



**Sonoma County Planning Commission
Draft Minutes**

Board of Supervisors Chambers
575 Administration Drive, Room 102A
Santa Rosa, CA 95403
PlanningAgency@sonoma-county.org

September 7, 2023
Meeting No.: 23-15

Roll Call

Commissioner Cornwall, District 1
Commissioner Gilardi, District 2
Commissioner Ocaña, District 3
Commissioner Koenigshofer, District 5
Commissioner McCaffery, Chair, District 4

Staff Members

Cecily Condon, PRMD Division Manager
Hannah Spencer, Project Planner
Tasha Levitt, Administrative Assistant
Jennifer Klein, Chief Deputy County Counsel

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

Correspondence None 0h01m

Planning Commission/Board of Supervisors Actions None

Commissioner Announcements & Disclosures: **Commissioner Ocana** announced she must leave by 4pm. **Commissioner Cornwall** disclosed she was reached out to by the applicant and had a conversation with them. **Commissioner Gilardi** stated she is a former county employee during which time she talked to many people about this project. She spoke to Efen Carrillo about the project Tuesday but otherwise has not had contact since retirement about it. **Commissioner Koenigshofer** stated he had two phone calls with Efen Carrillo. **Commissioner Cornwall** added she visited the resort site about a year and a half ago. **Commissioner McCaffery** stated he had a conversation with Efen Carrillo about the project as well. 0h03m

Deputy County Counsel Jennifer Klein asked if Commissioners who disclosed learned anything that was not presented in the materials of your packet? She's seeing no. 0h03m

Public Comments on matters not on the Agenda: None 0h04m

Items scheduled on the agenda

Planning Commission Regular Calendar

Item No.: 1
Time: 1:05 PM
File: DRH21-0010
Applicant: Kenwood Ranch Winery, LLC
Owner: Kenwood Ranch, LLC
Cont. from: N/A
Staff: Hannah Spencer
Env. Doc: Addendum No. 2 to the Final Environmental Impact Report for Sonoma Country Inn certified May 2004
Proposal: Appeal of Design Review approval for Kenwood Ranch Winery (Phase II Proposed Winery with vested rights) submitted by appellant Valley of the Moon Alliance. The proposed design is based on the conceptual design as described in the 2004 EIR for Sonoma Country Inn, with modifications made to comply with certain conditions of approval and other minor changes.

Recommended

Action: The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission deny the appeal filed by Valley of the Moon Alliance, uphold the Design Review Committee's May 31, 2023, approval of the Addendum No. 2 to the 2004 Final Environmental Impact Report, the Phase II Proposed Winery design, colors and materials as presented, and the landscaping and landscape lighting plans, and approve the addendum and current request for design review.

Location: 1180 Campagna Lane, Kenwood
APN: 051-260-013
District: One
Zoning: DA (Diverse Agriculture) B7 (Frozen Lot Size), RC50/25 (Riparian Corridor with 50-foot min. conservation setback and 25-foot min. agricultural setback), SR (Scenic Resources)

Staff Hannah Spencer summarized the staff report, which is incorporated herein by reference. **0h05m**

Commissioner Questions:

Commissioner McCaffery asked Counsel about how we're talking about design review, but a lot of the issues raised by the appellant are outside of that. Can you speak to the differences of the appeal and why we're here? **County Counsel Klein** responded and gave a high level overview. This is an appeal of a Design Review, that Design Review was required as a condition of approval of the prior Use Permit which approved the overall project. The original approval of the Use Permit is not before you, it is purely the decision of the Design Review Committee which has been appealed. There is an addendum to the EIR which the Design Review Committee also approved which was related to its actions, but that's the universe in which you're functioning today.

0h16m

Commissioner Koenigshofer asked to follow up about the CEQA aspect of Counsel's answer. The staff report indicates there are no changes in the projects impacts or the modified proposal before us was deemed by staff to have lesser impact. He asked about issues not covered in the EIR? **County Counsel** responded the Design Review Committee's decision is a discretionary decision subject to CEQA, so the CEQA to comply with that is an addendum to the EIR. If there was absolutely nothing to change, but there were subtle changes that staff explained that needed to be updated in that document. **0h18m**

Commissioner Cornwall asked if we will hear from the applicant and appellant or how does this go. She asked to go back to the slide about timeline. She stated her notes from that meeting are kind of the opposite. **County Counsel** responded and suggested that's it's own body so we can look to those minutes and incorporate it if not already incorporated and refer to those minutes. **0h19m**

PRMD Division Manager Cecily Condon confirmed which attachments contains the minutes in question. **Commissioner Cornwall** responded it looks like there were two meetings and she was not at that second one. **0h21m**

Commissioner Cornwall asked if the secondary road was not apart of the 2004 project. **Staff Spencer** responded she does not believe it was and clarified it's location. It hasn't been constructed but Permit Sonoma has received the grading Permit. It's basically sat on hold for a long time but once it's ready to move forward it will be reviewed by various agencies because that road does propose a new entrance onto highway 12. **0h21m**

Commissioner Koenigshofer asked the road is not on the portion of the property we're looking at today but it's mentioned in the staff report? Is it related to what we're looking at today? **Staff Spencer** responded that is correct, it is not on the winery project that we're looking at today. The applicants included reference to this road as a redundant potential future emergency evacuation route for the winery and resort properties and the appellant has also referenced this road as well. So staff did discuss this road and its affiliations. She referred to its location on the map. **0h22m**

Commissioner Koenigshofer asked Counsel is the issue or question related to that road on the table in terms of our review of design review? **County Counsel** responded no it's that the information about it has been provided voluntarily, it's not part of the Design Review. **0h24m**

Commissioner Cornwall asked if today we don't evaluate the design of the road and parking spaces is sufficient for evacuation, where would that analysis happen and by whom? **County Counsel** responded she's not sure she understands the question and clarified. **0h24m**

Commissioner Cornwall clarified her understanding. **County Counsel** responded she thinks maybe after we get the presentations the question will gel better. **0h25m**

Public Hearing Opened: 1:28 PM

Mr. Peters, Appellant, gave an overview of the appeal. **0h28m**

Mr. Spoya, Applicant, & Ms. Wallis gave an overview of the project. **0h43m**

Kathy Pons
Kimberley Burr
Larry Hanson

The Appellant and Applicant gave rebuttals. **1h03m**

Public Hearing Closed, and Commission discussion Opened: 2:20 PM

Commissioner Cornwall stated she doesn't have issues with the design aspects of the project. She agrees with many of the concerns raised by the appeal and shares concerns about the county's ability to plan for real evolving problems with wildfire evacuation. She is struck by the fact that the applicant's evacuation plan make the numbers work by combining a secondary road that's not on the property and isn't developed yet, with a

promise that can't be guaranteed. Even if their evacuation assessment is otherwise good, we can't rely on either of those conditions. She asked if we don't talk about evacuation capacity here today, who else is going to talk about it? What body and at what date will that actually be taken up? The other concern is about screening, landscaping and trees. It seems the landscaping plan is good but if it takes 50 years for a newer tree to fully screen the project, are we okay with that? Trees that last the longest like oak trees take a long time to grow. [1h18m](#)

Commissioner Koenigshofer asked do the original project approval conditions include one about an evacuation plan? **Staff Spencer** responded she reviewed the conditions of approval and there is one for mitigating wildfire risk. It lists out a series of requirements and evacuation plan was not one of those requirements. [1h21m](#)

Commissioner Koenigshofer asked about the language of the conditions and if it was including but not limited to. **Staff Spencer** responded it did state the project must comply with all County and State fire safety protocols. [1h22m](#)

Commissioner Koenigshofer asked was the language of that condition interpreted as not including a moderate evacuation plan? **Staff Spencer** responded she can find the condition number and read through it to confirm. [1h22m](#)

Commissioner Koenigshofer asked where does that issue sit vis-à-vis the scope of our jurisdiction today and whether or not he original conditions could be read to include a modern evacuation plan. He discussed the ambitious condition regarding evacuation of the Guerneville Park project. [1h22m](#)

Staff Spencer offered to find and read the condition in question. [1h23m](#)

Commissioner Koenigshofer responded the reason he asked is he thinks it goes to the question raised by Commissioner Cornwall of where does that issue sit vis-à-vis the scope of our jurisdiction today and whether or not the original conditions could be read to include a modern evacuation plan. He referenced the process that was taken with the Guerneville Park project, which required really early evacuation and presented similar issues to this project. **Staff Spencer** responded, clarified the conditions and offered to summarize them. [1h24m](#)

Commissioner Koenigshofer asked is it the opinion of staff that those conditions have been satisfied? Or is it still possible that the introduction of having to submit a plan to meet a condition of staff is still an open question? **Staff Spencer** responded these fire related conditions must be satisfied prior to building permit issuance. So, they will be reviewed once again by fire officials for all of the WUI standards. Some of those requirements are already in process, such as the vegetation management plan. That was submitted and approved by Permit Sonoma in 2009. It hasn't been completed but it's in process. [1h26m](#)

Commissioner Koenigshofer asked is there anything in any of those conditions that can be read today as requiring an evacuation plan? **PRMD Division Manager Cecily Condon** responded she doesn't see any conditions that could be interpreted to deal with the site management or a formal evacuation plan at this time. [1h27m](#)

Commissioner Koenigshofer asked is there conditioning that applies generally to public safety or traffic? [1h28m](#)

Commissioner Ocana asked to staff to speak to condition 83 regarding fire safe standards. [1h31m](#)

Commissioner Koenigshofer stated 83 is adequate in his view and read it aloud. He pointed out the language saying “included but not limited to”. He asked if our current fire safety includes effective evacuation plans. **County Counsel** responded. **Commissioner McCaffery** asked how does that relate to the Design Review aspect. **Applicant Tina Wallis**, responded about the history of the project and where these conditions came from. She stated all conditions were satisfied and no longer an issue with the County had to do before they could approve the final map. Because of the nature of this project, all of these things physically exist on the ground and have since 2011. **1h30m**

Commissioner Koenigshofer stated appreciation. Commissioner Cornwall and I have expressed an interest given the change in circumstance and the reality of the what the community has experienced and currently faces and the reasonableness of the concerns expressed whether or not there’s been sufficient focus on the issue of evacuation. He was asking whether or not there was a vehicle for that to happen. A simple path to a happy middle point would be if the public got the impression there could be an engagement regarding the evacuation plan between your client, staff and representatives of the community. **Applicant Tina Wallis** asked what specifically is Commissioner Koenigshofer requesting. **1h31m**

Commissioner Koenigshofer stated since the project has been approved for a long time but not fully developed, whether or not there’s some process your client would agree to, to once again engage the interested parties in the neighborhood and community with staff participating, to put together an evacuation plan like we do on projects that come before us these days. **Applicant Tina Wallis** responded she believes the notice of her open house was sent to 10,000 people and displayed publicly in various places. Susan Gorin disseminated the notice in her newsletter. What other community engagement would this commission require? Because that is some of the most robust engagement she’s been involved in in 25 years. We’re happy to continue that dialogue. As to the request, it sounds like we’re being asked to set aside the law and engage in some sort of practice. **1h36m**

Commissioner Koenigshofer stated he’s not asking to set aside the law or disputing that you’ve had interaction with the community. He’s trying to see if there’s a soft path to have some further review. The volunteer evacuation plan, was that recent? **Applicant Tina Wallis** responded yes and explained the process, and explained it’s not voluntary. **1h37m**

Commissioner Koenigshofer clarified the answer. **Applicant Tina Wallis** responded we will happily continue to have a dialogue with neighbors. As to a formal legal administrative process, she doesn’t know of any. **Commissioner Koenigshofer** stated that wasn’t his question but thank you. **1h37m**

Commissioner McCaffery stated it’s clear there’s a concern about wildfire risk and evacuation in the area. While our consideration of this is the design review, visual and other aspects of the project which don’t extent into things like evacuation. It’s important to have that point that the concern is out there and real, but we also have to talk about what’s before us today which is the appeal of the Design Review. Does anyone have comments on that? **1h38m**

Commissioner Ocana asked if we want to go through each concern of the appellants. Staff did a good job responding. We can look at whether we want to expand on that or if it stays in the purview of design review. **Commissioner Cornwall** stated that sounds good to her procedurally. **1h39m**

Commissioner McCaffery addressed the first concern, the evacuation plan. **1h40m**

Commissioner Cornwall asked about the applicant’s statement about evacuation plan and pointed out that it’s not in the conditions of approval. **1h40m**

Commissioner Koenigshofer asked what is the role of the project description and asked staff to comment on that. With code enforcement actions he knows it's not uncommon to go back to the project description.

County Counsel responded the quick answer is the description of the project is not a requirement. Something needs to be either a mitigation measures or a condition of approval and not incorporated just in the project description. 1h41m

Commissioner Cornwall asked about the conditions and stated she's not sure what to make about the secondary road. It wasn't in the 2004 project but it is discussed in the conditions of approval. What is the status of that road in relation to the project today? **County Counsel** responded that road is not part of the project and is independent as described in the packet. It will be available and this project will benefit from it. It's kind of a plus but not a requirement. It could be complicated because it's not part of this parcel. 1h42m

Commissioner Cornwall asked if other Commissioners are interested in this question. If this project doesn't have to show it can evacuate its people onto highway 12, considering the condition it will be in an evacuation, where is that determination made? 1h44m

Commissioner McCaffery stated it seems that point, evacuation, and the new road, and concerns about change to the whole area are more about general concerns impacting the whole area. It's not just this project, it's the project and everywhere else. You can't look at one without looking at the other. 1h44m

Commissioner Cornwall stated it seems like that hasn't been done for this project, or it was done 20 years ago. 1h45m

Commissioner McCaffery stated the accessory road that's not part of the project wasn't even confirmed and the things mentioned in number 3. You either have to look at everything or look at nothing. 1h45m

Commissioner Cornwall stated if we're going to look at nothing she'd like to feel like there is a place in the planning process where everything is going to be looked at. 1h46m

Commissioner McCaffery stated Commissioner Koenigshofer made a good point about having a visitor serving property in a high fire area and having a mandatory shut down during a red flag event when wildfire is more likely, something like that would be addressed through a county ordinance he would think, rather than from project to project. With an ordinance it could be applied equally to everyone. Maybe part of our discussion includes a recommendation to the Board of Supervisors for something like that. 1h46m

Commissioner Koenigshofer stated the problem with this is no one thought about that at the time. There's probably no legal mechanism to enforce it at this time. 1h47m

Commissioner Cornwall stated except potentially through the roads. **Commissioner Koenigshofer** responded and discusses the process for Guerneville Park. He noticed in the material that an electronic copy has to be kept, so there's a lot of little details like that. He hoped given the fact the developer voluntarily presented an evacuation, he hoped there might be a way to further that. He asked staff to correct him, he doesn't think there's a legal mechanism to require it in the plan given what's before us today. 1h48m

County Counsel Klein responded stated that's correct. The difference between this and the Guerneville project is that was a full use permit. This project had it's full review and received its use permit many years ago. Ownership has changed and now that you have design review, you do have an EIR addendum. While practices may have changes over time, that doesn't mean we go back. That's the whole point of vesting, not to impose additional requirements after a permit is vested. Things are different now but that doesn't change what was known then. 1h50m

Commissioner Cornwall stated she read a couple things in the packet that seem to say the opposite and asked for clarification. **Staff Condon** responded the comment towards being fine under current regulations is still true. The site does require the approval of the fire marshal for the site development. Unless it is required by the California Building Code, or a codified requirement, there is no discretion to implore a new evacuation plan on the project. **1h51m**

Commissioner Cornwall asked about codifying this in the conditions of approval. **County Counsel** responded that's the concern, what is the nexus to this and design review, so she would say there isn't the opportunity. **1h52m**

Commissioner Cornwall stated there could be some nexus between the design of roads on the project and evacuation. **Staff Condon** responded the new road is not part of the project. **Commissioner Cornwall** asked about Campana lane. **Staff Condon** responded this road already existed. **1h53m**

Commissioner McCaffery asked about the vegetation in relation to the evacuation plan. **Staff Condon** responded that doesn't inherently change the physical characteristics of the road and asked the applicant to respond. **1h54m**

Applicant Tina Wallis stated the specifics about the road and referenced when this issue came up initially. **Fire Chief Losh** explained about the fire safe standards and the discussion that happened with Fire Chief Ubaldi regarding the safety of the road. **1h55m**

Commissioner McCaffery stated coming back to how the design review is related to evacuation, it doesn't seem like there's a nexus between the two. **Commissioner Cornwall** stated even if there were it doesn't seem like we have majority support on the commission. **1h57m**

Commissioner McCaffery asked if anyone else has comments or if someone would like to make a motion. **1h58m**

Commissioner Koenigshofer asked if there is a slide that shows existing trees and those slated for removal. **Staff Spencer** responded and brought up the slide. **Commissioner Koenigshofer** asked are any of these oaks that are not damaged but are mature oaks and healthy? Based on the experience we heard about with Guerneville park project, the project was appealed and then the appellant and developer came to an agreement that saved a whole bunch of trees. Of the 18 or so trees that are healthy, mature oaks, is there a way for some or all of those to be avoided? **1h59m**

Commissioner Cornwall stated sometimes the easiest way to do that is to make a double story building into a single story building. **Staff Spencer** responded the landscape plan does identify these trees but we would have to go through and look individually. **Commissioner Koenigshofer** asked for the tree person to chime in. **2h01m**

Consultant, James McNair, responded he has different categories for the damage. **Commissioner Koenigshofer** asked are all 74 mature oaks? **Mr. McNair** responded no, it varies and explained. **2h01m**

Commissioner Koenigshofer asked if pressed, are any of those 18 able to be avoided by any kind of modification of the plan? **Ms. Wallis** stated tree removal was studied in the 2004 EIR and we are removing less trees than we were. We're happy to provide this info but the ship sailed in 2004. In addition to the 100+ trees we're planting 149 on the winery. **Mr. McNair** added yes, we planted some really large trees that were oaks. The growth rates of oaks with irrigation is fairly high. They can grow 3-4 feet a year. **2h03m**

Commissioner Koenigshofer asked are there any healthy mature oaks without a great deal of design pain that could be avoided? The way it was later discovered that certain redwoods could be avoided in the Guernewood Park context. **Mr. McNair** responded there's 20 trees in the fair to moderate category. The problem is, we're working with required parking, driveways and if you start shifting those around you'll likely hit other trees. This was looked at carefully to limit the amount of trees removed. Going back to 2003 we're at the very low end of what we predicted then. We can certainly try and want to save any tree in reasonable condition, but that's also why we're planting so many new trees to compensate for fire loss. If we could save any of these, I'm sure we could do it. **2h05m**

Ms. Wallis stated part of the conundrum is we're strictly held to the 2004 plan. For example, we can't make 1-story buildings 2-story buildings if the story buildings if it was a 1-storying building in 2004, so we are severely constrained with what happens with that building envelope. **2h06m**

Commissioner Ocana stated he provided the applicant a significant amount of time for question and asked if procedurally we should offer the same to the appellant. Both sides presented and were given a rebuttal, this is more a direct question so it's up to the Commission. **County Counsel** responded both sides have had an opportunity to provide their presentation and rebuttals. This is more of a question and answers so it's really up to the Commission if you have questions for the applicant that you'd like to ask as part of your deliberation. **2h07m**

Commissioner Cornwall stated she'd like to ask the appellant if he has any last comments. **2h08m**

Mr. Rogers, Appellant, responded to the discussion. **2h09m**

Commissioner Ocana asked staff now that we're in the position of looking at use permits after many years of fire, is that now a requirement as a condition of approval? **Staff Condon** responded yes this is now a requirement, an example which we've discussed would be the Guernewood Park. **2h11m**

Commissioner Gilardi stated this has been an interesting one. She hears the concern and shares is with the community. Especially having worked for the 1st supervisorial district in 2017 and 2020. Maybe this isn't the vehicle but certainly other big projects are coming forward, and maybe it needs to be addressed so people in the valley can have some peace of mind. Highway 12 is really small, it's hard to get a lot of people of there in a hurry. She doesn't have concern with the design. The appeal had more to do with the fire safety and she doesn't see that we have the mechanism to condition new standards. **1h12m**

Action: **Commissioner Gilardi** motioned to deny the appeal and uphold the Design Review Committee's Final Design Review Approval of the project as recommended. Seconded by **Commissioner Ocaña** and approved with a 5-0-0 vote. **2h14m**

Appeal Deadline: 10 days

Resolution No.: 23-40

Vote:

Commissioner Cornwall	Aye
Commissioner Gilardi	Aye
Commissioner Ocaña	Aye
Commissioner Koenigshofer	Aye
Commissioner McCaffery	Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

Hearing Closed: 3:17 PM