

To: Sonoma County Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Scott Orr, Interim Director (707) 565-1754, Ken Compton, Planner III, (707) 565-2928

Vote Requirement: Majority

Supervisory District(s): First

Title:

10:45 A.M. Appeal of the Valley of The Moon Alliance from a decision of the Sonoma County Planning Commission approving a revised Addendum No. 2 to the Final Environmental Impact Report, and approving design review for the Site Plan and Drawings dated July 6, 2022, as requested by Kenwood Ranch, LLC for the Kenwood Ranch Winery - Phase II Proposed Winery with vested rights (formerly known as the "Sonoma Country Inn"), located at 1180 Campagna Lane, Kenwood, APN 051-260-013. Permit Sonoma File No. DRH21-0010.

Recommended Action:

Conduct a public hearing on the appeal of design review approval, Consider the Revised Addendum to the 2004 Environmental Impact Report, and adopt a Resolution accepting the Revised Addendum, and denying the appeal of the Planning Commission decision and approving the site plan and drawings for the design review application. (First District)

Executive Summary:

The action before the Board is to conduct a public hearing on the appeal of the Planning Commission decision to approve a request for final Design Review of a vested use permit for a winery and tasting room on a 16.73-acre parcel.

Located at 1180 Campagna Lane in Kenwood, the winery and tasting room are part of a larger project (File No. PLP01-0006, formerly known as "The Sonoma Country Inn") for which an Environmental Impact Report (EIR) was certified and use permits for a winery and inn with a spa and restaurant, and an 11-unit residential subdivision map were approved in 2004. The final subdivision map recorded in 2011. In October 2007, the County determined that the use permits were vested, and the scope of this design review does not include reconsideration of the vested use permits or overall project approval. Construction related to the Phase I Proposed Resort use permit is currently underway.

The property was purchased by Kenwood Ranch, LLC ("the Applicant") in December 2021. The Applicant's Project Description describes design changes presented to the County Design Review Committee as required by use permit conditions of approval. The proposed design changes were approved by the Design Review Committee on May 31, 2023. The Valley of the Moon Alliance ("VOTMA" or "Appellant") appealed the Design Review Committee approval to the Planning Commission by letter dated June 12, 2023 (see Attachment 4.a Planning Commission Staff Report, Attachment 4).

On September 7, 2023, the Planning Commission conducted a public hearing on the appeal, considered and approved the EIR Addendum and denied the appeal of the Design Review

Committee decision, approving the proposed design changes. On September 18, 2023, VOTMA filed a timely appeal of the Planning Commission decision to this Board. (see Attachment 10 VOTMA Appeal).

VOTMA's appeal raises concerns in the following areas:

1. Wildfire Impacts Analysis
2. Transportation Analysis: Vehicle Miles Traveled (VMT) and Evacuation Planning
3. Post Fire Debris Flow onto Project Site

Additionally, VOTMA contends that a subsequent EIR or a supplemental EIR is required due to changes in circumstances or new information relating to the project that was not known, could not have been known, and was therefore not adequately studied in the 2004 EIR. Specifically, the occurrence of two wildfire events in 2017 and 2020 respectively that impacted the site following the adoption of the 2004 EIR.

Staff has prepared a Revised Addendum No. 2 to the Final Environmental Impact Report for the Sonoma Country Inn, September 2025. (Attachment 8, "the Revised Addendum No. 2"). The Revised Addendum No. 2 analyzes all proposed design changes. Overall, potential adverse environmental impacts have been reduced. The proposed project design remains within the original approved project footprint analyzed in the EIR.

Staff recommends denying the appeal and upholding the Planning Commission action because the proposed revisions to the plans are based on the conceptual design, as described in the 2004 Environmental Impact Report (EIR), with modifications made to comply with certain conditions of approval and other minor changes. The requested changes result in a smaller winery project than what was previously entitled, and, as a result of the reduced size, the potential for environmental impacts would be less than those identified in the 2004 EIR.

Discussion:

Background:

On November 2, 2004, the Board certified a Final Environmental Impact Report ("FEIR" or "2004 EIR") and approved a use permit for a winery with a production of 10,000 cases per year, a public tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance, 147 parking spaces, and a 3,000 square foot Country Store on the parcel, currently identified as APN 051-260-013. The winery and tasting room use permit is part of a larger project, approved under File No. PLP01-0006 (formerly "Sonoma Country Inn"), which included rezoning, a General Plan amendment, an 11-lot subdivision map, lot line adjustment and a separate use permit for a 50-room inn, spa, and restaurant as documented in Board Resolution No. 04-1037.

The Board made a Statement of Overriding Considerations finding that not all impacts could be fully mitigated but that the project was valuable on its own merits. The three documents reflecting this decision are included as Exhibits to Board Resolution No. 04-1037, specifically:

- Impacts That Were Fully Mitigated (Exhibit A)
- Impacts That Could Not Be Fully Mitigated (Exhibit B)
- Statement of Overriding Considerations (Exhibit C)

These documents are provided as part of the May 31, 2023, Design Review Committee (DRC) Staff Report (see Attachment 4.b Design Review Committee Staff Report, Attachments 7-9). Note that issues related to scenic quality (aesthetics) and traffic (transportation) encompassed the impacts that could not be fully mitigated.

A California Environmental Quality Act (CEQA) lawsuit challenging the project approval and certification of the FEIR was decided in the County's favor in the Court of Appeals in 2006. In October 2007, the County determined that the Use Permits for the inn, spa and restaurant, winery and residential subdivision were vested. The rezoning, General Plan amendment, subdivision, and lot line adjustment portions of the PLP01-0006 project have been completed. The subject Project ("Phase II Proposed Winery" or "Winery Project") is located on "Lot 12" of the Sonoma Country Inn Subdivision, recorded on December 20, 2011, in Book 748 of Maps, Pages 12 – 31 of Sonoma County Records.

On October 19, 2016, the DRC approved the final design for the 50-room inn, spa, and restaurant use permit (Phase I) under Board Resolution No. 18-0115 (File No. DRH16-0006). The Valley of the Moon Alliance filed a timely appeal on October 31, 2016. The Planning Commission denied the appeal on August 3, 2017 and on August 14, 2017 the project was again appealed to the Board of Supervisors. On March 27, 2018, the Board of Supervisors denied the appeal by the Valley of the Moon Alliance, approved Addendum No. 1 to the 2004 EIR, and approved final design review for the Phase I Inn and Spa under Board Resolution No. 18-0115. Construction related to the Phase I Proposed Resort use permit is currently underway.

Prior to the current ownership acquiring the property, the property changed ownership in December 2014 and again in August 2020. On December 28, 2021, Kenwood Ranch, LLC, the current landowner, filed an application with Permit Sonoma requesting Final Design Review for the Phase II Proposed Winery use permit to satisfy Board Resolution No. 04-1037 Exhibit F (File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program) Condition No. 97c. which states: *"Prior to building permit issuance for the winery grading plan, development plan, landscaping plan, sign plan, elevations, and colors and materials shall receive review and approval of the Sonoma County Design Review Committee."* (see Attachment 9, Exhibit "F" File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program Conditions). As part of the Final Design Review request, the Applicant requests approval of design modifications to the winery buildings and associated site improvements. The proposed design is based on the conceptual design, as described in the 2004 EIR, with certain modifications intended to comply with conditions of approval and other minor changes, including a reduction to the total size of buildings and clarifying sizes and locations of structures, materials, floor areas, landscaping.

In accordance with CEQA Guidelines Section 15164, subdivision (a) and Section 15162, subdivision (a), an Addendum (Revised Addendum No. 2) to the Sonoma Country Inn Project EIR (State Clearinghouse Number: 2002052011), certified May 2004, has been prepared and is provided as Attachment 8. The Revised Addendum No. 2 analyzes the design changes requested for the Phase II Proposed Winery to determine whether the changes would result in new or more severe environmental impacts than those analyzed in the adopted FEIR.

Phase II Winery Application Background:

On May 31, 2023, the Design Review Committee (DRC) held a public meeting and found the Phase II Winery design proposal to be in substantial compliance with the Board-adopted Final Conditions of Approval (PLP01-0006) and approved the project design plans, as proposed, including the site plan and building orientations, architectural form, colors and materials, lighting, parking and access areas, and landscaping.

On June 12, 2023, VOTMA filed an appeal of the Design Review Committee's approval of the project. The appeal raised concerns with a new fire evacuation plan and evacuation road, changes to the surrounding area, and cumulative impacts.

On September 7, 2023, the Planning Commission held a public meeting and found the Phase II Winery design proposal to be in substantial compliance with the Board-adopted Final Conditions of Approval (PLP01-0006) and approved the project design plans as proposed.

On September 18, 2023, VOTMA filed an appeal of the Planning Commission's approval of the project. The appeal raises concerns with wildfire impacts, traffic and Vehicle Miles Traveled, post fire debris flow, and a secondary access road through the adjacent Graywood Ranch Subdivision. Additionally, VOTMA contends that the Addendum No. 2 is not supported by substantial evidence as related to wildfire impacts and that a subsequent EIR or a supplemental EIR is required due to changes in circumstance or new information relating to the project not adequately studied in the 2004 EIR.

On June 3, 2024, in response to public comments, the Applicant modified the Winery Design Review Application by removing the redundant ingress and egress that was originally proposed on the adjacent Gray Subdivision. As a result, staff revised the Addendum No. 2 to reflect the removal of the secondary emergency vehicle access on the adjacent Graywood Ranch Subdivision and the updated voluntary emergency evacuation analysis.

See Attachment 2 for the Project History Summary, which provides a table summarizing key project milestones and events.

Project Description:

The Applicant requests approval of certain design modifications to the winery buildings and associated site improvements on a 5.23-acre portion of the 16.73-acre property. The proposed design is based on the conceptual design as described in the FEIR, with modifications made to comply with certain conditions of approval and other minor changes including a reduction to

the total size of buildings and clarifying sizes and locations of structures, materials, floor areas, landscaping.

The Phase II Proposed Winery design consists of 2,134 square feet for both the public and the reserve tasting rooms (1,097 square feet for the public and 1,037 for the reserve); an art gallery in the public tasting room as required by the 2004 Board Resolution; 2,958 square feet of marketplace; 1,678 square feet of winery offices in a two-story structure; 3,379 square feet of fermentation space; 659 square feet of cold storage space plus a 67 square feet storage room; 3,316 square feet of staff & maintenance uses; and 1,084 square feet for restrooms and a wastewater treatment shed, for a total of 18,901 square feet. There are 147 parking spaces. The use permit allows for up to 20 special events per year with a maximum capacity of 200 participants, as allowed by the 2004 Board Resolution.

In addition to the proposed buildings within the building envelope, the Phase II Proposed Winery design includes access driveways, a service road, a pedestrian pathway and pedestrian entry, landscaping and planting, winery leach fields (e.g., sewage disposal area), bioretention facilities, and a wastewater treatment shed. The project site includes 280 cubic yards of soil within the riparian corridor that a former owner stockpiled between 2009 and 2011 during construction on other portions of the site and will be removed under a separate zoning permit (File No. ZPE22-0016) following approval of final design review.

The reconfigured parking layout for the winery still contains 147 spaces divided into a primary parking lot and a trailhead parking lot, as required by conditions of approval. The primary parking lot (not yet constructed) will have 133 spaces. The trailhead parking lot (already constructed) contains 12 spaces and two vehicle-plus-trailer spaces. Parking spaces within the primary parking lot will have porous gravel paving using a cellular system. Drive aisles and driveways serving the winery will be paved with concrete and asphalt. See Attachment 6 – Applicant Winery Layout Comparison for a visual summary of the Phase II Proposed Winery Approval and proposed design changes.

In April 2021, MacNair & Associates evaluated 2020 Glass Fire tree damage within the winery building envelope and the zone between Campagna Lane and the building envelope (See Attachment 8). The total number of trees marked for removal in April 2021 were 223. The total number of trees tagged and surveyed in August 2021 were 213. In December 2022, these trees were re-evaluated and 56 of the 213 trees initially surviving the fire died and have since been removed and 3 additional trees were located. As of January 2023, there are 160 surviving trees which have been surveyed and are in varying degrees of condition. The current total removal of trees within the grading limits is 74 trees, which remains consistent with the estimated 70 to 120 trees discussed in the 2004 EIR.

To further reduce potential impacts to any nesting bird species, special-status bats, and American badger, the project includes three Voluntary Conditions that are consistent with current Best Management Practices (BMPs) for protection of special-status wildlife (see Attachment 8, pages 23-26).

Proposed designs submitted by the applicant in 2021 included the use of a secondary, redundant ingress and egress through the adjacent Graywood Ranch Subdivision. This access was not previously contemplated under the 2004 EIR. In response to public comments, the applicant modified the Winery Design Review Application by removing this redundant secondary access (“secondary evacuation road” or “secondary EVA”).

The proposed revisions are analyzed in more detail in the Revised Addendum No. 2 to the FEIR (Attachment 8). That analysis shows that there have been no changes to the scope of the approved land uses. All structures and improvements are located within the building envelope as originally designated for the conceptual design. As noted in Board Resolution No. 04-1037 Exhibit F File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program, the project is approved for a 10,000 case per year winery, open to the public with Tasting room, retail wine sales, and 20 special events per year with a maximum of 200 persons in attendance. The winery is permitted for 6 employees and 147 parking spaces. Condition No. 84 restricts hours of operation for events. No change has been made to the restrictions on hours of operation, number of employees, winery production capacity, or availability to the public. The uses, as approved under Board Resolution No. 04-1037 and further restricted under Exhibit F, would remain unchanged.

Site Characteristics:

Access:

Access to the winery complex is via Campagna Lane, an existing paved 22-foot-wide road that connects to Highway 12. Two driveways will serve the winery and allow two separate access points for both ease and emergency purposes. A driveway on the south side of the winery buildings will skirt a septic field to service the marketplace back of house and will include fire-safe turnaround. Another driveway will proceed through the primary parking area and wrap around the northern winery buildings to the service yard and behind the cold storage building. The proposed design would allow emergency vehicles to access the entire driveway system as a loop, including turnaround areas. Driveways will be paved with concrete, gravel, and asphalt and will comply with all applicable standards.

Wildfire Risk:

The Phase II Proposed Winery Site is located within a State Responsibility Area (SRA) and a Very High Fire Hazard Severity Zone (VHFHSZ), as depicted on the Fire Hazard Severity Zone map published by CalFire. Since the 2004 EIR was prepared and certified, two fires have impacted the 2004 Project Site: the 2017 Nuns Fire and the 2020 Glass Fire.

The 2004 EIR was prepared prior to the inclusion of wildfire impacts as a standalone topic of consideration in CEQA Guidelines. However, while wildfire was not included as a *standalone* topic in the 2004 EIR, wildfire impacts were in fact considered. The Phase II Proposed Winery includes extensive construction-related and operational wildfire protection and evacuation measures. An applicant prepared Initial Study and associated appendices of the proposed

design, protection and evacuation measures, and evacuation timeframes was prepared to address the current topic areas covered under Appendix G Section 20 of California Environmental Quality Act; best practices and recommendations provided by technical experts in the fields of wildfire prevention, management, evacuations, and response; and the State of California Office of the Attorney General's *Guidance related to Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects under the California Environmental Quality Act* (2018) This analysis was independently reviewed by the County and analysis incorporated into the Revised Addendum No. 2. (See Attachment 8 – Revised Addendum #2).

Additionally, all new construction on the site must conform to applicable County Fire Safe Standards and Wildland Urban Interface building requirements. Fire Safe Standards include building requirements related to fire sprinklers, stairways to roofs, fire apparatus access roads, door panic hardware, fire resistant stairway enclosures, emergency water supply, and defensible space. Structures in Wildland Urban Interface zones are required to be built with exterior construction that will minimize the impact on life and property and help structures to resist the intrusion of flames and burning embers projected by a wildland fire and contributes to a reduction of losses. All development permits (building, grading, etc.) must be reviewed and approved by the County Fire Marshal/Local Fire Protection District prior to issuance.

Fire risks were addressed in the 2004 Conditions of Approval, specifically Conditions No. 77 through 83 of Board Resolution No. 04-1037 Exhibit F (File No. PLP01-0006 Winery Use Permit Final Conditions of Approval). These conditions collectively require the applicant to submit a vegetation management plan for Permit Sonoma Fire Prevention review and approval, comply with Fire Safe Standards and Uniform Building Code requirements for access, install water supply and fire sprinkler systems, install fire hydrants, use non-flammable roofs, and install Knox locks to facilitate emergency access to the site. These conditions represent standard requirements for new development intended specifically to reduce potential risks from onsite or nearby fire events through controlling fire and facilitating emergency access.

The Phase II Proposed Winery designs were reviewed by Permit Sonoma Fire Prevention and the County Fire Marshall as recently as January 2022, at which time no comments or concerns were raised. The Sonoma Valley Fire District issued comments on the project indicating support for the project and evacuation measures (see Attachment 11 – Public Comments).

Water Supply:

The Phase II Proposed Winery will be served by an existing well ("Winery Well") that was constructed in 2002 under Well Permit No. WEL02-0260. The Winery Well is located on the subject parcel approximately north of the proposed winery site. The 2004 EIR estimated water demand for the winery and then events pavilion (pavilion later eliminated) to be at an assumed rate of 90 percent of the peak wastewater flow, plus an allowance of 3,000 gallons per day (gpd) for landscape irrigation. The Winery Well would supply approximately 2,685 gpd (3.0 acre-feet/year) to be used at the winery and events center as well as associated landscaping needs. Landscape irrigation needs were approximate in the conceptual design as the exact landscaping plan had not yet been developed.

Based on the 2002 hydrogeological report, which provided the basis for the water use and supply data in the FEIR, the two wells on the Phase II Proposed Winery parcel (including the Phase I Resort Well) would have adequate capacity to support the entire PLP01-0006 project (inclusive of inn/resort and winery uses) and would not impact the aquifer or neighboring wells in normal and drought years. Resolution 04-1037 found the winery impacts on water supply to be less than significant without mitigation. Operations at the winery will not be substantially different than those assessed in the previous approvals.

The Revised Addendum No. 2 concludes the Phase II Proposed Winery proposed design does not create any change which would cause a new or substantially more significant environmental effect on groundwater because of increased water use compared to those analyzed under the conceptual design. Further, design measures are incorporated into the winery design to reduce water consumption, including the use of steam and high-pressure water with UV light to sanitize tanks and barrels thereby reducing the overall water demand, as well as recycling of process wastewater. Thus, impacts to water supply will not be more significant with the revised winery design than previously assessed.

Domestic Wastewater:

The Phase II Proposed Winery will recycle process and domestic wastewater to be utilized it as irrigation water. Process wastewater produced in the winemaking process and domestic wastewater produced at the tasting room, country store, and event center will be treated in two separate treatment systems, each with dedicated disposal fields as backup to the landscape irrigation use. Wastewater treatment equipment is housed in the proposed 'Wastewater Shed' located within the preapproved Septic Envelope of the Sonoma Country Inn Subdivision.

Renewable Energy System:

The Phase II Proposed Winery's primary parking area includes solar canopies over 42 percent (62 of 147 spaces) of the parking spaces. Solar panels will also be placed on the rooftops of the two service buildings. This is an accessory renewable energy system, defined as a renewable energy system designed to supply "not more than 125% of the calculated energy demand for all legally established onsite uses." Accessory solar facilities are a permitted use in all zoning districts. (SCC § 26-88-200.) The goal of the winery's solar program is to make the winery "net zero" in energy usage. Because of the solar panel placement in the parking lot and on service buildings on the north side of the development area, they would be substantially screened by other winery buildings and would therefore not be visible or create new sources of glare from public viewpoints along Highway 12.

Open Space Easement:

The subject property and surrounding properties created by the Sonoma Country Inn Subdivision are encumbered by an Open Space Easement ("OSE") held by the Sonoma County Agricultural Preservation and Open Space District ("District"), recorded under Document No. 2012-05803 of Sonoma County Records. On June 10, 2022, the District approved design plans

for the Phase II Proposed Winery, including the placement of wastewater treatment facilities, utility sheds, a transfer tank, a pedestrian pathway, a driveway, and a small parking area outside of the OSE building envelope. A parking area including 14 spaces has been developed on the north end of the property to provide public access to a proposed trail easement dedicated to Sonoma County to connect to Hood Mountain Regional Park.

Other Environmental Conditions:

The property is subject to the Vegetation Management Plan prepared by WRA Environmental Consultants in 2009. The Vegetation Management Plan provides guidelines for the protection and management of woodland, forest, riparian, chaparral, wetland, and grassland habitat within the Sonoma Country Inn (now “Kenwood Ranch”) project site, inclusive of the winery parcel. The Vegetation Management Plan was prepared in accordance with requirements in the 2004 EIR and the PLP01-0006 Conditions of Approval. Implementation of the Vegetation Management Plan is underway and is required to be fully implemented prior to occupancy of any building on the project site. Monitoring and long-term maintenance will be performed as required by the Vegetation Management Plan.

Riparian Corridor and Grassland Preserve:

There is a riparian corridor and a grassland preserve identified on Lot 12 (subject property) of the Sonoma Country Inn Subdivision map. The riparian corridor is also subject to applicable development standards and permit requirements outlined in Article 65 (Riparian Corridor Combining Zone) of the Zoning Code. Design plans for the Phase II Proposed Winery comply with the 50-foot riparian corridor setback, as measured from the top of bank, and all improvements are located outside of the grassland preserve area.

In accordance with Section 26-65-030 of the Zoning Code, after final design plans for Phase II Proposed Winery are approved, the landowner is required to apply for and complete a zoning permit to remove a soil deposit located within the Riparian Corridor setback (adjacent to the winery site). During a prior owner’s tenure, contractors stockpiled approximately 2,800 cubic yards of soil on the winery site and placed approximately 280 cubic yards within the Riparian Corridor. A zoning permit for the soil removal has been submitted under File No. ZPE22-0016, to be completed following approval of the final design.

Plants:

The area between Highway 12 and the Phase II Proposed Winery is open grassland interspersed with mature and newly planted California Valley Oak trees, with a portion of this area protected as a valley oak preserve. Approximately 120 oak trees were planted in 2021 between Highway 12 and the Phase II Proposed Winery Site as required by the 2004 conditions of approval and the 2009 Vegetation Management Plan to screen future winery buildings.

The applicant proposes to remove trees within the grading limits of the Phase II Proposed Winery project. Currently, a total of 74 trees are proposed for removal, consistent with the 2004 EIR estimated ranch of 70 to 120 trees to be removed.

The 2004 EIR identified potential significant effects on the two populations of special status plant species known to occur on the site, narrow-anthered California brodiaea (*Brodiaea leptandra*) and Sonoma ceanothus (*Ceanothus sonomensis*), and mitigation measures were adopted to ensure less than significant impacts on said populations. The Phase II Proposed Winery design is consistent with Mitigation Measure 5.6-1(a), (b) and (c). A special biotic preserve has been created outside of the building envelopes and the Sonoma ceanothus population would be avoided by the proposed design.

Animals:

Subsequent site review conducted in 2022 has determined that the Phase II Proposed Winery site provides suitable nesting habitat for passerine (i.e., songbird) species that are protected by the Migratory Bird Treaty Act, as well as potential roosting habitat for special-status bats, and could intermittently provide habitat for American badger (*Taxidea taxus*), which is a California Species of Special Concern. There is a low possibility that impacts may occur to these species during construction periods. To further reduce potential impacts to any nesting bird species, special-status bats, and American badger, the project includes three Voluntary Conditions that are consistent with current Best Management Practices (BMPs) for protection of special-status wildlife. These potential impacts are further analyzed in the Revised Addendum No. 2 (see Attachment 8).

Surrounding Land Use and Zoning:

North of the site are undeveloped lots created by the Sonoma Country Inn Subdivision and the upper plateau of the 50-room inn parcel (currently under construction). Further north is Hood Mountain Regional Park. South of the site is the lowland portion of the 50-room inn parcel that parcel is vegetated with grasslands and scattered oaks and features Valley Oak and riparian corridor preserves. The lowland portion borders Highway 12 to the south. East of the site is a mix of residential and agricultural properties with vineyards. Undeveloped lots created by the Graywood Ranch Subdivision, agricultural and rural residential uses are located west of the site.

Staff Analysis:

The Board of Supervisors considers design review using the same standards followed by the Planning Commission and Design Review Committee, in compliance with related Conditions of Approval for File No. PLP01-0006. Generally, the purpose of design review, as stated in County Code Article 82 Design Review, Section 26-82-050 (b), is to consider the architecture and general appearance of buildings and grounds to ensure they are in line with the character of the surrounding neighborhood, are not detrimental to orderly and harmonious development and do not impair the desirability of investment or occupation in the neighborhood. The development standards specified in Section 26-82-030 generally relate to: the orientation of building sites to maintain maximum natural topography and cover; building form including height, texture, color, roof characteristics and setbacks; vegetation and landscaping; complimentary features including screening, lighting, and signage; and parking layout and circulation. Streets are to be designed and located so as to maintain and preserve topography, cover, landmarks and trees; to necessitate minimum cut and fill; and to preserve and enhance views and vistas on and off-site.

The Board's review of the Planning Commission's action is *de novo*, essentially meaning that the Board hears the design review application with perspective that is without deference to the Planning Commission and Design Review Committee. The scope of this review is limited to the proposed Phase II Winery design and associated design changes, as compared to the conceptual design, that are proposed based on the applicable design review factors listed in the code. As a result, the Board has discretionary authority in its evaluation of those design elements and appropriate CEQA evaluation of the proposed changes specifically. Importantly, the scope of this design review and CEQA review (Revised Addendum No. 2 to the 2004 EIR) does not include elements of the vested, approved project other than the proposed design modifications.

To summarize the scope of the review remains the same. Therefore, the evaluation lies specifically in whether the design and layout changes adequately satisfy the design review development standards and, in addition, whether they carry out the direction of the Conditions of Approval and Mitigation Measures as adopted by the Board under Resolution No. 04-1037 (see Attachment 9).

All proposed changes are evaluated for any related potential environmental consequences (impacts) in technical reports provided as exhibits to this staff report. For the Board's information at this hearing, the changes and technical updates are also summarized in the Revised Addendum No. 2 to the FEIR as Attachment 8.

Condition Compliance Review:

- The Phase II Winery design changes requested by the Applicant for the proposed project are consistent with the maximum allowed square footage listed under Condition of Approval (COA) No. 84 and 106, as detailed in Attachment 7. The design changes do not change the character or intensity of the approved use.
- The Phase II Winery site plan conforms with COA No. 95 and 97 as the final access and parking design minimizes loss of woodland and forest habitat and retains as many trees onsite as possible to minimize visual impacts as seen from Highway 12. A total of 74 trees are proposed for removal, which is consistent with the 2004 EIR estimated range of 70 to 120 trees.
- The Phase II Winery design proposes a variety of exterior building colors and materials that match the natural backdrop of the site surroundings to minimize visual impacts from Hwy 12, consistent with COA 97. Approximately 120 trees planted in 2021 between Highway 12 and the Phase II Proposed Winery that will provide additional screening for future winery buildings.
- The Phase II Winery final exterior lighting plan demonstrates consistency with COA 98 and 99. The site plan does not increase the amount of light pollution in any substantial or significant amount compared to the Conceptual Design.
- All proposed winery buildings and wastewater treatment systems are in the preapproved Building and Septic Envelopes of the recorded Sonoma Country Inn

Subdivision map. The design is consistent with the 2004 EIR Mitigation Measures for special status plants and animals. All grading activities are outside of the Grassland Preserve and 50-foot Riparian Corridor Setback, with exception of the work required to remove an existing stockpile. Removal of the 280 cubic yards of stockpiled soil from the Riparian Corridor will require a zoning permit after design review is approved.

Concerns Raised by the Appellant:

On September 18, 2023, the Valley of the Moon Alliance (“Appellant”) raised issues related to wildfire analysis, evacuation travel time, post-fire debris flow analysis, and use of the previously proposed secondary evacuation route through the adjacent Graywood Subdivision.

1. Wildfire Impacts

The Appellant argues that, as a result of the Nuns Fire in 2017 and the Glass Fire in 2020, substantial changes to the site conditions have occurred with respect to the circumstances under which the project is undertaken. Specifically, VOTMA asserts that, pursuant to CEQA Guidelines Section 15162(a)(2), the conditions on the site resulting from the past fire events constitute a “substantial change [...] with respect to the circumstances under which the project is taken [...] due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”

VOTMA emphasizes and quotes a statement in the previously prepared Addendum No. 2 (since superseded by Revised Addendum No. 2) that “The 2004 EIR was prepared prior to inclusion [in 2018] of wildfire impacts as a standalone topic of consideration in CEQA guidelines, and impacts of wildfire were not considered.”

Staff Response:

Addendum No. 2 includes substantial evidence showing that the alleged wildfire impacts associated with the revised winery proposal do not involve a new significant environmental effect or a substantial increase in the severity of a previously identified effect identified and considered in the 2004 Final EIR. The scope of the Design Review is limited such that the County does not have the authority to require additional CEQA review of issues unrelated to the proposed design changes.

The 2004 EIR did consider wildfire impacts. The statement made in the 2023 Planning Commission staff report and Addendum No. 2 that “impacts of wildfire were not considered” was intended to convey that such impacts were not considered *in a standalone section* in the 2004 EIR. This statement has been refined to enhance this clarification in Revised Addendum No. 2. Rather, the 2004 EIR includes many different references to wildfire issues, which have been referenced in the record before the Planning Commission. Revised Addendum No. 2 includes extensive analysis and expert opinion on the topics of wildfire, evacuation and related traffic issues. These include Revised Addendum No. 2 References 28 through 39.

Another example of wildfire discussion from the 2004 EIR is provided by VOTMA itself in its comment letter dated June 20, 2003, (Letter 14 in the Final EIR). VOTMA included the following comment, numbered 14-105:

“The above discussion on ‘Emergency Access’ also summarily disposes of the risks of wildfire by noting that the buildings will all be sprinklered. That will not decrease the risk of wildfires for a discarded cigarette, an overactive chainsaw or any number of other sources of sparks outside of the buildings.”

(2004 Final EIR, PDF page 220 of 666; Accessible below:
(https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Archive/Planning/Project%20Review/EIRs/Sonoma_Country_Inn_FINAL-Environmental-Impact-Report.pdf.)

The Final EIR includes the following response to comment 14-105:

“The text on page 5.2-68 of the Draft EIR does not state that the requirement to install a fire sprinkler system will decrease the risk of wildfires from a discarded cigarette, an overactive chainsaw or any number of other sources of sparks outside of the buildings. What it does indicate is that the installation of a fire sprinkler system in all residential dwellings and the commercial buildings within the project site, will provide a level of safety such that a secondary emergency access is not considered necessary.”

See also Response to Comment 14-104. (2004 Final EIR p. 9.0-268, at pdf page 274 of 666).

VOTMA’s comment 14-105 and the Final EIR’s response further reinforces that wildfire issues, including evacuation considerations, were raised by VOTMA at the time of the 2004 Final EIR and therefore were considered in the Final EIR.

The record contains substantial evidence supporting both the Design Review Committee and Planning Commission decisions concluding that the Project revisions and design review approval would not result in any new significant environmental effects or a substantial increase in the severity of wildfire impacts.

For the above reasons, and based on the full record, staff recommends the Board reject appellant’s wildfire impacts argument, and consequently uphold the Planning Commission’s action upholding and approving design review application.

2. Transportation Analysis: VMT and Evacuation Planning

The Appellant advocates for additional analysis related to vehicle miles traveled (VMT) included with the analysis of emergency response and evacuation plans and fails to account for other, nearby projects such as the Hanna Center Mixed Use Development (“Hanna Center”) and Sonoma Developmental Center (“Eldridge Renewal”) and SDC Campus Specific Plan.

Staff Response:

The proposed design changes represent minor alterations to the overall facility, including the consolidation of uses in structures and overall reduction in building sizes, compared to the 2004 conceptual design and would not alter the allowed use such that it could result in an increase in the amount of traffic or trips to or from the winery over what was studied as part of the original approval.

Current traffic volume is not new information or changed circumstances establishing new or more severe impacts. Additionally, VMT is not in and of itself new information. Reducing VMT has been a goal of Federal climate action policies since before the 2004 EIR was certified. New regulations or guidelines, including new CEQA Guidelines, are not new information if the underlying issue was or could have been known when the 2004 EIR was certified.

In 2004, the Sonoma Development Center (“SDC”) was in full, or near full operation, and existing traffic at that time was taken into account in the 2004 EIR for this Project. Thus, the 2004 EIR considered SDC’s historic operations. The SDC Eldridge Renewal Project and SDC Campus Specific Plan proposed to redevelop the SDC campus in place of the state hospital use that has since ended. Because these project would replace a use that was considered in the EIR, they do not constitute changed circumstances that would impact the 2004 EIR analysis. Additionally, the Hanna Center project was withdrawn on March 8, 2025. While it does not impact the CEQA Section 21166 analysis, staff note that environmental review for any future proposed project for the SDC or Hanna site, or any other site in the vicinity, would similarly consider any further cumulative analysis as a result of the minor Project changes currently under consideration.

Evacuation planning and wildfire risk is not new information. The 2004 EIR acknowledged the project location to be a “high fire danger area” and concluded that fire impacts could be mitigated to a level of insignificance. The evidence in the record addressing and analyzing evacuation shows that the issues have been considered and do not trigger the need for subsequent supplemental review.

The Winery Use Permit does not require the applicant prepare a wildfire evacuation plan. Conditions of Approval No. 77 through 83 of Board Resolution No. 04-1037 Exhibit F (Attachment 9) are related to reducing the risk of wildfire. Conditions require the applicant to submit a vegetation management plan for Permit Sonoma Fire Prevention review and approval, comply with State Minimum Fire Safe Regulations and Uniform Building Code requirements for access, install water supply and fire sprinkler systems, install fire hydrants, use non-flammable roofs, and install Knox locks to facilitate emergency access to the site. All development resulting from the Phase II Winery will be required to demonstrate compliance with the PLP01-0006 Conditions of Approval for fire safety, as well as with all applicable current County and State requirements for fire safety.

Sonoma County's Design Review Ordinance does not require the applicant prepare an evacuation plan, however the applicant voluntarily submitted recommendations for evacuation planning during construction and disaster events (see References 28-39 of the Revised Addendum No. 2). On May 3, 2024, Fehr & Peers submitted an updated Evacuation Travel Time Assessment ("Kenwood Estates Winery Evacuation Travel Time Assessment," see Reference 39 of the Revised Addendum No. 2) which included a 1% annual adjustment from 2019 background traffic levels to account for growth. This growth estimate and accounted for the then SDC Specific Plan (now replaced by a new specific plan and mixed-use builder's remedy application), and subsequently abandoned applications including the Hanna Center application and an application in the City of Santa Rosa for 676 residential units ("Elnoka Project"). The Hanna Center was subsequently withdrawn and the Elnoka Project was reduced to 272 units, therefore the estimate represents a conservative growth factor for the area.

For the above reasons, and based on the full record, staff recommends the Board reject appellant's VMT and evacuation related argument, and consequently uphold the Planning Commission's action upholding and approving design review application.

3. Post Fire Debris Flow onto Project Site.

The Appellant asserts that issues related to post-fire debris flow analysis have not been adequately addressed.

Staff Response:

The design changes do not create new or more severe grading impacts that cannot be mitigated by the existing mitigation measures and conditions of approval. All development resulting from the Phase II Winery will be required to comply with current County Code requirements for grading and construction activities and the approved project conditions of approval are adequate to reduce the post-fire risk of erosion or slope instability at the proposed project site.

The site is relatively flat and located on the valley floor, outside of the Floodplain and Floodway, and is not subject to Low Impact Development regulations. Minor grading would occur for the Phase II Proposed Winery Site and required erosion control measures will be implemented during and after construction. The applicant provided studies prepared by Bauer Associated Inc, Geotechnical Engineers in 2018 and a Geotechnical study prepared by RGH Consultants in 2021 and supplemental letter in 2023 (see References 7, 8, 40, and 41 in Revised Addendum No. 2) which collectively included analysis related to debris flow, including post-fire debris flow. Results of site surveys did not observe evidence of past or potential debris or mud flow and were therefore not deemed a significant hazard for the site.

For the above reasons, and based on the full record, staff recommends the Board reject appellant's post fire debris flow argument, and consequently uphold the Planning Commission's action upholding and approving design review application.

4. Secondary Evacuation Road through adjacent Graywood Ranch Subdivision.

The Appellant asserts that the secondary access road through the adjacent Graywood Ranch Subdivision should be considered as part of the project, although it would be subject to separate review for a grading permit.

Staff Response:

The additional evacuation route proposed by the applicant on an adjacent property is not an issue within the scope of the design review but was a voluntary effort by the applicant to enhance safety. However, in response to the Appeal, the applicant removed this secondary evacuation route from their Winery Design Review Application materials. Additionally, the associated grading permit has expired and is considered null and void.

As currently proposed, evacuation from the winery will travel down Campagna Lane to Highway 12. Should the Graywood Ranch access road proposal be renewed in the future, any necessary environmental review would be conducted in relation to that separate proposal.

For the above reasons, and based on the full record, staff recommends the Board reject appellant's secondary evacuation road as part of the project argument, and consequently uphold the Planning Commission's action upholding and approving design review application.

Sonoma Valley Community Advisory Commission Recommendation for Approval:

The project is located within the boundaries of the Sonoma Valley Community Advisory Commission (SVCAC). The SVCAC was created through a Joint Powers Agreement between the County of Sonoma and the City of Sonoma and consists of eleven commissioners, three alternates, two emeritus, and two ex-officio members. The purpose of the SVCAC is to provide a public forum to deliberate planning decisions impacting both the City of Sonoma and the unincorporated areas of the Sonoma Valley which are then provided as recommendations to elected officials and other decisions makers responsible for land use decisions.

The SVCAC reviewed the project during its meetings of January 25, 2023, and February 22, 2023. At the February 22, 2023 meeting the SVCAC motioned to approve Design Review and asked the applicant to clarify safety considerations for traffic movement in the winery as it relates to other buildings on site. The Resolution passed for Design Review Approval with a statement of inclusion (SVCAC meeting minutes provided in Attachment 4.b Design Review Committee Staff Report, Attachment 13).

The applicant contracted a consultant familiar with the project, Fehrs and Peers, to complete a site plan review and clarify safety considerations for traffic movement in the winery as it relates to other buildings on site. Fehrs & Peers considered:

- Site access, sight distance, and interface between the parking access roadways with Campagna Lane, including traffic control recommendations.
- Multimodal circulation on-site, including:
 - Vehicular circulation and roadway sizing within the site

- Pedestrian and bicycle access and circulation
- Emergency vehicle access and circulation.

Based upon their review, Fehrs & Peers developed several recommendations which have since been incorporated into the final design, as shown graphically on the Site Plan in Appendix A to the review letter.

Public Comments:

The Valley of the Moon Observatory Association previously commented on the project expressing concern with light pollution and ensuring dark sky protection in lighting elements of the project.

The Sonoma Valley Fire District provided comment on the project expressing strong support for the processes and measures by the applicant related to emergency preparedness and evacuation responses, including a statement that the “protocols, studies, models, and plans are sound and will not impair or interfere with approved evacuation or response plans in the Kenwood area.”

Aesthetic issues were raised in comments related to the installation of story poles, the need for a community forum, potential inconsistent analysis of tree mortality, necessity of chimneys in the final design, and use of wood burning (BBQ, outdoor ovens, etc.) for cooking. Cumulative impacts from the project in conjunction with other, nearby project such as the SDC or Elnoka projects were raised.

Other public comments previously received include general concerns related to topics including noise, greenhouse gases, tree loss and wildlife habitat, visual impacts and rural character, traffic and VMT, parking, cumulative impacts, wildfire and evacuation planning, erosion and slope stability, and CEQA requirements.

Environmental Analysis:

On November 2, 2004, the Board certified a Final Environmental Report and approved a use permit for the winery and tasting room on the parcel, currently identified as APN 051-260-013. The winery and tasting room use permit is part of a larger project approved under File No. PLP01-0006 (formerly “Sonoma Country Inn”) which included rezoning, a General Plan amendment, subdivision, lot line adjustment and a use permit for 50 room inn, spa and restaurant as documented in Board Resolution No. 04-1037.

Both Draft and Final Sonoma Country Inn Project EIR documents (State Clearinghouse Number: 2002052011), certified May 2004, are currently available on the Permit Sonoma website at: <https://permitsonoma.org/divisions/planning/projectreview/significanteirs>

In response to public comments, the Applicant modified the Winery Design Review Application, by removing the redundant ingress and egress that was originally proposed on the adjacent Gray Subdivision. The Applicant submitted this change to the County on June 3, 2024, in the

form of a revised project description included in the revised applicant-prepared Initial Study. As a result, staff revised the Addendum No. 2 in September 2025.

In accordance with CEQA Guidelines Section 15164, subdivision (a) and Section 15162, subdivision (a), an Addendum (Revised Addendum No. 2) to the Sonoma Country Inn Project Final EIR (State Clearinghouse Number: 2002052011), certified May 2004, has been prepared and is provided under Attachment 8. The Revised Addendum No. 2 analyzes the design changes requested for the Phase II Proposed Winery to determine whether the changes will result in new or more severe environmental impacts than those analyzed in the FEIR and approved in 2004. The Revised Addendum No. 2 concludes the Phase II Proposed Winery design does not cause new significant environmental effects or substantial increases in the severity of a significant environmental effect identified in the FEIR.

Based on the FEIR and associated addendums and the technical reports, a supplemental or subsequent EIR is not required for the requested design changes pursuant to Public Resources Code Section 21166 and CEQA Guidelines, Section 15162 because:

- a. The design changes requested for the proposed project do not propose substantial changes from the 2004 project which will involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- b. There are no substantial changes relevant to the design changes requested for the proposed project with respect to circumstances under which the proposed changes would be undertaken which will require major revisions of the FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- c. There is no new information of substantial importance relevant to the design changes requested for the proposed project which was not known and, with the exercise of reasonable diligence, could not have been known at the time the 2004 EIR was certified which shows that the proposed design would result in new significant environmental effects not evaluated in the 2004 EIR or a substantial increase in the severity of previously identified significant effects.
- d. No mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but are not adopted, and there are no new or different mitigation measures identified which would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt.
- e. The proposed winery is smaller than what was previously studied under the conceptual design and for which entitlements have been granted and vested, which emphasizes that resulting environmental impacts would be similarly reduced, or remain unchanged, compared to those identified in the 2004 EIR.

The scope of this review and CEQA review does not include reevaluation of the vested approved project other than the proposed design modifications and compliance with related Conditions of Approval for File No. PLP01-0006. The approval of PLP01-0006 was previously

litigated. Current comments directed at the approval of PLP01-0006 are untimely as to that approval, which is not before the Board and is beyond the scope of the present action on the design review application which was required as a condition of approval for PLP01-0006 and does not present an opportunity to reopen the original approval of PLP01-0006.

For the above reasons, and based on the full record, staff recommends the Board reject appellant's CEQA compliance related arguments, and consequently uphold the Planning Commission's action upholding and approving design review application.

Staff Recommendation:

The Permit Resource and Management Department (Permit Sonoma) recommends that the Board of Supervisors deny the appeal filed by Valley of the Moon Alliance and uphold the Planning Commission's September 7, 2023, approval of the Phase II Proposed Winery design, colors and materials as presented, and the landscaping and landscape lighting plans, accept the Revised Addendum No. 2 to the 2004 Final Environmental Impact Report, and approve the request for design review.

Strategic Plan:

N/A

Racial Equity:

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

No

Prior Board Actions:

November 2, 2004, Board Resolution No. 04-1037. After preparation and certification of an Environmental Impact Report (EIR), with a statement of overriding considerations for traffic and night lighting impacts, the Board of Supervisors approved the project and necessary land use changes on November 2, 2004. The project included rezoning and General Plan amendments, an 11-lot subdivision map and lot line adjustments plus use permits for the inn, spa, and restaurant and for a winery and tasting room. A CEQA challenge to the project approval and the EIR was decided in the County's favor in the Court of Appeal in 2006.

December 13, 2011, Board Resolution No. 11-0663. On December 13, 2011, the Board of Supervisors approved a subdivision map (Recorded Doc. No. 2011113015) creating an 11-lot subdivision consistent with approvals granted under Board Resolution No. 04-1037. The subdivision is located north of the winery parcel.

March 27, 2018, Board Resolution No. 18-0115. On March 27, 2018, the Board of Supervisors denied an appeal by the Valley of the Moon Alliance from a decision of the Planning Commission, approved Addendum No. 1 to the 2004 Environmental Impact Report (EIR) and approved final design review for the 50-room inn, spa, and restaurant use permit under Board Resolution No. 18-0115 (File No. DRH16-0006). The recording of the meeting can be accessed

here: https://sonoma-county.granicus.com/MediaPlayer.php?view_id=2&clip_id=775&meta_id=239835

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):

Not Applicable

Attachments:

Attachment 1.	Board of Supervisors Resolution
Attachment 2.	Project History Table
Attachment 3.	Planning Commission Resolution No. 23-40
Attachment 4.a.	Planning Commission Staff Report and Attachments
Attachment 4.b.	Design Review Committee Staff Report and Attachments
Attachment 5.	Planning Commission Approved Project Plans, July 6, 2022
Attachment 6.	Applicant's Winery Layout Comparison, December 23, 2021
Attachment 7.	Summary Comparison of Winery Conceptual Design and Proposed Design
Attachment 8.	Revised Addendum No. 2 September 2025
Attachment 9.	Board Resolution No. 04-1037 with Select Exhibit "F" File No. PLP01-0006 Winery Use Permit Final Conditions of Approval and Mitigation Monitoring Program Conditions
Attachment 10.	VOTMA Appeal, September 18, 2023
Attachment 11.	Public Comments
Attachment 12.	Staff Presentation
Attachment 13.	Applicant Presentation

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

On File – Item #1: Applicant Prepared Initial Study with Appendices