November 27, 2017

Attachment A to the appeal to the Sonoma County Board of Supervisors of an approval by the Board of Zoning Appeals of Use Permit PLP-15-0060 for an expansion, lot line adjustment and new Williamson Act contract for the Wing and Barrel Hunt Club owned by Kenwood BPSC Hunt Club LLC and located at 6600 Noble Road in Sonoma.

From: Sue Smith, Ted Eliot, and Tom Rusert, appellants

To: The Sonoma County Board of Supervisors
Supervisor Shirlee Zane, Third District, Chair,
Supervisor Susan Gorin, First District,
Supervisor David Rabbitt, Second District,
Supervisor James Gore, Fourth District, Vice Chair,
Supervisor Lynda Hopkins, Fifth District.

cc. Blake Hillegas, Project Planner, PRMD,
Tennis Wick, Director, PRMD,
Jennifer Barrett, Deputy Director, PRMD,

In filing this appeal, we wish to be clear that, as appellants, we are not opposed to a hunt club that is appropriately sized, that is an ancillary use to the agriculture that surrounds it, and that serves as a place for public recreation and education in hunting, shooting and fishing for people of all ages, including the young people of our community. All these are consistent with County zoning and the General Plan.

We are also supportive of the sentiments and concerns of the many members of the present hunt club who appeared before BZA to ask that the present hunt club not be closed. That was never our intent.

We do, however, file this appeal against the very large expansion and monetization of the existing facility that is proposed by the applicant, Kenwood Hunt Club LLC. Even with the changes proposed by BZA, the design of the club would still be sized to accommodate a high-priced social-club or country-club in the place of the simple hunt club that this proposal has been made out to be. The proposed expansion would also be a "change of use" of the land, and it would make the social club the primary use of the land, and the agriculture secondary, in violation of the LEA zoning on the property.

This appeal is filed only a short while after the Staff Report for the project hearing was released only three working days before the BZA hearing, only nine calendar days after the BZA hearing on November 16, 2017, and just one working day after the revised Conditions of Approval and BZA Resolution were released by PRMD at close of business on November 23, 2017, just hours before the beginning of the Thanksgiving holiday. The transcript of the BZA hearing is also not yet available on the date that this document was prepared. All of this is a sad repeat of the difficulties the appellants had in receiving notice and obtaining information about the original intended approval of this project by PRMD as an administrative act, without benefit of public hearings, in December of 2016.

Given the difficulties that the appellants have had on this occasion in: a) obtaining reliable information in a timely way from PRMD, and b) having adequate time to prepare our responses over the intervening holiday and in the wake of the wildfires that have devastated the county and diverted the attention of many who would otherwise have testified, the appellants reserve the right to modify our appeal and/or to file additional documents and information to supplement this appeal statement once the missing information is available and we have had adequate time to review it with legal counsel.

In filing our appeal, we assert the following:

1. **Inadequate public process.** The ability of the appellants and the public to respond to the applicant's proposal, or to make their case under CEQA and before the decision makers at the County, has been severely limited by a variety of inadequacies in the process provided by PRMD since late in 2016. These inadequacies have included:
   a. Lack of adequate notice to neighbors and parties who have shown an interest in the project,
   b. Lack of notice regarding the circulation of the amended MND under CEQA for the project, which MND was released on September 9, 2017, but about which the appellants only found out by accident on October 16, 2017,
   c. Scheduling of hearings over public holidays, or at other times when the public was not able to respond quickly and adequately
   d. Refusal to allow review of project files at project planner's desk marked "confidential",
   e. Scheduling of appeal periods so they coincide with holiday periods, thereby seriously shortening the working days available to prepare response documents or file documents,
   f. Late release of documentation that seriously reduced the public's ability to respond and the time available to file their responses.

2. **Inappropriate expansion.** The proposed four-fold expansion of the floor space in the proposed facility to a total of 35,302 sq. ft., including the new and existing space, is inappropriate. Particularly at 26,802 sq. ft., the new clubhouse is much larger than is needed to serve the reduced daily activity of 125 persons that has been required in the cap imposed by BZA (or lower, as proposed in this appeal).

   If allowed, the level of expansion proposed would invite improper use of the expanded space, a use that could happen behind the closed doors of the private club and that could include implementation and operation of the exclusive high-priced social club that was described until recently in some detail by the applicant on the Wing and Barrel website (see Exhibit 1 to this appeal). The applicant has not publicly disavowed its intent to implement said activities, and the appellants continue to believe they are the true intention of the expanded proposal.

   A social club is not an allowed use under the LEA zoning code in Sonoma County, and most of the uses described on the applicant's web page are not consistent with, nor secondary to or necessary to, the hunting, shooting and fishing uses on which a hunt club is founded.

   The size of the clubhouse should be reduced to better fit the limitations placed on its use and occupancy by BZA, and to avoid any inappropriate use of the expanded space behind closed doors for the purposes described by the applicant on its website.

3. **Change of use.** The conversion of the facility from a) the relatively small <u>public</u> hunt club that is now open to local hunters to b) a <u>private</u> social club which would be open only to its members except on selected weekdays, is a change of use under the Sonoma County zoning ordinance which should require both a rezoning and a General Plan amendment with CEQA review before it could be implemented. A social club is not an allowed use in the LEA zone of Sonoma County.

4. **Agriculture would no longer be the primary use.** With a clubhouse and other human occupancy facilities totaling in excess of 35,300 sq. ft. including a new clubhouse reported to cost in excess of $4.5 million, and with a membership of 500 who are asked to pay membership fees reported to exceed $65,000, the new proposal clearly would mean that, even if called a hunt-club, the social-club activities proposed would become the primary activities on the site. The existing seasonal hay production activities, the only agricultural activities on the site, would clearly become secondary both economically and in terms of the true use of the site. Such a reversal would be in contravention of the LEA zoning on the property which requires that, to be allowed, a hunt club be a use that is secondary to agriculture.

5. **Privation seriously reduces public use.** The proposed privatization of the club would seriously reduce the public use of the hunt club and its lands from what is now available under the terms of

the Use Permit approved in 2012. Under the new proposal, use of the club would be reserved for members on three out of the five weekdays each week, and on all weekends, year round. That would be a major reduction in public accessibility and use from the present seven-day access which is now available to the public. In particular, the loss of public access would be felt at weekends when most of the public and their families are available to engage in hunting shooting and fishing activities, but when access would be denied. Further attention should be given to increasing the opportunity of public access to the hunt club, particularly on weekends and at affordable rates.

6. **Piece-mealing under CEQA.** The applicant's move toward a four-fold expansion, which PRMD's records show began immediately after the hunt club's use permit was approved in 2012, is a clear attempt at piece-mealing in violation of CEQA.

   Another piece-mealing violation under CEQA appears to have occurred in the applicant's deliberate separation of the Use Permit process that was occurring before PRMD and the dissolution process for Reclamation District 2061 that was occurring at almost the same time before LAFCO (see item 7 for details). Both actions are clearly interrelated under CEQA, but the applicant apparently chose not to inform, or request comment from, either agency about the proceedings going on simultaneously under the other, or to take the interrelationship into account under any CEQA evaluation.

7. **Misleading project description.** The continuing use by PRMD of the misleading project description that was provided by the applicant is a violation under CEQA. The description is used in the Staff Report and in the Mitigated Negative Declaration (MND), and use of it has tainted many of the consultant reports (traffic, water, sanitation, etc.) used in the preparation of the MND under CEQA, and has led to the incomplete findings reflected in PRMD's staff report. In particular, the project description used by PRMD is silent on:

   a. the applicant's intent to carry out the wide range of social club activities that were listed on the Wing and Barrel website until recently (see Exhibit 1 to this appeal), but were never reflected in the project description. If implemented, those activities would greatly increase the number of people who could be present on the site at any one time, and who would be at risk for serious injury when entering and leaving the site from SR 37. The applicant has since removed its statements from the web site, but it has never provided written confirmation of its abandonment of them in future activities at the expanded club.

   b. the true number of users of the site and its facilities. Even with the cap of 500 members approved by BZA, the actual number of users-with-rights at the club would be increased by the club's stated policy of allowing right-of-use to the club to presently unlimited number of spouses and family members, plus guests and guests-of-family members. All would have user-rights at the club under the club's rules and according to the club's literature. With 500 members, each plus a spouse and one or two grown children in each family, plus the guests invited by each, the number of patrons with user-rights to the club could easily exceed 1,800.

      None of these numbers are reflected in the project description used in the MND, or in any of the traffic, water, or services reports prepared by the applicant's consultants for the MND.

   c. The presence and true use characteristics of a 40 seat dining room, with full service from 7 AM to 9 PM, five days a week, year round, together with outdoor space for a equal number of diners on a deck provided for that purpose. When the presence of what appeared then, and still appears now, to be a restaurant by all of its characteristics, was pointed out, the applicant responded by taking direct reference to the dining room out of its written project description. However the size of the proposed facility remained the same, and the

applicant has continued to show the dining room space in its plans. In fact, even the PRMD planner for the project application referred to the purpose of the club to be to "hunt shoot and then party".

Consultants engaged by the applicant have used the project description without a clear reference to the restaurant as the baseline for their reports for the MND (traffic, groundwater use, sanitation, waste, etc.), and as a result they have omitted the effects of that rather substantial activity in their assessment of impacts.

The problem even reaches into the MND and the commenting system required on it by CEQA. All of the outside agencies which have commented on the draft MND have taken the flawed project description at face value, and all have only been informed by consultant reports that are based on the same omissions and misstatements, and which represent the facility as a low-use hunt club. As a result, each has essentially taken a "no comment" position with regard to the consultants' recommendations in the sections of the MND that concern them, clearly being under the impression that what they are being asked to review is a low key hunt club.

There are other examples of omissions, and other wording designed to obscure the true potential extent of some of the intended activities in the clubhouse, but these will serve to illustrate the problem. Each clouds the ability of the County or other agencies to make a clear assessment of the true impacts of the proposed project under CEQA, and together they have led to a MND that is inadequate. Failing any written and reliable retractions from the applicant, the project description should be amended and the MND and Conditions of Approval should be revised to reflect the real impacts of the project on the environmental and other resources of the project site.

8. **Key land improperly acquired.** The application LL15-0037 for a Lot Line Adjustment, and the related land transfers and requests for a new Williamson Act contract, should be denied because they rely on the use of real property that was improperly obtained by the applicant:

   a) by transference, at the instruction of LAFCO and as an apparent gift to the applicant, of all of the real property owned by Reclamation District 2061 north of Highway 37 to the applicant, a private entity, in violation of Sections 57454(a) and 57457 of the Government Code. When read together, Sections 57454(a) and 57457 prohibit transfer of the District's real property to a private entity and require that, as assets of the District, the district's real property be distributed to a qualified public agency (city, county, etc.). Throughout its proceedings, LAFCO treated the Reclamation District 2061, which was created by the Sonoma County Board of Supervisors in 1922, as a public entity, and claims to the contrary should be disregarded.

   b) through a flawed dissolution process for said Reclamation District 2061, conducted in 2016 under LAFCO, in which review under CEQA review was improperly waived under Sections 15301, 15325, and 15061(b)(3) of the State CEQA Guidelines due to misleading statements made to LAFCO by the applicant that "no development or change of use is projected or anticipated".

      Those statements were misleading because they were made at a time when PRMD's files show clearly that the applicant had already begun proceedings with PRMD for approval of an expansion of the clubhouse buildings, and for other developments and changes of use on the site. All this was done without informing LAFCO.

      Additionally, each of those proposed development actions being discussed with PRMD were dependent upon the approval by the County of the applicant's request for a Lot Line Adjustment and a related Williamson Act contract renegotiation – and each of those approvals would be dependent upon the applicant having ownership of the Reclamation District 2061 lands north of Highway 37 in order to use them in a trade that would free lands presently under the Williamson Act to be used for development without Williamson Act

restraints. Such a process was clearly an intended use of said Reclamation District 2061 lands for development purposes, and it should have triggered evaluation of the dissolution application under Sections 15301, 15325, and 15061(b)(3) of the State CEQA Guidelines.

Approval now by the Board of Supervisors of the lot line adjustment application that is dependent upon the availability of said Reclamation District lands, and further approval of the application for a new Williamson Act contract that would be based on that lot line adjustment, would essentially be rewarding the applicant for its improper and/or illegal procedures, and it would inevitably lead to a challenge in the Courts.

Additionally, it is important to note that Condition 71 of the Conditions of Approval, as drafted by PRMD, states that "This Use Permit approval is contingent on Board of Supervisors approval of Lot Line Adjustment file LLA15-0037". Without such approval due to the inconsistencies outlined in this appeal, the entire application should be rejected or, if it is allowed to proceed, it should be without a Lot Line Adjustment and Williamson Act contract modification. At the same time, the disposition of the land received from the dissolution of Reclamation District 2061 should be reconsidered, and appropriate ownership adjustments or transfers should be made.

9. **Disregard for the traffic safety of club members and of motorists on SR 37.** The MND lacks any discussion regarding the future safety of club patrons or passing motorists or truck drivers approaching or leaving the club on SR 37. The Staff Report and resolution of approval also lacks any Condition of Approval that requires any traffic safety improvements at all at the entrance to the proposed facility from SR 37.

   The applicant's traffic study, on which the MND and staff report depends, deals only with traffic-flow issues at the entry to the site, and in that context it essentially makes the finding that "the conditions at this location are so bad, this project cannot make them any worse." However the traffic <u>safety</u> issues that would exist once the expanded project with its social club were implemented, have been ignored.

   The effect of that omission can be seen in the Caltrans response to the MND, which takes into account only what it is told in the traffic report in the MND, and so omits comment regarding the safety issues associated with the club's entry onto SR 37.

   The continued intention of the applicant to save money and to justify relying on the existing farm driveway for access and egress to a hunt club and social club of considerable size and capacity, is a blatant attempt to avoid its responsibility both to the public using SR 37, and to the 500 members from which it receives membership and other fees, and the 1000 or more family members and guests who would have rights of use at the club according to the published conditions of membership. Under the present plan, the lack of safety improvements could put club members and their families and guests, along with passing motorists on SR 37, at risk of serious accident or fatality.

   Without proper concern for traffic safety, and without appropriate Caltrans recommendations on safety on one of its most important North Bay highways, the project review under CEQA is incomplete and unacceptable. At a minimum, traffic safety improvements should be required at the entry to the hunt club that are at least as comprehensive as those that have already been voluntarily installed at the entrance to the nearby Culligan Ranch launching ramp, a public recreation project which serves a smaller number of users on a typical mid-week or weekend day, but which has owners that understand, and respond to, the safety issues associated with its exposed location on SR 37.

10. **Continued presence of a full scale restaurant in the proposed expansion.** The continued presence of a full-service restaurant in the applicant's proposal remains a major concern for the appellants, especially in light of the applicant's own statements on its web site (since taken down) regarding its intended use of said restaurant to host lavish parties, winemaker events, private celebrations, classes and dinners by visiting chefs, and the like (see Exhibit 1 attached). All would

result in the restaurant becoming a magnet for a frequent clustering of patrons that would increase the danger of accidents at the club's entrance and exit on Highway 37, and would place additional loads on the facility's services (water, sanitation, waste disposal, etc.) and the resources on which they depend.

Additionally, restaurants are not an allowed use on LEA zoned land in Sonoma County.

When asked to respond to that concern, the applicant and PRMD staff have suggested that what is proposed would not be a "restaurant" because it would be private, and only patronized by members of the club. This in spite of the fact that, in every other characteristic, the facility proposed would be identical to a restaurant in both appearance and in function – and in its impacts on the environment in which the club is located. On a busy day, as presently proposed, as many as forty to seventy people could be clustered there at one time at a typical dinner-hour. Meals would be prepared on site by a resident chef or a guest chef. There would be a full service bar where wine and alcohol would be served. Patrons would order off a menu, and would pay for their meals and drinks based on what they order. Many of the diners would not be club members, but would be spouses or guests. And the restaurant would draw for its patronage from among the approximately 1800 people who would have use of the club if the proposed cap of 500 members were imposed – a patronage that would not be so different from any other restaurant of a similar size in the area.

So, when examined, the "private and members only" distinction seems to be a non-distinction in terms of impact and services provided. And a restaurant is still not an allowed use in the LEA zone in Sonoma County.

A better solution might be to continue the present system that was set up by the Use Permit issued in 2012. It allows for the consumption of food that is prepared off site and brought in for sale to the hunters and fishermen as part of their activities at the club. Food preparation on site is limited to employees. No restaurant facilities are allowed for members.

That same system would seem to also be appropriate now. It would allow the size and the complexity of the facility to be reduced significantly. It would reduce the impacts of the club on the surrounding resources and environment. And it would eliminate the "magnet effect" that would draw patrons to the site and increase the danger of accidents on nearby SR 37. At the same time, it would provide members who are making legitimate use of the club for hunting and fishing with a place to eat and have a drink with a son or daughter or friend, before returning home. This approach would also require very little oversight to ensure compliance – a particularly important concern for a private club that operates behind closed doors. And it would be allowed under the present zoning on the site.

11. **Concerns re use of deep aquifer groundwater to serve occupant uses**. The project, and its proposed expansion, depends for its potable water supplies on a deep well that draws groundwater from a limited aquifer located deep under the thick layer of bay mud that underlies the entire site. Studies by the Sonoma County Water Agency and by the US Geological Survey indicate that that aquifer contains groundwater that is possibly hundreds of years old, and that has no source of recharge or replenishments once it is drawn down.

    It seems especially inappropriate, at this time when Sonoma County is in the process of setting up Groundwater Sustainability Agencies to manage the County's groundwater resources, to allow increased draw-down of groundwater from a source that is already known to be limited and that has no source of recharge. The appellants question whether such an action would be sustainable under SGMA and considering the studies now available in the model for the Sonoma Valley groundwater basin.

12. **Change of setting.** CEQA requires that a clear definition of the setting of a proposed facility is an important baseline for the review process required under CEQA. In the MND, the County relies on the description of the setting provided in a previous Use Permit application that was prepared in 2010 and approved in 2012.

However, the setting in which the proposed hunt club expansion would take place has changed dramatically since 2010 and 2012, with more than $600 million in public and donated funds spent in recent years on acquisition and restoration in the Baylands area that surround the site, and with virtually all of the 30,000 acres that surrounds the site now in protected and restored habitat that is dedicated to wildlife conservation, preservation and enhancement.

It is not now appropriate for the County to permit the more than quadrupling of the intensity of human usage, and of resulting human impacts, in an area that is otherwise set aside and protected by County policy and in response to the clearly expressed public interest.

13. **Dangers of sea level rise.** The Staff Report and the MND prepared under CEQA both fail to recognize the potential effects of pending sea-level rise on levee stability at the location of the proposed project. They also ignore the potential for flooding of the site both through over-topping of the protecting levees and as a result of subsurface-seepage that will increase as sea levels rise. Flooding from either of those sources could lead to severe property damage, injury to the occupants of the site, and potentially to loss of life.

    The project site consists of reclaimed tidal land that is certainly at high risk to sea-level-rise intrusion during the expected life of the project. These issues are discussed in detail by the "UC Davis Stewardship Study", and in the "State Route 37 Infrastructure and Sea Level Rise Analysis (Phase 2)" completed in 2016. They were also touched on in Caltrans' letter to PRMD dated November 16, 2017, which was ignored at the BZA hearing, but which says in part:

    "The project site, as well as the surrounding area and transportation network are located in an area that is extremely vulnerable to flooding. Related impacts from future sea level rise and storm surge events are not adequately addressed in the MND. Current climate science suggests that this area will be subject to permanent inundation from sea level rise projected to occur by mid-century. Since the analysis in the MND concludes there will be less than significant impacts, it should be revise to assume water elevations will increase over time throughout the life of the project, and analyze potential impacts based on these increasing water elevations."

    Is it really sufficient, as the MND and Staff Report suggests, to make the only sea-level-rise requirement for the project the raising of the main floor level of the clubhouse to above 11 feet above sea level? That, when a flood caused by a levee break or by seepage on the site due to sea level rise would flood all the access roads, driveways and parking areas that serve the site, inundate all wells and sanitation facilities, and leave the occupants of the club standing on a platform around which everything for miles would be flooded in each direction.

    And who will pay to rescue the hunters who would be marooned there, or to rehabilitate the facilities that would be damaged in the flood? PRMD's conditions of approval require neither that the applicant provide adequate notice of the danger from flooding due to sea level rise to users of the hunt club, and to members when they pay large fees for membership that they could lose when an inundation occurs.

    The MND as written fails to identify, let alone address, these critical questions, but that assessment must occur in order to fully comply with CEQA and before any use permit can be adopted in its final form.

14. **Interference of the project with peak flood-flows on Sonoma Creek.** When landward retreat and adaptation to sea-level rise are being considered by communities all around San Francisco Bay, it would not be in the public interest for the County of Sonoma to now allow a new 26,802 sq. ft. three-story structure to be built at a cost of $4.5 million in the middle of the Sonoma Creek drainage, and placed directly in the path of both tidal flow and upland drainage in winter storms with the protection only of earthen levees that were constructed without engineering analysis over 50 years ago.

    Placing such a large three-story structure in the direct path of Sonoma Creek in such circumstances is folly, and it should not be allowed. The potential for loss of life and severe

damage to buildings and occupants in case of a levee failure and/or flooding due to a combination of sea-level rise and runoff from heavy rainstorms upstream in the watershed of Sonoma Creek is not addressed in the MND under CEQA for the project or in the Conditions of Approval proposed by PRMD.

15. **Lack of consideration of the effects of reconstruction of SR 37.** The pending reconstruction by Caltrans and other local agencies of Highway 37 to respond to sea level rise, and the potential effects of such reconstruction on the project site and vice versa, is ignored in the Staff Report and the MND under CEQA for the project. Since an official Segment B Corridor Improvement Plan is now in the process of being developed, that issue must be addressed before any Use Permit approval is considered for final approval.

    Options being considered at present include building a causeway or an elevated embankment over Segment B marshlands on the north or south side of the existing SR 37 alignment, then removing the existing SR 37 levee to allow tidal waters to move in and out over the area around the hunt club site ("Draft SR37 Transportation and Sea Level Rise Corridor Improvement Plan, September 2017 by Kimley, Horne and AECOM"). One alignment could potentially place the realigned highway directly on top of the project site, and either alignment would expose the site and its levees to a variety of new, and different, pressures that the existing improvements may not be adequate to withstand.

    It would not be appropriate for members of the Sonoma County Board of Supervisors, who are intimately familiar with the ongoing four-county studies of the relocation of SR 37, to allow a heavily monetized private business to place a new three-story clubhouse with high replacement value in direct line with the right-of-way being considered for a relocated SR 37 without deep study of the engineering, environmental and fiscal implications of such a decision.

16. **Unenforceable cap.** At the recent BZA hearing, the applicant agreed to accept a cap on the number of people who would be allowed on-site on any given day. However the cap of 125 suggested by the applicant, and accepted by BZA, is both arbitrary and unenforceable because:

    a. It is not consistent with the documented operations of the club shown in Exhibit H of the Staff Report which reflect average daily user populations of only 21 to 50 on weekdays and 10 to 26 on weekend days over the period from October 2014 to March 2016. Based on these records, the daily cap should be revised downward – perhaps between 50 and 75 in recognition of present day usage.

    b. as it is now proposed, the cap is not enforceable. For example, consider the difficulty an employee of the club who is minding the gate would have in turning away fully paid up members (particularly those who have paid $55,000 to $65,000 for their memberships) who drive onto the property along with some guests and family members with the intention of dining at the clubhouse restaurant, but without first engaging in the hunting, shooting and fishing activities required by the BZA approval.

        Or when those same members arrive at a time when the daily attendance at the club has already reached the cap imposed by BZA or the Board of Supervisors.

        Is it really credible to expect that, in such circumstances, the paying member and his guests would be turned away? Or, since the club would be private and therefore without compliance oversight, would a blind eye be turned?

        And how often would that occur in a period of say a year, and who, in the complaint-driven compliance system used by Sonoma County, would be there to file a complaint regarding such violations of the cap when they occur?

    While the appellants are supportive of the concept of a cap on usage of the facility, we believe it is important that it impose the right limits based on the history of the club, and that it be free from the danger of manipulation that would reduce or eliminate its value as a compliance mechanism.

17. **"Club Rules" based compliance.** During the BZA hearing, the applicant proposed that enforcement of the "Club Rules" would be sufficient to ensure compliance with the Conditions of Approval and any limits placed on it by BZA. It appears that PRMD has accepted this approach as an adequate control for compliance under the terms of the project.

    However, as far as the appellants know, the club rules were not shown to BZA or the public, they were not incorporated into the BZA approval as a project condition, they are not a part of the record for the project application, and no enforceable mechanism was proposed, or confirmed in writing, by the applicant that provides assurance that members will comply with the rules behind closed doors during their attendance and use of the private club proposed.

    Greater certainty is required before any self-administered "club rules" approach is accepted as a means of ensuring compliance with the County's conditions and limitations on operations at the club. Or, should compliance monitoring and internal behavior prove to be impossible to enforce, the expansion and the accompanying conversion to a private club should be denied.

18. **Lack of independent compliance oversight**. As it stands at present**,** the conditions in the Staff Report rely only on reporting by the operator, and contain no provisions for independent on-site compliance monitoring over time.

    Unfortunately, the applicant's proposal is to create a private club facility that is not open to public scrutiny, and experience since the approval of the first Use Permit in 2012 has shown that the applicant has a history of pushing the limits. As a result, reliance on the proposed self-regulating and reporting system will not work, nor will the customary complaint-based system used by the County be effective in a situation where all operations and activities will be behind closed doors.

    Instead, an independent compliance monitor should be required who is engaged by, and is responsible to, the County and who has full access to the club and its operations. The compliance monitor should be required to make spot visits when required, to keep records and report regularly, and to submit an annual report to the Board of Supervisors with copies to the appellants. The salary or fee costs of the compliance monitor should be covered by the applicant, with payments made through the County as a cost of continuing to do business on this site.

19. **Absence of an emergency evacuation plan.** Considering the multiple dangers of this particular site (flooding, earthquake damage, regional inundation, injury or loss of life at the entrance to SR 37, etc.) it is vital that the Conditions of Approval contain an emergency evacuation plan and employee training program that can be implemented immediately when needed.

    The need for such a plan was discussed, and met with some favor, at the BZA hearing on November 16, 2017, but it seems to have been omitted from the BZA resolution which concluded the meeting. The appellants ask that that omission be corrected, and that an emergency plan and training procedures be required as a condition of approval.

20. **Dangerous precedent.** The appellants are concerned that the project as proposed includes some precedents that, if replicated widely in Sonoma County, would be dangerous to the health and welfare of the people of the County and to the administration of the zoning laws of the County. They include:

    a. A private-club closed-door approach to facilities which sponsor events or attract large numbers of people on agricultural land in Sonoma County,
    b. Allowing of restaurants under the "private club" rationale used in the application as a justification for similar facilities situations where they are not otherwise allowed,
    c. A closed door approach to gathering places and events facilities that is difficult to monitor, or enforce.

    It is recommended that precedent-creating arrangements and design features be avoided in this and other developments in the County

Exhibit 1 (rev 1) to the statement of appeal dated November 27, 2017.

What the Wing & Barrel Hunt Club applicant has said about the scope of its own project:

The applicants' own web site (http://www.wingandbarrelranch.com/) described the project in the following way:

'the Clubhouse will serve as the heart of a wide range of member activities including memorable meals, fireside visits, winemaker events, hands-on cooking classes, and, of course, wines paired with exceptional food,' *and*

'Host to many future gatherings, the restaurant is designed to be perfectly suited for daily meals, elaborate parties, winemaker events, and private celebrations. Visiting chefs will lead specialty culinary classes in the adjacent demonstration kitchen, giving opportunities for non-hunters to cook while their families are hunting,' *and*

'….. new clubhouse, restaurant and kitchen which will offer members and their guests full-service dining throughout the year, special event menus featuring fresh seasonal menus reflecting the bounty of the land … monthly events hosted by our 15 vintner members', *and*

'a unique culinary experience – the new clubhouse and kitchen will offer members and their guests full-service dining throughout the year, special event menus featuring fresh seasonal menus reflecting the bounty of the land -- available in the dining room, bar and on the deck overlooking the expansive view', *and*

'The main usage area will be a 1,300 sq. ft. dining room accommodating 40 people seated and areas for members' use.' *(applicant's statement to SVCAC)*

From these statements, all in the applicants' own words, we understand that the enlarged facility will host:

- **a wide range of 'member activities**' (not explained in terms of size or character);
- **a restaurant (not an allowed use in the LEA zone) that would include:**
  - **a kitchen for food preparation,**
  - **a full bar,**
  - **full-service dining in a 40 seat, 1,300 sq. ft. dining room** open from 7AM to 9PM, five days a week
  - **an outdoor 3,108 sq. ft. dining deck (**capable of accommodating up to 60 more diners)**;**
- **wine maker events** (not defined) **hosted monthly by the 15 "vintner members",** presumably without a special permit;
- "**elaborate parties**" (not defined);
- **events with special-event menus** (not defined); and
- **private celebrations** (no definition provided).

As an indication of scale, these events would be available both to a) the **500 members of the club, to their guests without limit,** and to **spouses and family members at several levels,** and b) to an executives of the **"corporate members"** of the club and their guests without limit.

Yet the wording in the applicant's proposal scales down the apparent size and scope of the project by referring only to **"hunting, fishing and shooting activities for small groups between 20 and 40 club members"** and promising **"no special events'**. It is therefore misleading, and should be corrected before it is used as the basis for CEQA and other evaluations of the project.