

Resolution Number: 24-05

County of Sonoma
Santa Rosa, California

June 13, 2024
UPE22-0051

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS, COUNTY OF SONOMA, STATE OF CALIFORNIA, DENYING A USE PERMIT FOR A 70-FOOT-TALL INTERMEDIATE FREESTANDING TELECOMMUNICATION FACILITY DESIGNED AS A FAUX WATER TOWER FOR THE PROPERTY LOCATED AT 9300 MILL STATION RD. SEBASTOPOL, CA 95472; APN 061-141-001

WHEREAS, the applicant, Melissa Keith obo Assurance Development and Vertical Bridge filed a Use Permit application with Permit Sonoma on August 31, 2022 for an 70-foot-tall Intermediate Freestanding Telecommunication Facility, including a monopole designed to appear as a water tower and associated ground equipment on a 14.35± acre parcel at 9300 Mill Station Rd. Sebastopol, CA 95472; APN 061-141-001; and

WHEREAS, the equipment is located within a 2,500 square foot fenced lease area, with access through an unpaved road to be constructed off existing access to the property; and

WHEREAS, the project site is zoned Diverse Agriculture (DA – 20-acre density), Riparian Corridor (RC100/25, 100-foot development setback and 25-foot Agricultural setback), in Supervisorial District Five; and

WHEREAS, in accordance with the provisions of the law, the Board of Zoning Adjustments held a duly noticed public hearing on March 23, 2023, July 27, 2023, May 23, 2024, and June 13, 2024 at which times all interested persons were given an opportunity to be heard; and

WHEREAS, staff determines this project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15270 of the CEQA Guidelines as a project which a public agency rejects or disapproves; and

NOW THEREFORE BE IT RESOLVED that the Board of Zoning Adjustments finds that the project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15270 of the CEQA Guidelines as a project which a public agency rejects or disapproves.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby denies the Use Permit for the proposed facility at a height of 70 feet, pursuant to the following findings:

1. Based on substantial evidence in the record, including coverage maps submitted by the applicant, the Board of Zoning Adjustments finds that a significant gap in service coverage does not exist.

2. There is a feasible alternative that would provide service to areas currently without service compared to the proposed project, which was not convincingly shown to be unavailable and which the applicant did not show they made adequate efforts to secure.
3. The alternative site, identified by the applicant at 9845 Cherry Ridge Road, once analyzed, may provide better service with a less intrusive facility, compared to the proposed project.
4. The project is inconsistent with the Zoning Code criteria under Sec. 26-88-130 (a) 3. ii which states all intermediate freestanding telecommunication facilities, towers, antennas and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
 - a. Based on Permit Sonoma's Visual Assessment Guidelines, the Board of Zoning Adjustments finds the project will result in significant visual impacts that cannot be mitigated. Specifically, based on evidence in the record including public testimony and the Visual Assessment Guidelines, the Board of Zoning Adjustments finds the project is visually "Dominant" which is characterized as project elements are strong – they stand out against the setting and attract attention away from the surrounding landscape. Form, line, color, texture, and night lighting contrast with existing elements in the surrounding landscape. The proposed 70-foot-tall facility is primarily surrounded by deciduous apple, willow, and oak trees of substantially less height with heights ranging from approximately 15 feet to 55 feet; therefore the 70-foot facility would attract attention away from the surrounding landscape. For these reasons, the height of the proposed facility is inconsistent with the surrounding neighboring residences and the character of the community which is rural residential and agricultural.
5. The project as proposed may be detrimental to the health, safety, peace and comfort or general welfare of the persons residing or working in the neighborhood, or to the general welfare of the area in particular:
 - a. The Board of Zoning Adjustments finds that, based on public testimony, the project will result in significant visual impacts that cannot be mitigated.

THEREFORE, IT IS RESOLVED that the Board of Zoning Adjustments hereby denies the Use Permit for a 70-foot-tall intermediate freestanding telecommunication facility designed as a faux water tower based on the findings made herein showing that the application is inconsistent with county code and cannot be characterized as a compatible use for the specific location it occupies.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments action shall be final on the 11th day after the date of the Resolution unless an appeal is taken pursuant to Sonoma County Code Section 26-92-160.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material that constitute the record of proceedings upon which the Board's

decision herein is based. These documents may be found at the Permit Sonoma offices, 2550 Ventura Avenue, Santa Rosa, CA 95403.

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

Commissioner Carr	Yes
Commissioner Reed	Yes
Commissioner Ocaña	Absent
Commissioner McCaffery	Yes
Commissioner Koenigshofer	Yes

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

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

SO ORDERED.