

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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

November 3, 2009 at 2:05 p.m.

DATE:

TO: Board of Supervisors

FROM: Jane Riley, Project Planner

SUBJECT: ZCE09-0027, [REDACTED]

Action of the Planning Commission:

At its regularly scheduled meeting on October 15, 2009, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by [REDACTED] for a Zone Change from DA (Diverse Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion) SR (Scenic Resource) to DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource) district or other appropriate district on 2.43 acres to allow a second dwelling unit to be built, for property located at 7988 Mill Station Road, Sebastopol; APN 060-311-039; Zoning DA (Diverse Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion) SR (Scenic Resource); Supervisorial District No. 5.

ISSUES DISCUSSED AT THE PUBLIC HEARING

This was an uncontested item and no issues were raised by the public or the Planning Commission at the public hearing.

List of Attachments:

Draft Board of Supervisors Resolution

EXHIBIT A: Draft Ordinance

EXHIBIT B: Draft Sectional District Map

EXHIBIT C: Planning Commission Resolution No.09-033

EXHIBIT D: Draft Planning Commission Minutes dated October 15, 2009

EXHIBIT E: Planning Commission Staff Report dated October 15, 2009

Resolution Number

County of Sonoma
Santa Rosa, California

November 3, 2009
ZCE09-0027 Jane Riley

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA AND APPROVING THE ZONE CHANGE AS REQUESTED BY [REDACTED], FOR PROPERTY LOCATED AT 7988 MILL STATION ROAD, SEBASTOPOL; APN 060-311-039.

WHEREAS, the applicant, [REDACTED], filed an application with the Sonoma County Permit and Resource Management Department to rezone 2.43 acres from the DA (Diverse Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource) district to the DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource) district, or other appropriate district on property located at 7988 Mill Station Road, Sebastopol; APN 060-311-039; Supervisorial District No. 5; and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15305 of the state CEQA Guidelines; and

WHEREAS, at their regularly scheduled meeting on October 15, 2009, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors find that the project be exempt from CEQA and approve the requested Zone Change; and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on November 3, 2009, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does make the following findings:

1. Removal of the Z (Second Unit Exclusion) combining district is consistent with the DA (Diverse Agriculture) 20 acre density land use designation.
2. The removal of the Z (Second Unit Exclusion) combining district is consistent with the General Plan based on the following facts. The particular circumstances in this case are:
 - a. The Resource Conservation Element (Figure RC-2i) of the Sonoma County General Plan for Planning Area 6, designates the project site as an Area 2 Water Availability Area, meaning that the site is located on a major groundwater recharge area and there is adequate water supplies to serve the proposed second unit.
 - b. The 2.43-acre parcel appears to have adequate room to accommodate the leach field area required for both the primary dwelling and second unit with required expansion areas.
 - c. The site is not located in an area with existing traffic hazards. The addition of a

second unit to this site would not increase the burden on streets, roads or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.

- d. The project site is not located within a designated fire hazard area. Removal of the Z (Second Unit Exclusion) combining district would not decrease public safety.
 - e. The 2.43-acre parcel is too small to be viable for commercial agriculture and septic capability will limit the potential for additional dwellings such as agricultural employee units.
3. The project is exempt from CEQA pursuant to Section 15305, Minor Alterations to Land Use.

BE IT FURTHER RESOLVED, that the Board of Supervisors find the project exempt from CEQA pursuant to Section 15305, because it is a minor alteration to land use limitations.

BE IT FURTHER RESOLVED, that the Board of Supervisors approve the requested Zone Change.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

SUPERVISORS VOTE:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

SO ORDERED.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM DA (DIVERSE AGRICULTURE), B6-20 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION), SR (SCENIC RESOURCE) DISTRICT(S) TO THE DA (DIVERSE AGRICULTURE), B6-20 ACRE DENSITY, SR (SCENIC RESOURCE) DISTRICT(S) FOR 2.43 ACRES LOCATED AT 7988 MILL STATION ROAD, SEBASTOPOL; APN 060-311-039.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the DA (Diverse Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource) district(s) to the DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource) District(s), for 2.43 acres located on the north side of Mill Station Road, approximately 820 feet west of Highway 116 North, also known as 7988 Mill Station Road, Sebastopol; APN 060-311-039. File No. ZCE09-0027. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____ .

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this
day of _____, 2009, on regular roll call of the members of said Board by the following
vote:

SUPERVISORS:

Brown: Kerns: Zane: Carrillo: Kelley:

Ayes: Noes: Absent: Abstain:

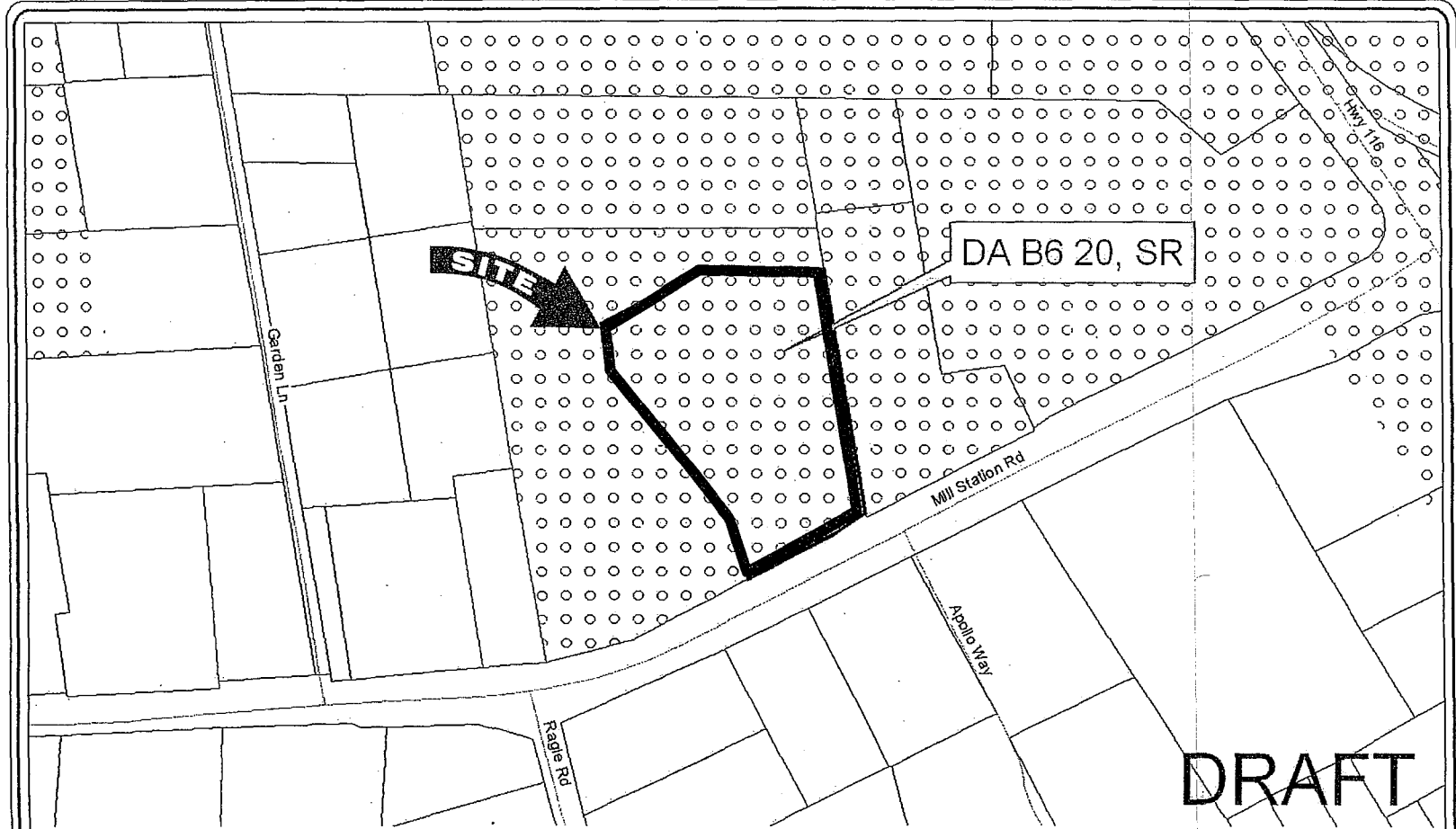
WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

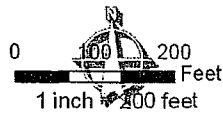
Clerk of the Board of Supervisors



DRAFT

Zoning Combining Districts

- + · LU Policy
- |||| AH Affordable Housing
- ||||| HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain



Permit & Resource Management Department
 Project Review Section
 2500 Ventura Avenue, Santa Rosa, CA 95403
 (707) 565-1900 Fax (707) 565-1103

FILE: ZCE 09-0027
 AP #: 060-311-039
 Ordinance No.
 Sectional District Map No.

E26

Sectional District Map

Resolution Number 09-033

County of Sonoma
Santa Rosa, California

October 15, 2009
ZCE09-0027 Jane Riley

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROJECT EXEMPT FROM CEQA AND APPROVE THE ZONE CHANGE AS REQUESTED BY ██████████ FOR PROPERTY LOCATED AT 7988 MILL STATION ROAD, SEBASTOPOL; APN 060-311-039.

WHEREAS, the applicant, ██████████, filed an application with the Sonoma County Permit and Resource Management Department to rezone 2.43 acres from the DA (Diverse Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource) district to the DA (Diverse Agriculture), B6-20 acre density, SR (Scenic Resource) district, or other appropriate district on property located at 7988 Mill Station Road, Sebastopol; APN 060-311-039; Supervisorial District No. 5; and

WHEREAS, the Permit Resource and Management Department (PRMD) determined that the project was exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15305 of the state CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on October 15, 2009, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Planning Commission does make the following findings:

1. Removal of the Z (Second Unit Exclusion) combining district is consistent with the DA (Diverse Agriculture) 20 acre density land use designation.
2. The removal of the Z (Second Unit Exclusion) combining district would be consistent with the General Plan based on the following facts. The particular circumstances in this case are:
 - a. The Resource Conservation Element (Figure RC-2i) of the Sonoma County General Plan for Planning Area 6, designates the project site as an Area 2 Water Availability Area, meaning that the site is located on a major groundwater recharge area and there is adequate water supplies to serve the proposed second unit.
 - b. The 2.43-acre parcel appears to have adequate room to accommodate the leach field area required for both the primary dwelling and second unit with required expansion areas.
 - c. The site is not located in an area with existing traffic hazards. The addition of a second unit to this site would not increase the burden on streets, roads or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The project site is not located within a designated fire hazard area. Removal of the Z

(Second Unit Exclusion) combining district would not decrease public safety.

- e. The 2.43-acre parcel is too small to be viable for commercial agriculture and septic capability will limit the potential for additional dwellings such as agricultural employee units.
3. The project is exempt from CEQA pursuant to Section 15305, Minor Alterations to Land Use.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors find the project exempt from CEQA pursuant to Section 15305, because it is a minor alteration to land use limitations.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors approve the requested Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Lynch, who moved its adoption, seconded by Commissioner Cook, and adopted on roll call by the following vote:

Commissioner Bennett	Aye
Commissioner Cook	Aye
Commissioner Murphy	Aye
Commissioner Lynch	Aye
Commissioner Fogg	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing resolution duly adopted; and

SO ORDERED.

Sonoma County Planning Commission DRAFT MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: **October 15, 2009**
Meeting No.: **09-017**

ROLL CALL

Commissioners

Don Bennett (Item 1 and 2)
Marcel Feibusch (Item 3)
Paula Cook (Item 1 and 2)
Komron Shahhosseini (Item 3)
Dennis Murphy
Tom Lynch
Dick Fogg, Chair

Staff Members

Jennifer Barrett
Jane Riley
Scott Hunsperger
David Hurst, Chief Deputy County Counsel
Sue Gallagher, Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Minutes approved - September 3, 2009 - approved
September 17, 2009 -held

REGULAR CALENDAR

Item No. 2 **Time:** **1:05 p.m.** **File:** **ZCE09-0027**
Applicant: [REDACTED] **Staff:** **Jane Riley**
Env. Doc.: Categorical Exemption
Proposal: Request for a Zone Change to remove Z overlay zoning designation.
Location: 7988 Mill Station Road, Sebastopol
APN: 060-311-039 Supervisorial District: 5
Zoning: DA (Diverse Agriculture), B6 -20 acre density, DA (Diverse Agriculture), B6 - 20 acre density,
SR (Scenic Resource)
Board of Supervisors Hearing date November 3, 2009 at 2:05 p.m.

Jane Riley summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners: Commissioner Lynch asked how much it costs for an applicant to remove the Z overlay for this type of request, and whether the costs could be reduced if a group of people in the same zoning designation with lots close to each other were to apply together. **Deputy Director Barrett** said that individually, it can cost several thousand dollars. **Staff Riley** added that when many contiguous parcels qualify for removal of the Z overlay, it can be processed for a block of land, which would lessen the cost for the individual owners.

Commissioner Lynch asked if there were incentives for removal of the Z overlay, such as reduced fees if the property owner enters into an affordable housing covenant. **Staff Riley** indicated that the incentive is already built in, as the property owner can participate by providing a second dwelling unit and offering it for rent. This is done in lieu of paying the affordable housing fees.

Public Hearing Opened and Closed: 1:30

Action: **Commissioner Lynch** moved to recommend approval to the Board of Supervisors.
Commissioner Cook seconded and the motion passed with a 5-0 vote.

Appeal Deadline: ten days
Resolution No: 09-033

Bennett: aye Cook: aye Murphy: aye Lynch: aye Fogg: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Sonoma County Planning Commission STAFF REPORT

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

FILE: ZCE09-0027
DATE: October 15, 2009
TIME: 1:05 p.m.
STAFF: Jane Riley

A Board of Supervisors public hearing will be held on November 3, 2009, at 2:05 p.m.

SUMMARY

Applicant: [REDACTED]

Owner: Same

Location: 7988 Mill Station Road, Sebastopol
APN 060-311-039 Supervisorial District No. 5

Subject: Zone Change

PROPOSAL: Request to remove the Z (Second Unit Exclusion) combining district from a 2.43 acre parcel to allow the construction of a second dwelling unit.

Environmental Determination: Categorical Exemption, Section 15305, Minor Alterations to Land Use Limitations

General Plan: DA (Diverse Agriculture), 20 acre density

Specific/Area Plan: West Sebastopol

Land Use:

Ord. Reference: Section 26-76-005

Zoning: DA (Diverse Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion) SR (Scenic Resource)

Application Complete for Processing: August 13, 2009

RECOMMENDATION: Recommend that the Board of Supervisors approve the requested Zone Change to remove the Z (Second Unit Exclusion) district from the subject property.

ANALYSIS

Background:

The subject property was rezoned to the current zoning designation in 1990 as part of the implementation of the 1989 General Plan. The Board of Supervisors adopted Ordinance No. 4643 rezoning agricultural lands to match the new General Plan designations. All lands previously designated as AE (Agriculture Exclusive) were rezoned to include the Z (Second Unit Exclusion) combining district. The rationale for the application of the Z (Second Unit Exclusion) combining district was based on the fact that agricultural lands are allowed additional dwellings related to agricultural uses of the property including Agricultural

Employee Units, Seasonal and Year-Round Farmworker Housing. The primary purpose of the DA (Diverse Agriculture) zoning district is "to support farming where small acreage intensive farming and part-time farming activities are predominant, but where farming may not be the principal occupation of the farmer." Therefore, allowing second units in addition to these units could result in over development of agricultural lands.

Project Description:

The applicant has requested that the Z (Second Unit Exclusion) combining designation be removed from the subject property so a second dwelling unit can be constructed on-site. If the "Z" zoning overlay is removed, the applicant intends to construct a 576 square foot detached second dwelling unit.

Site Characteristics:

The parcel is approximately 2.43 acres with an existing older barn but no other improvements; building and septic permits have been applied for to allow a 1,500 square foot home and the 576 square foot second dwelling unit. The parcel is relatively flat with no significant vegetation. The project would be served by a private septic system and a well.

Surrounding Land Use and Zoning:

The area to the north, east, and west have a General Plan designation of Diverse Agriculture, 20 acre density, similar to the subject property. The parcel to the south (across Mill Station Road) has a General Plan designation of Rural Residential, 2 acre density. Surrounding land uses are Rural Residential in nature for the most part, similar to that proposed on the subject parcel. The parcel directly to the east of the subject parcel contains the parking lot for Holy Ghost Hall.

DISCUSSION OF ISSUES

Issue #1: Conformance with the General Plan and Precedence

The Sonoma County General Plan has three primary Agricultural Land Use designations: Land Intensive, Land Extensive, and Diverse Agriculture. The DA (Diverse Agriculture) designation has been reserved for land that has less intense agricultural operations on parcels that are typically smaller than the other two designations. The subject property received the Z (Second Unit Exclusion) combining designation in 1990 during the implementation of the 1989 General Plan because the previous zoning designation was AE (Agriculture Exclusive). However, second dwelling units are allowed in the DA district as long as the site is not subject to a Williamson Act Contract, is at least two acres in size, and can otherwise meet the Second Unit standards. Comprehensive Planning staff has previously stated that: "there are no General Plan policies that apply to this request. As a result, rezoning the subject parcel to remove the Z (Second Unit Exclusion) district appears consistent with the General Plan."

Currently, DA parcels without the Z (Second Unit Exclusion) could have up to three dwellings: a primary single family residence as allowed by density; a second dwelling unit; and an agricultural employee unit with qualifying agricultural production on site, such as 20 acres of planted crops, 100 beef cattle, 30 mature horses, etc. However, the subject parcel would not have enough room to accommodate enough crops or livestock to qualify for an agricultural employee unit. The size of the parcel and the soil conditions for septic system capacity would also limit how many dwellings could actually fit on the property. The subject parcel is less than three acres and is too small to be viable for most commercial agricultural uses. Because of septic system requirements, such as setbacks and room for expansion areas, it is unlikely that there would be any room for additional dwellings other than the primary residence and future second unit.

The 2009 General Plan Housing Element contains a policy HE-3c and program to remove the Z overlay from these parcels when they are between two and ten acres in size. The Board of Supervisors adopted this policy and program, but directed staff to continue to implement it on a case-by-case basis due to budgetary restrictions. The subject request is consistent with the Housing Element Program and Policy.

Issue #2: Conformance with the Zoning Ordinance

Application and removal of the Z Combining District should conform to the Second Unit Exclusion Combining District Section of the Sonoma County Zoning Ordinance. Section 26-76-005 states the following reasons for applying the Z (Second Unit Exclusion) combining district:

The purpose of this district is to provide for the exclusion of second units in the following areas:

- a) Areas where there is an inadequate supply of water for drinking or firefighting purposes,
- b) Areas where there are inadequate sewer services or danger of groundwater contamination,
- c) Areas where the addition of second units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways, and
- d) Areas where, because of topography, access, or vegetation, there is a significant fire hazard (Ord. No. 4643, 1993).

The above reasons do not appear to apply to the project site as stated with the following explanations:

Water Supply:

Groundwater availability maps show that the subject property is located in a Groundwater Availability Area 2 which indicates that the area is a major natural groundwater recharge area, and sufficient water supplies are anticipated. Thus the Z (Second Unit Exclusion) combining district would not be necessary due to the lack of water availability.

Wastewater Disposal:

The project site appears to have adequate area to accommodate the leach field area required for a second dwelling unit. Adjoining properties are also served by private septic systems on both smaller and larger parcels. There does not appear to be justification for the Z (Second Unit Exclusion) combining designation being retained due to potential contamination of groundwater.

Traffic Hazards:

The site is not located in an area with existing traffic hazards. The addition of a second dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.

Fire Hazards:

The Safety Element of the General Plan indicates areas that are prone to wildfires and would be considered to be subject to high fire danger. The subject property is not located in such an area.

Issue #3: Spot Zoning

The County of Sonoma has attempted to implement a comprehensive land use plan through its Zoning Ordinance. Spot zoning is generally considered undesirable. The subject property was compared to adjoining properties to determine the overall pattern of zoning designations. Other adjoining properties are generally small DA (Diverse Agricultural) parcels similar to the subject parcel. Most carry the "Z" designation for the same reasons that it was initially applied to the subject parcel. Removal of the "Z" overlay does not constitute spot zoning and is consistent with the Board of Supervisors direction to process such requests on a case by case basis.

Deny the request thus maintaining the Z (Second Unit Exclusion) combining designation on the subject property and continue to prevent a second dwelling unit from being constructed on the site.

STAFF RECOMMENDATION

Recommend that the Board of Supervisors approve the requested Zone Change to remove the Z (Second Unit Exclusion) district from the subject property.

FINDINGS FOR RECOMMENDED ACTION

1. Removal of the Z (Second Unit Exclusion) combining district is consistent with the DA (Diverse Agriculture) 20 acre density land use designation.
2. The removal of the Z (Second Unit Exclusion) combining district would be consistent with the General Plan based on the following facts. The particular circumstances in this case are:
 - a. The Resource Conservation Element (Figure RC-2i) of the Sonoma County General Plan for Planning Area 6, designates the project site as an Area 2 Water Availability Area, meaning that the site is located on a major groundwater recharge area and there is adequate water supplies to serve the proposed second unit.
 - b. The 2.43-acre parcel appears to have adequate room to accommodate the leach field area required for both the primary dwelling and second unit with required expansion areas.
 - c. The site is not located in an area with existing traffic hazards. The addition of a second unit to this site would not increase the burden on streets, roads or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The project site is not located within a designated fire hazard area. Removal of the Z (Second Unit Exclusion) combining district would not decrease public safety.
 - e. The 2.43-acre parcel is too small to be viable for commercial agriculture and septic capability will limit the potential for additional dwellings such as agricultural employee units.
3. The project is exempt from CEQA pursuant to Section 15305, Minor Alterations to Land Use.

LIST OF ATTACHMENTS

- EXHIBIT A: Proposal Statement
- EXHIBIT B: Draft Ordinance
- EXHIBIT C: Draft Sectional District Map
- EXHIBIT D: General Plan Land Use Map
- EXHIBIT E: Zoning Map
- EXHIBIT F: Vicinity Map
- EXHIBIT G: Site Plan
- EXHIBIT H: Draft Resolution

Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.