the idea of future buyers and how long it may take for future owners to explain that they can't survive without a tasting room and more. I don't think this is the way to go about making a significant use on a piecemeal basis. No offense intended towards the applicant at all. It probably would have been better if the initial approach could have been wrapping in additional parcels to consider cumulative impacts more effectively and to do better planning. [1h41m](#)

Commissioner Koenigshofer stated this has the potential of being read as invitation for more applications to convert from RR zoning to AR zoning with the expectation that spot zoning is appropriate. [1h41m](#)

Commissioner Reed stated he might take issue with the idea there was thoughtful more thorough planning with the zoning map we looked at. I would argue the applicant always has the opportunity to do more study around the "course" land use designations. One thing staff suggested was an idea of transitioning between the RR all the way through the RRD and LEA, is that we're going to find these pieces. If applicants want to come forward and it fits in this transition zone and can justify what they're going to do, and that's potentially a refinement to it. This application is a small application, the idea that we're opening up to larger application with this small one, I would like feedback from staff if that's a real opportunity in the future and if whoever is going through this in the future would deny accordingly. [1h42m](#)

Commissioner McCaffery stated just a few months ago we went through the winery and tasting room ordinance and a lot of the things we talked about were narrow streets, access and when you have a public serving aspect to it. This certainly doesn't have that. It being a private residence where you have friends come over and help you, it's a private residence and not open to the public. Maybe staff can comment on how that would apply to any future expansion of a property like this. **1h44m**

Staff Scott Orr responded that the technical answer is the Winery Ordinance will not apply since it hasn't been adopted by the Board yet. I do agree that there's no difference when it comes to having folks over for dinner, there's no change now versus under the AR zone. To Chair Reed's comments, part of the balance that went into Staff recommendation is looking at the existing uses and balancing that with not wanting to increase the development potential for the area. If all the large parcels in the area were in a vacuum rezoned, then that would allow for more tense level of uses. Rather than saying all these parcels are now open to potentially having a winery, staff thought it was more appropriate to have this one developed large with road access, which is not shared by most parcels in the area. **1h45m**

Staff Scott Orr stated in the context of parcel -052, these are not parcels developed with structures that would set a comparable level of existing trips. As part of our analysis we looked at the activity of the parcel and number of trips and found it would not result in an increased number of trips, compared to if any of these parcels that had nothing wanted to build something and then create additional trips. So part of this is based on the existing baseline. **1h47m**

Commissioner Koenigshofer asked about condition 8 on page 2 of the proposed conditions. Does this operate as a limitation or an example on the prohibition of visitor serving uses? Are there other uses that are not tasting rooms, that by this reference would be interpreted as allowed? What about activities that aren't defined under the parameters of special events, they would be allowed and what is the range of activities that don't fall under the exclusion of the second half of the sentence. **Staff Scott Orr** responded that visitor serving uses wouldn't be allowed and we have criteria that defines what constitutes an event in our code. If it doesn't fit into these boxes, then it would be something else. It's my understanding that we include that, in part, for future owners to make it clear that it's not allowed, even the zoning code also states this. **Staff Marina Herrera** added correct, thank you. **1h48m**

Commissioner Koenigshofer asked if agriculture tours are considered a visitor serving use. **Staff Scott Orr** responded it would depend on the nature of what is happening. It's too speculative to get into what it is, we need to look at how our code defines a special event and if it doesn't meet that, then it's not a special event. **1h50m**

Commissioner Koenigshofer asked with respect to the difficulty in defining these things. When we say visitor serving uses are not allowed, but can't define them, it doesn't create a construct that allows for enforcement of the condition. **Staff Scott Orr** asked what are the specific visitor serving uses that are cause for concern that are not specifically disallowed by zoning. **1h51m**

Commissioner Carr stated he can respond and read the list in question from the general plan. **1h52m**

Commissioner Reed asked if Commissioner Koenigshofer's concern is the use runs with land a future owner could try to abuse this application. **Commissioner Koenigshofer** stated he will yield on the abuse word but said will future owners, guaranteed to exist, will push the envelope, or not understand the limitation and stated he guarantees that will happen. He asked are we are now saying the idea of spot zoning as a point we resist, is that no longer a standard. Are we now saying, if you're in RR land use, come in and apply for AR because we'll consider your parcel alone. I just want to understand it because to me it's a big change in operational standards. **1h53m**

Commissioner Reed stated he's unclear about the implications for the spot zoning concerns and asked if there might be a condition that we could amend that would give any Commissioner more comfort in moving forward with this application. Otherwise it looks like we have a 2-2 here. **1h54m**

Commissioner Carr stated regarding looking at an area versus looking at one parcel, I totally understand why different folks at PRMD Management decided not to go forward with the bigger parcels. If you were to look at the area, then you'd have the ability to analyze all the parcels, characteristics, potential dangers, slopes and other constraints and compare the various uses in AR compared to RR. Then you'd have some real data and

based on that you might say it's just fine, or you may fine it's not a good idea if it results in 5 or 6 wineries on Mountain Avenue, which would be a disaster. 1h56m

Commissioner Carr stated remember that the board is going to decide this, but I think we would be less than forthcoming about recommending approval of this given the nature. There's nothing you can do about precedent setting unless there's something you can do with the other parcels. It's a bad situation for the applicant who's a good guy. 1h58m

Staff Scott Orr asked County Counsel to discuss what would happen in the event of a 2-2 vote. Staff does not believe that this is a precedent-setting decision that will open of swatches of the County for similar instances. Consideration should be taken to increasing the specificity in the resolution if there are concerns about consequences with similar parcels. 1h59.

Jennifer Klein, Chief Deputy County Counsel stated when there is a 2-2 vote that is a deemed denial, so the recommendation before you would be deemed denied on a 2-2. **Commissioner Reed** asked if a motion for approval or denial would be needed. **County Counsel** responded it depends. Whatever the motion is, a 2-2 is a denial of that motion. 2h00m

Commissioner Reed asked Commissioner Koenigshofer if there's any way to find language that would provide more comfort, I would love to get in that direction. 2h00m

Commissioner Koenigshofer responded he is trying to think of something. He asked for clarification about the zoning map. **Staff Scott Orr** responded. If we were to proceed with that configuration it would create a tiny triangle island on that property that had the winery, which is split-zoned. 2h01m

Staff Scott Orr clarified how the change would be reflected using the map. Commissioner Koenigshofer asked if this could have been reconciled by excluding that or changing it to RRD. **Staff Scott Orr** responded. 2h02m

Commissioner Koenigshofer asked for clarification on the map and asked where the use permit for the winery was and asked if it was on the RRD. **Staff Scott Orr** responded that's likely but we wouldn't have excluded part of the property from the use permit. 2h03m

Commissioner Koenigshofer stated with that it seems like the other winery is not related to what we're talking about here. 2h04m

Commissioner Koenigshofer stated I understand when people talk about precedent and use permits. It's not in the construction of legal precedent as a definition because there isn't any with use permits, it's more of practical appearance for what's the county's stance regarding spot zoning. It's always difficult when an applicant is caught in this. 2h05m

Commissioner Koenigshofer asked Commissioner Carr if there's any other conditions that he has concerns about, if we were to move forward with approval. **Commissioner Carr** responded he was a bit concerned about the crushpad and any of the winery that's open, but since it's open to the mountain side it's probably okay with the noise conditions. I did want to put a tonnage cap on the importation instead of a percentage because it would be a little easier to enforce. I was thinking 5 tons. 2h06m

Commissioner Koenigshofer stated anything like that, that respects but reflects the applicant's intention. For example, a new owner couldn't just decide to stop growing grapes and import all the grapes to meet the volume. Where would you place this condition and how would you state it. 2h07m

Commissioner Carr suggested having it in a separate condition under Permit Sonoma Planning, maybe operational requirements on page 3. **Staff Scott Orr** responded suggesting to add an additional condition instead of replacing it, since the percentage is coming from the zoning code. 2h08m

Commissioner Koenigshofer asked could we state 30 percent not to exceed a number of tons. **Staff Scott Orr** responded I don't see why not. As long as it's not going over that amount, I think it's completely within the Commissioner purview. 2h08m

Commissioner Koenigshofer asked Commissioner Carr for his thoughts. **Commissioner Carr** responded I would just say the importation is limited 30 percent of the production up to 5 tons maximum. **Commissioner Koenigshofer** agreed and stated 30 percent up to 5 tons and asked Staff to include this. 2h09m

Commissioner Koenigshofer asked if in the resolution there's anywhere we can add findings specific to the limited scale and limitation on events, so that findings reflect those limits and the uniqueness of this application, so that our action would be bolstered by language in the findings that call out the small scale and limited impacts. 2h10m

County Counsel responded that you can give direction to staff to augment the resolution with additional findings. Does Staff feel like it has enough based on what Commissioner Koenigshofer suggested? Or we can take a straw vote and take it back.– check this. 2h10m

Commissioner Carr asked if this parcel is unique compared to the other parcels in the RR area and if it has more vineyard than any other. Is there some way to separate this parcel from the others around it? Maybe the level of vineyard development is one that might work. 2h11m

Commissioner Koenigshofer asked if this parcel is 6 acres or a little larger. **Staff Marina Herrera** responded yes. **Commissioner Koenigshofer** stated we might find that it being 6 acres distinguishes it from other parcels that are less than 6 acres. 2h11m

Commissioner Carr asked to see the parcels around it to see if it is unique. 2h12m

Staff Cecily Condon stated it already has development ongoing from a single family home, and it's pretty clear from the applicant's description that the winery would not exist without the single family home. 2h12m

Commissioner Koenigshofer asked if the operation itself is within the footprint attached to the residence. **Staff Marina Herrera** responded correct. The lower level of the residence is currently a workshop space and would be converted to the winery space. We are talking about project characteristics and pointed out that it's also the project's special characteristics along with the current operation, and that the applicant is currently exporting those grapes off site, creating traffic. The processing onsite would be a reduction in that. 2h13m

Commissioner Koenigshofer stated he doesn't necessarily want to include that because it basically gives everyone the argument that it's a better environmental outcome if they all have their own production facilities. Frankly, there's a lot of smaller growers and the idea that they can process their product. 2h14m

Commissioner Carr stated looking at the map, all the parcels that don't have vineyards are small, while the ones around it are at least as large if not larger. I don't know if parcel size is the right thing because it would open up to all these other parcels. Any of these could have a single family home. 2h14m

Commissioner Koenigshofer stated his reference to the house was that the proposed small scale winery is within the existing residential structure basically. **Commissioner Carr** stated he was responding to Cecily's issue. 2h15m

Commissioner Koenigshofer stated the parcel next door looked to be the only parcel that was of the same size or larger than the size of the applicant. **Staff Scott Orr** responded the only parcel that's larger is the one immediately to the west. 2h16m

Commissioner Koenigshofer asked if any other RR parcels are as large as or larger than the application parcel. **Staff Scott Orr** responded one is 5.1 acres. **Commissioner Koenigshofer** stated 6 acres or greater is useful because it eliminates all but one parcel and reference to that winery small scall winery production within an existing residential structure. If you work those out then I can support that. 2h17m

Commissioner Carr asked about access to 52. Staff Marina Herrera responded it is off Mountain Ave. **Staff Scott Orr** responded I believe it's where the LiDar shows a driveway in the southeast corner. 2h17m

Commissioner Koenigshofer asked if those three points are helpful from Greg's perspective. **Commissioner Carr** responded helpful, but he's still not sure if he's ready to go with it. [2h18m](#)

Commissioner Reed asked if Commissioner Koenigshofer was thinking to add these to the Resolution and. **Commissioner Koenigshofer** stated the ones that speak to the specific characteristics of this parcel, acreage and existing residential structure. [2h19m](#)

Commissioner Carr suggested to include the small scale of the proposal. **Commissioner Koenigshofer** suggested tuning up the language so that a future buyer understands this is not a property subject to visitor serving uses. **Commissioner Carr** added maybe all visitor serving uses. [2h20m](#)

Commissioner Reed asked Staff or Counsel if it would be simple to add these two bullet points to the resolution. **County Counsel** suggested taking a break and seeing what we can draft up. [2h20m](#)

Commissioner Koenigshofer stated that when we come back at that point, if Commissioner Carr isn't completely satisfied and doesn't intend to make the motion he will make the motion. [2h21m](#)

Staff Scott Orr stated we will return at approximately 3:40pm. [2h21m](#)

Staff Marina Herrera read aloud the changes that were made. [2h48m](#)

Commissioner Carr asked where this is housed in the Resolution. It seems to apply to maintenance and operation and not rezoning. I think we want to cite the unique characteristics of the parcel with respect to rezoning. **Staff Marina Herrera** responded okay. [2h48m](#)

Commissioner Carr asked if it's just a matter of moving it to number one. **Staff Scott Orr** responded yes, if we just focus on the language and keep in mind it will be moved to one, that should be straight-forward enough for staff to follow. [2h49m](#)

Commissioner Carr stated some of things in number 7 are great for maintenance and operation of use, but the three we were talking about for the rezoning or the small scale winery being inside the house or completely surrounded by the house, and the size of the parcel. He stated the parcel being 6 acres doesn't say that it limits this decision to parcels that are over 6 acres, I think that's what we're trying to gather. [2h50m](#)

County Counsel suggested to add the words at least. **Commissioner Carr** stated he's seen the Board in the past is to say, this action is not precedent setting because then they'll list the reasons why.

County Counsel responded we can say that. [2h50m](#)

Commissioner Carr suggested for staff to this under their wing before it goes to the board and not have to bring it back to us here. The idea is that it's the rezoning that we're trying to prevent the precedent. **County Counsel** responded if everyone here is satisfied with the substance of it, then you can give that direction to staff to make modifications consistent with your direction, and on that basis make a motion. [2h51m](#)

Commissioner Carr stated I'm happy with that and I will change my mind with Commissioner Koenigshofer's help, I'm persuaded that the precedent is not nearly as worrisome. It would have helped to have had some analysis prepared ahead of time to at least look at it. I appreciate you lookin gat the bigger area and maybe at one point coming forward with that. This added language makes me feel better, so I'm ready to move the approval of the rezoning and use permit with the amendments indicated. [2h52m](#)

Commissioner Koenigshofer asked to clarify the edits made and asked for clarification on the language in item 7. He recommended moving the A-H in number 7 into paragraph 1. **County Counsel** stated that would have been my direction to Staff. [2h53m](#)

Commissioner Koenigshofer stated apologies for being late and appreciation to staff, the applicant, and others. [2h54m](#)

Commissioner Reed stated appreciation and asked to conclude the meeting. [2h55m](#)

Commissioner Carr stated that there were more minutes to approve. **Commissioner Koenigshofer** stated he is abstaining. **Staff Scott Orr** recommended to move the remaining minutes to the next meeting. 2h55m

Action: **Commissioner Carr** motioned to approve the item with the amendments indicated.
Seconded by **Commissioner Koenigshofer** and approved with a 4-0-1 vote. 2h53m

Appeal Deadline: Not applicable
Resolution No.: 20-05

Vote:

Commissioner District 1 Carr	Aye
Commissioner District 3 Absent	Absent
Commissioner District 4 McCaffery	Aye
Commissioner District 5 Koenigshofer	Aye
Commissioner District 2, Chair Reed	Aye

Ayes: 4
Noes: 0
Absent: 1
Abstain: 0

Hearing Closed: 3:56 PM

Minutes Approved: June 16, 2022; August 18, 2022; September 1, 2022; September 15, 2022