

Resolution Number 23-32

County of Sonoma  
Santa Rosa, California

April 20, 2023

PLP22-0009 Douglas Bush

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA AND RECOMMENDING APPROVAL OF THE ZONE CHANGE AND CERTIFICATE OF MODIFICATION TO THE BOARD OF SUPERVISORS AS REQUESTED BY ROBERT LOCKE, FOR PROPERTY LOCATED AT 19675 7<sup>TH</sup> ST E, SONOMA; 127-291-036.

WHEREAS, the applicant, Robert Locke filed an application with the Sonoma County Permit and Resource Management Department to: 1) rezone the subject parcel from AR B6 3 VOH Z zoning districts to AR B6 3 VOH zoning district; and, 2) approve a certificate of modification for expansion of the building envelope and a revision to a note on the Parcel Map, on property located at 19675 7<sup>th</sup> St E, Sonoma; APN 127-291-036; Supervisorial District No. 1; and

WHEREAS, this project has been found to be statutorily and categorically exempt from CEQA Guidelines; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on April 20, 2023, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors find the project exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. Removal of the Z (Accessory Dwelling Unit Exclusion) Combining District is consistent with the RR (Rural Residential) general plan land use designation which supports low density residential use and accessory uses like accessory dwelling units.
2. The removal of the Z (Accessory Dwelling Unit Exclusion) Combining District is consistent with the Zoning Ordinance based on the following facts. The circumstances in this case are:
  - a. Removal of the Z combining district would allow for an accessory dwelling unit on the parcel. Accessory dwelling units are allowed in the AR Zoning District (Sec. 26-06-030, Allowed land uses). The parcel meets the Zoning Ordinance requirements for an accessory dwelling unit including standards contained in County Code Section 26-88-060.
  - b. Adequate wastewater disposal would be required of as part of permitting a accessory dwelling unit. The parcel and the development facilitated by the project would be served by a septic system with sufficient capacity to serve any proposed accessory dwelling unit.

- c. The parcel is not located in an area with existing traffic hazards and the addition of an accessory 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.
    - d. The parcel is not located in an established Fire Hazard Severity Zone as mapped by CalFIRE. The establishment of an accessory dwelling unit would not increase the fire risk and would be subject to applicable building and fire construction standards. Removal of the Z Combining District would not decrease public safety with respect to fire.
    - e. The parcel is located within the Sonoma Valley basin, which is designated as high priority groundwater basin by the California Department of Water Resources. The adopted Sonoma Valley Groundwater Sustainability Plan has documented a groundwater depression and declining groundwater levels in the immediate vicinity of the project site, suggesting the local aquifer is in a condition of overdraft. The applicant provided a report demonstrating to the satisfaction of the staff geologist, that removal of a portion of existing vineyard would be sufficient to accommodate a future accessory dwelling unit while generating no net increase in groundwater use on the subject parcel.
3. The following findings are made for approval of the Certificate of Modification, as required by Chapter 25 of County Code and Government Code Section 66469:
  - a. There are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary. The prohibition on accessory dwelling units was originally imposed in this subdivision to prevent the property from exceeding the maximum residential density permitted by general plan. At the time it was imposed, an accessory dwelling was considered as distinct residential dwelling unit which would exceed the allowable density on the parcel had it been permitted. Changes in state law since that time however now clarify that an accessory dwelling unit may not be considered additional density and should instead be treated as an accessory use to the primary dwelling.
  - b. The proposed modifications do not impose any additional burden on the present fee owner of the property. The proposed modifications are being requested by the current owners of the property to provide relief from current restrictions.
  - c. The modifications do not alter any right, title or interest in the real property reflected on the recorded map.
  - d. The map as modified, conforms to all the provisions of the Subdivision Map Act and local implementing ordinances (Section 66472.1 of the Subdivision Map Act and Section 25-13.8 of the Sonoma County Subdivision Ordinance).
4. The project is exempt from CEQA pursuant to:
  - a. Public Resources Code section 21080.17, adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2, regarding permitting of accessory dwelling units. The proposed rezoning would make an accessory dwelling unit an allowed use in an area zoned to allow residential development; and,
  - b. CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, because the proposed zone change would not result in any changes in land use

or density and is proposed on a site with an average slope of less than 20 percent;

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the requested project exempt from CEQA, and that it approve the requested Zone Change and Certificate of Modification.

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 Carr, who moved its adoption, seconded by Commissioner Gilardi, and adopted on roll call by the following vote:

Commissioner Carr	Aye
Commissioner Gilardi	Aye
Commissioner Ocana	Aye
Commissioner Koenigshofer	Aye
Commissioner Deas	Absent

Ayes: 4      Noes: 0      Absent: 1      Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and  
SO ORDERED.