



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 3/3/2026

To: Board of Supervisors of Sonoma County

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Scott Orr, (707) 565-1754 and Jen Chard, (707) 565-2336

Vote Requirement: Majority

Supervisorial District(s): Fourth

Title:

10:30 A.M. Appeal of a Use Permit Modification approval to increase winery production to 30,000 cases annually, and to incorporate tasting and Agricultural Promotional Events for a winery located at 13414 Chalk Hill Road, Healdsburg. APNs 132-120-017 and 132-120-018. Permit Sonoma File No. UPE21-0042.

Recommended Action:

Conduct a public hearing and adopt a Resolution denying the appeal, adopting a Mitigated Negative Declaration, and upholding the Sonoma County Board of Zoning Adjustment's decision to approve the project subject to the Conditions of Approval. (Fourth District)

Executive Summary:

This report presents an appeal of a Board of Zoning Adjustment's decision to approve a Use Permit Modification to allow an increase in winery production to 30,000 cases annually, and to incorporate tasting and vineyard tours by appointment, retail sales, and 12 annual agricultural promotional events for a winery located at 13414 Chalk Hill Road, Healdsburg, APNs 132-120-017 and 132-120-018.

On August 14, 2025, the Board of Zoning Adjustments (BZA) held a public hearing on permit application UPE21-0042 requesting a modification to the original Use Permit for Medlock Ames Winery (UPE01-0182) to increase production to 30,000 cases annually, and to incorporate tasting and vineyard tours by appointment, retail sales, and 12 annual agricultural promotional events with a maximum of 50 guests per event on a 48.37 acre parcel (subject to a Williamson Act Contract) and 139.90 acre adjacent parcel. Existing facilities would be utilized for the proposed winery activities, which will involve conversion of 1,600 square feet of space within the 20,000 square feet existing winery building, and conversion of a 1,350 square foot barn into a tasting room with a commercial kitchen, office space, and support space. Tasting would occur within the winery building, tasting room barn, and outdoor courtyard by appointment only with a maximum of 60 persons per day between 11:00 am and 5:00 pm, Monday through Sunday. Agricultural promotional events would be scheduled any day of the week, between 11:00 am and 9:30 pm.

The use permit modification was approved by a 4-1-0-0 vote.

On August 22, 2025, the appellant filed an appeal of the BZA decision to approve the Use Permit Modification. The appeal raises concerns, California Environmental Quality Act (CEQA), Fair Argument Standard, easement limitations and with improper permit level for the Use Permit.

Staff recommends the Board deny the appeal and uphold the Board of Zoning Adjustment’s decision to adopt the revised Mitigated Negative Declaration and approve the project subject to the Conditions of Approval.

Discussion:

Approved Project Description Summary

The Medlock Ames Winery proposes existing facilities be utilized for the proposed winery activities, which will involve conversion of 1,600 square feet of space within the 20,000 square foot existing winery building, and conversion of a 1,350 square foot barn into a tasting room. The conversion of the existing three-story winery building will be 1,600 square feet of the 3,200 square foot mezzanine level to production and administration offices. The conversion of the 1,350 square foot barn to a tasting room will include a 750 square foot tasting room, a 242 square foot commercial kitchen, a 156 square foot office space and restrooms, and mechanical and storage. Tasting would occur within the winery building, tasting room barn, and outdoor courtyard by appointment only with a maximum of 60 persons per day.

Proposed Hours of Operation:

- Winery operation - 7:00 am to 6:00 pm, 7 days a week
- Winery Harvest Season - 7:00 am to 10:00 pm, 7 days a week
- Tasting room - 11:00 am to 5:00 pm, 7 days a week, by appt only
- Agricultural Promotional Events - 11:00 am to 9:30 pm; cleanup by 10:00 pm
- Tours of the vineyards for the general public held during normal tasting room hours only.

Proposed Winery Events:

Number of Events	Maximum Attendees	Time of Week	Time of Day	Amplified Music
12	50	Weekday and Weekend	Daytime and Evening	Yes

Proposed Food Service:

- Food and Wine Pairings (no meals) may be provided during permitted tasting hours as part of normal business activities. Food and wine pairing will be pre-prepared samples or tastes produced from food products from the local area. Food will be from a pre-fixed pairing menu and only during tasting room hours. There is no restaurant or deli service provided.

Proposed Employees:

- Tasting room, Winery, and Events: 10 full-time employees during normal operations
- Tasting room and Winery during harvest: 15 full-time employees

Access and Parking:

Vehicular and emergency access to the winery site is established with an existing driveway from Toby Lane. Existing parking for the winery includes 15 parking spaces and an additional 9 parking spaces are proposed for the daily tasting room operations. An additional 24 parking spaces to accommodate the 12 approved agricultural promotional events would be overflow parking between vineyard rows and along driveways. Parking attendants would be used to direct onsite traffic on event days. Enforcement of on-street parking

restrictions are a condition of approval for the project.

Site Characteristics

The proposed project site is comprised of two legal parcels: 48.37 acres (subject to a Williamson Act Contract) and 139.90 acres. The subject site is located 3 miles northeast of the Town of Windsor and 4.75 miles southeast of the City of Healdsburg in unincorporated Sonoma County. The proposed project will utilize an existing winery located on Toby Lane approximately 1 mile east of the Chalk Hill Road. The site includes six existing structures, including a 20,000+/- square foot winery production building, a 1,350+/- square foot barn, three agricultural storage buildings, and a single-family dwelling. These structures are currently used to conduct the approved winery operations and support and store vineyard maintenance and harvesting equipment. Additionally, the site contains three existing wells and an existing septic system for domestic and the existing winery wastewater disposal. The property is currently planted with 61.59 acres of vineyards and approximately 3 acres of olive trees. There is a riparian corridor that runs along the western property line and several mature trees including Valley Oak trees and Oak Woodland. Access to the site is currently provided by a driveway from Toby Lane, a privately maintained road.

General Plan Land Use and Zoning

The General Plan Land Use Designation of the parcels is Land Intensive Agriculture with 40 acres per dwelling unit density (LIA 40). The site is also designated Land Intensive Agriculture by the Sonoma County Zoning Code.

Surrounding Land Use and Zoning

This area is largely rural, located in the hills east of Healdsburg. Surrounding parcels to the subject site are zoned Land Intensive Agriculture, with a low residential density of 40 acres per dwelling unit (LIA 40). Surrounding parcels have similar development of single-family dwelling units, accessory structures, and some agricultural structures and uses. Nearby properties are subject to Land Conservation Contracts.

Appeal of Board of Zoning Adjustments Approval

On August 22, 2025, the appellant filed an appeal of the BZA decision to approve the Use Permit Modification (see Attachment X). The summary and staff response to each point are as follows.

1. CEQA Fair Argument Standard

The appellant contends that the California Environmental Quality Act (CEQA) requires preparation of an Environmental Impact Report (EIR) whenever there is a “fair argument” supported by substantial evidence that a project may cause a significant environmental effect. The appellant contends there is substantial evidence of significant environmental effects related to Traffic and Road Safety, Fire and Emergency Access, Noise, Dust and Air Quality, Water Supply and Wastewater, and Cumulative Impacts.

Staff Analysis

Staff analyzed the environmental impacts of these issues in the Mitigated Negative Declaration (MND) and found all issues raised to be Less than Significant Impacts or Less than Significant Impacts with Mitigations

Measures. Permit Sonoma determined an MND was sufficient to mitigate potential impacts and based on the lack of comments or request for changes from other regulatory agencies which reviewed the MND, staff further concludes this approach was sufficient.

Full analyses of each of these impacts can be found in the MND (see Attachment 2). Below is a summary of the findings for each impact.

Traffic:

The County of Sonoma Guidelines for traffic studies established screening criteria and states that Permit Sonoma and Sonoma County Public Infrastructure are both responsible for review and conditioning of private development projects. Traffic related conditions must be based on an analysis of the potential traffic impacts that establish a reasonable nexus between the impacts of the project and the required improvements or conditions. The applicant submitted a traffic study that met these guidelines and determined that the project would not cause a significant traffic impact to the study intersections.

The applicant submitted a Draft Traffic Study dated November 10, 2022. After peer review by Sonoma County Public Infrastructure, the Final Traffic Study was submitted and accepted July 7, 2023. The traffic study findings are as follows:

- The proposed project would be expected to generate 62 daily trips on average, including three trips during the a.m. peak hour and ten during the p.m. peak hour. The twelve proposed 50-person events would each be expected to generate an average of 20 trips
- The project is anticipated to result in a less-than-significant transportation impact on Vehicle Miles Traveled (VMT) based on the California Office of Planning and Research (OPR) Guidelines.
- Under Existing conditions, Chalk Hill Road is operating acceptably at Level of Service (LOS) A and would be expected to continue doing so upon adding trips associated with the proposed events.
- Adequate sight distances are available on Chalk Hill Road at Toby Lane, which leads to the project site.
- A left-turn lane is not warranted on Chalk Hill Road at Toby Lane based on Existing plus Event volumes.

Sonoma County Public Infrastructure provided Conditions of Approval for this project that require the applicant adhere to these recommendations, and the BZA accepted them as part of its project approval.

Safety and Fire Evacuation:

The project site is located in a State Responsibility Area and is within the wildland very high fire hazard zones mapped by Wildland Fire Hazard Areas Figure PS 1-g of the Sonoma County General Plan 2020. As a result, the applicants were required to apply for and obtain an Exceptions to Standards. The Sonoma County Fire Marshal approved the applicant's request on February 1, 2024. Below is a summary of the approval and justifications.

Prior to operation, the applicant and/or operator must comply with all fire safety laws, including the California Department of Forestry and Fire Protection, 14 California Code of Regulations §1270 et seq., the California Fire Code as adopted with local amendments in the Sonoma County Code Chapter 13, and defensible space

requirements as set forth in Sonoma County Code Chapter 13A. All construction projects must comply with these fire safety laws, including but not limited to, installing fire sprinklers in buildings, providing emergency vehicle access, and maintaining a dedicated fire-fighting water supply on-site. As part of the County’s planning referral process, the Sonoma County Fire Prevention required the applicants to apply for a Same Practical Effect Exemption to standards pursuant to 14 California Code Regulations §1270.

California Department of Forestry and Fire Protection, 14 California Code of Regulations § 1273.00, require developments in the State Responsibility Area to provide for safe access for emergency wildfire equipment and civilian evacuation concurrently. The applicant requested an Exceptions to Standards to provide the same practical effect pursuant to 14 California Code of Regulations §1270.01 and §1270.06 due to environmental conditions and physical site limitations based on the following:

1. Mitigations to achieve “same practical effect” are directed at limiting the use of the road by visitors and hospitality employees in high fire hazard conditions and during active fires. Specifically, the hazard posed to occupants egressing on narrow roads during wildland fire conditions is mitigated by significantly reducing the likelihood that visitors will be on the roads during these conditions.
2. In the event of a red flag warning, visitor serving activities, including tasting appointments, will be relocated to the alternate Medlock Ames Tasting Room site located on Highway 128 in Geyserville, CA or cancelled and rescheduled if necessary. Additionally, multiple exits off the property exist, including a secondary evacuation exit via Flora Ranch Road as described above is available if Toby Lane is impacted. Fire safety and emergency action plans are provided to employees and qualified staff is present to administer them.
3. Furthermore, there are four wells and six on site ponds. All of the ponds would be available for fire suppression, if needed. However, ponds P2 (13 acre-feet) and P3 (9.61 acre-feet) are solely available for fire suppression as neither pond are utilized for any other use. Both ponds P2 and P3 are naturally filled with rainwater. Pond P3 is specifically designated for fire suppression, and therefore is topped with well water as needed to maintain a full pond at all times. Pond P2 is merely a landscape feature, and may have water added as needed in the event of severe evaporation. As a result, there exists 22.61 acre-feet of water located adjacent to the winery site that are available solely for fire suppression. No change in daily water use will occur as a result of use of the designated ponds for fire suppression availability as a result of the project.

Table 1. Irrigation Ponds and Reservoirs

Map ID	Capacity (acre-feet)	Primary Use
P1	9.94	Landscape & agricultural irrigation
P2	13	Not used - landscaping feature only
P3	9.61	Fire suppression only
P4	26	Shared with neighbor
P5	5	Frost protection
P6	45	Shared with neighbor; recreational use only

Sonoma County Fire Prevention included several conditions of approval that the applicant would need to comply with, addressing the following areas:

- Compliance with pertinent codes, regulations, and ordinances related to building design and fire prevention.
- Fire protection planning.
- Fire access roads, including gates with Knox Box to ensure access.
- Water supplies and hydrants
- Location of hazardous materials
- Employee training for proper use of regulated materials as required in the California Fire Code adopted with local amendments in Sonoma County Code Chapter 13.

As a standard condition of approval, construction on the project site would be required to comply with the California Fire Code with local amendments as adopted in Sonoma County Code Chapter 13, including but not limited to fire sprinklers, emergency vehicle access, and water supply making the impact from risk of wildfire less than significant. County Code Section 26-88-254(f)(16) also requires that the applicant prepare and implement a fire prevention plan for construction and ongoing operations, including provision for emergency vehicle access and turnouts, vegetation management, and fire break maintenance around all structures.

Project compliance with standard County and State requirements as well as the secondary emergency access route to assist the community and emergency response in the event of a wildfire emergency and significant additional water storage would ensure that risks from wildland fires on people and structures would be less than significant.

Noise:

Staff determined that a noise study is not required for this project. The existing processing facility is considered a noise generating land use and is considered baseline for CEQA analysis. The closest residence or noise sensitive land use is 1,500 feet away and the proposed events will have amplified music indoors only. Light acoustic sound is proposed outdoors but given the proximity of the closest residence a noise study was determined to be not necessary. Additionally, Conditions of Approval require noise not exceed the General Plan Noise Element Policies and if complaints related to noise or received and substantiated the approved Use Permit is subject to revocation.

Temporary noise related to construction can be mitigated to less than significant with the incorporation of Mitigation Measure NOISE-1 in the prepared and circulated MND.

Mitigation Measure NOISE-1:

Construction activities for this project shall be restricted as follows:

All plans and specifications or construction plans shall include the following notes:

- a) All internal combustion engines used during construction of this project will be operated with mufflers that meet the requirements of the State Resources Code, and, where applicable, the Vehicle Code. Equipment shall be properly maintained and turned off when not in use.
- b) Except for actions taken to prevent an emergency, or to deal with an existing emergency, all construction activities shall be restricted to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. If work outside the times specified above becomes necessary, the applicant shall notify the Permit Sonoma Project Review Division as soon as practical.
- c) There will be no start up of machines nor equipment prior to 7:00 a.m, Monday through Friday or 9:00 am on weekends and holidays; no delivery of materials or equipment prior to 7:00 a.m nor past 7:00 p.m, Monday through Friday or prior to 9:00 a.m. nor past 7:00 p.m. on weekends and holidays and no servicing of equipment past 7:00 p.m., Monday through Friday, or weekends and holidays. A sign(s) shall be posted on the site regarding the allowable hours of construction, and including the developer- and contractors mobile phone number for public contact 24 hours a day or during the hours outside of the restricted hours.
- d) Pile driving activities shall be limited to 7:30 a.m. to 7:00 p.m. weekdays only.
- e) Construction maintenance, storage and staging areas for construction equipment shall avoid proximity to residential areas to the maximum extent practicable. Stationary construction equipment, such as compressors, mixers, etc., shall be placed away from residential areas and/or provided with acoustical shielding. Quiet construction equipment shall be used when possible.
- f) The developer shall designate a Project Manager with authority to implement the mitigation prior to issuance of a building/grading permit. The Project Managers 24-hour mobile phone number shall be conspicuously posted at the construction site. The Project Manager shall determine the cause of noise complaints (e.g. starting too early, faulty muffler, etc.) and shall take prompt action to correct the problem.

Mitigation Monitoring NOISE-1:

Permit Sonoma Project Review Division staff shall ensure that the measures are listed on all site alteration, grading, building or improvement plans, prior to issuance of grading or building permits. Permit Sonoma staff shall inspect the site prior to construction to assure that the signs are in place and the applicable phone numbers are correct. Any noise complaints will be investigated by Permit Sonoma staff. If violations are found, Permit Sonoma shall seek voluntary compliance from the permit holder, or may require a noise consultant to evaluate the problem and recommend corrective actions, and thereafter may initiate an enforcement action and/or revocation or modification proceedings, as appropriate.

Air Quality and Dust:

The project is located in the Northern Sonoma County Air Pollution Control District (NSCAPCD) jurisdiction,

a region that is in attainment for criteria pollutants under applicable state and federal ambient air quality standards, however, PM10 is a criteria pollutant that is closely monitored in the NSCAPCD. No CEQA thresholds of significance have been set for the NSCAPCD. NSCAPCD does, however, suggest the use of the Bay Area Air Quality Management District (BAAQMD) CEQA thresholds and mitigation measures.

The project will have no long-term effect on PM10, because all surfaces will be paved, gravel, landscaped or otherwise treated to stabilize bare soils, and operational dust generation will be insignificant. However, there could be a significant short-term emission of dust (which would include PM 2.5 and PM10) during construction. These emissions could be significant at the project level, and could also contribute to a cumulative impact. This impact would be reduced to less than significant by including dust control measures as described in mitigation measure AIR-1.

Although the project will generate some ozone precursors from project trip generation, an average of 62 daily vehicle trips and an average of 1 daily winery truck trips will not have a significant cumulative effect on ozone because it will not generate substantial traffic resulting in significant new emissions of ozone precursors. The table below provides the level of ROG and NOx estimated to be produced by the daily operations of the proposed project including traffic are 0.11 tons per year and 0.05 tons per year. These estimations are well below the 40 tons per year the NSCAPCD or BAAQMD threshold that has been established. An Air Quality Assessment prepared by James A. Reyff of Illingworth & Rodkin, Inc. is provided in the attachments of the MND.

Table 2:

Scenario	ROG	NO_x	PM₁₀	PM_{2.5}
Typical Project Operational emissions	0.04	0.04	0.03	0.01
Fermentation	0.07	-	-	-
Emissions from Events (12/year) 50 Persons	<0.01	<0.01	<0.01	<0.01
Total	0.11	0.05	<0.01	<0.01
<i>NSCAPCD Thresholds (tons per year)</i>	<i>40 tons</i>	<i>40 tons</i>	<i>15 tons</i>	<i>10 tons</i>
<i>Exceed Threshold?</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Mitigation Measure AIR-1:

The following dust control measures shall be included in the project:

- a. Water or alternative dust control method shall be sprayed to control dust on construction areas, soil stockpiles, and staging areas during construction as directed by the County.
- b. Trucks hauling soil, sand and other loose materials over public roads will cover the loads, or will keep the loads at least two feet below the level of the sides of the container, or will wet the load sufficiently to prevent dust emissions.
- c. Paved roads will be swept as needed to remove soil that has been carried onto them from the project site.

Mitigation Monitoring AIR-1: Building/grading permits shall not be approved for issuance by Permit Sonoma staff until the above notes are printed on the building, grading, and improvement plans.

Water Supply and Wastewater:

The proposed project is located within a Class 3-Marginal Groundwater Area, subject to requirement of General Plan Policy WR-2e which calls for a groundwater studies that demonstrate adequate groundwater supply for projects in Class 3 and 4 water areas.

The County requires preparation of a groundwater study to assess impact of projects that include new groundwater use.

A Groundwater Resource Impact Assessment (Attachment 3 of the MND) was performed by O'Connor Environmental Inc. on January 5, 2022 and accepted by Permit Sonoma's staff Geologist on June 3, 2022. The report found that a cumulative impact area of 272 acres for the water budget analysis. The report estimated groundwater storage (1,302 acre-feet) and average year recharge (208.5 acre-feet per year) to be greater than proposed water demands (46.2 acre-feet) of the cumulative impact area at full build-out under current zoning. The project itself is expected to increase groundwater use by roughly 0.5 acre-feet per year, and the winery and tasting room will have a total water use of 1.35 acre-feet per year. No Impacts to groundwater resources are expected as a result of the project.

With regard to wastewater discharge requirements, the project site is not located in an area served by public sewer. Existing septic systems and leachfields will be modified to treat domestic wastewater for the winery and tasting room. The systems would comply with the Building Regulations listed in Chapter 7 of the Sonoma County Code of Ordinances which would require that approval be obtained from the well and septic section of Permit Sonoma for any onsite disposal system. The septic systems and leachfields would be subject to the provisions of the County of Sonoma Onsite Wastewater Treatment System (OWTS) Manual which provides the regulations, procedural and technical details governing septic tanks, including soil capability. The site would be evaluated for soil depth, depth to groundwater, soil percolation rates, and other soil properties related to septic systems. In addition, the septic systems would also be subject to the County's Sewers and Sewage Disposal Ordinance, Chapter 24 of the Sonoma County Code of Ordinances. The ordinance requires that the septic tank meet the International Association of Plumbing and Mechanical Officials PS-1 design standard and would require a permit for maintenance and cleaning of the system. These requirements have been developed to ensure protection of groundwater resources, human health, and the environment.

Cumulative Impacts:

Section 21 of the MND requires staff to address this question: "Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?"

Staff's analysis of this question concluded no project impacts identified in the Initial Study are individually limited but cumulatively considerable. This is because the project would contribute to impacts related to air quality, biological resources, cultural resources, geology and soils, noise and tribal resources, which may be cumulative off-site, but mitigations would reduce project impacts to less-than-significant levels.

Environmental Impact Report Not Required

The fair argument standard means that if a "fair argument" can be made based on substantial evidence that a

project may have a significant effect on the environment, an EIR shall be prepared even though there may be other substantial evidence that the project will not have a significant effect (CEQA Guidelines § 15064(f)(1)). Substantial evidence means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached (CEQA Guidelines § 15384). The CEQA Guidelines state that an MND is to be prepared only when the environmental effects of the project can be avoided or mitigated to the point where there is clearly no substantial evidence in light of the whole record that the project may have a significant effect. (CEQA Guidelines § 15064(f)(2)).

Here, based on the forgoing facts and staff analysis, the appellant has not met the fair argument standard for any of the issue areas identified: Traffic and Road Safety, Fire and Emergency Access, Noise, Dust and Air Quality, Water Supply and Wastewater, and Cumulative Impacts. The appellants' argument that the project may have a significant effect on the environment in those areas is not supported by the evidence. Staff believe the appeal lacks merit and preparation of an EIR for the project is not required. The project may be approved based on the MND.

2. Easement Limitations

The appellant contends that the project relies on a private ingress/egress easement. This Use Permit approval cannot enlarge private easement rights. The applicant also contends that using the road for customer traffic, event attendees, and heavy trucking is a change in kind, not mere intensification, and constitutes an overburden.

Staff Analysis

Permit Sonoma Staff and County Counsel reviewed the original Road Maintenance Agreement (Attachment 8) recorded November 7, 1994 (OR 19940125972) and the subsequent amendment to that Road Maintenance Agreement which was recorded October 18, 2018 (OR 2018072482). Counsel also reviewed copies of applicable easements, which were attached to the Road Maintenance agreements. As an initial matter, the County Code does not require that the County find that there is legal access when granting a use permit, and the appellants have not pointed to anything that would require the County to enforce a private easement or agreement through the use permit process. In other words, the County is not required to find that the private easement provides for legal access to serve the project. Nevertheless, for information purposes only, staff and County Counsel observe that the easement appears to be for general road and utility purposes only, which does not conflict with the proposed permitted use; and does not disallow commercial use either. Additionally, staff and counsel observe that the private agreements do not appear inconsistent with the project as it is conditioned for conformance to the Exceptions to Standards determination, which among other things, addresses access for evacuation and emergency response purposes. In summary, the County's authority remains with the Land Use Entitlement and the decision made by the County granting the permit does not change any property rights or obligations conferred by private recorded easements or agreements. Because there is no requirement that the County find that there is legal access when granting a use permit, the appellant's argument lacks merit and cannot support permit denial.

3. Improper Permit Level-UPE vs. CUP

The appellant contends that the County processed this application as a Minor Use Permit handled administratively. Citing the proposed expansions are not minor impacts and trigger substantial traffic,

safety and fire evacuation issues on a narrow private easement road, the appeal states that these concerns warrant full use permit review by the Planning Commission, not staff level approval.

Staff Analysis

Permit Sonoma Staff does not provide staff level approvals for Use Permits. The initial fees collected for the file during the intake process were called “Minor Use Permit Fee” but this fee category is not applied to administrative approval file types. During the intake process Staff assesses fees based on the information we have and the project size. After intake for the file was initiated Staff found the significant public interest would warranted a higher initial fee and asked for additional deposits in the form of a Trust Account. Furthermore, all Use Permits are “At-Cost” files because of their complexity and this project has exceeded the initial fees and the applicant has now paid well above the highest level Use Permit fees.

Additionally, staff review of the application included traffic, safety and fire evacuation in the Mitigated Negative Declaration (Attachment 2).

The project does not involve or require a change to the underlying zoning, which makes review and approval by the Planning Commission not required. The BZA was the correct body to hear and decide the application. The Board of Supervisors is the correct body to hear the appellants’ appeal of the BZA’s decision. The Board’s consideration of the appeal means that it reviews the application “de novo” and is not bound by any finding previously made by the BZA. In other words, the Board considers the appeal and looks at the application fresh, and ultimately makes findings based on substantial evidence in the record to support its decision on the permit. The appellant’s argument that the project must be considered by the Planning Commission and not by staff, is factually and legally inaccurate, and not a basis to grant the appeal or disapprove the permit.

Environmental Analysis

The proposed project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines, California Code of Regulations. Staff has determined that the project is subject to the California Environmental Quality Act. Based on application materials provided by the applicant and technical specialists, an Initial Study was completed.

As a result of the Initial Study, it was determined that project impacts could be mitigated to a less than significant level, and a Mitigated Negative Declaration was drafted for the project. Staff published the Mitigated Negative Declaration (MND) for public review and comment from July 1, 2025 through July 30, 2025. No Agency comments were received. The MND finds that potential environmental impacts have been fully mitigated to less-than-significant levels. Mitigation measures for these potential impacts are detailed in the Mitigated Negative Declaration and have been incorporated into the conditions of approval. For the reasons stated in this staff report, an EIR is not required; preparation of an MND is the correct CEQA path.

Staff Recommendation

Staff recommends the Board deny the appeal and uphold the Board of Zoning Adjustment’s decision to adopt the revised Mitigated Negative Declaration and approve the project subject to the Conditions of Approval.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

None.

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

None. This is an at-cost project application with costs paid by the applicant. Appeal fees were paid by the appellant.

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

- Attachment 1: Draft Board of Supervisors Resolution
- Attachment 2: Mitigated Negative Declaration
- Attachment 3: Board of Zoning Adjustments Resolution 25-11
 - a. Exhibit A Draft Use Permit Conditions of Approval
- Attachment 4: Appeal Letter, dated August 22, 2025
- Attachment 5: Application Packet
- Attachment 6: Site Plan
- Attachment 7: Road Exception
- Attachment 8: Road Maintenance Agreement
- Attachment 9: Public Comment received prior to August 14, 2025
- Attachment 10: August 14, 2025 Board of Zoning Adjustments Minutes
- Attachment 11: PowerPoint Presentation

Related Items "On File" with the Clerk of the Board:

None