



## Sonoma County Planning Commission STAFF REPORT

FILE: ZCE21-0012  
DATE: January 19, 2023  
TIME: At or after 1:05 pm  
STAFF: Peter Kaljian, Project Planner

**Board of Supervisors Hearing will be held at a later date and will be noticed at that time.**

### **SUMMARY**

**Applicant:** Munselle Civil Engineering  
**Property Owner:** Marcie L. Montgomery  
**Location:** 2150 W. Dry Creek Road  
**Supervisorial District No.:** 4  
**APN:** 089-190-034

**Description:** Request for a zone change to remove the Z Accessory Dwelling Unit Exclusion Combining District from a parcel zoned LIA B6 20, Z, F1, RC50/25, RC100/50, SR

**CEQA Review:** CEQA Exempt (Pub. Resources Code section 21080.17, ordinances implementing Government Code section 65852.2 re Accessory Dwelling Units; CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations)

**General Plan Land Use:** LIA 20 (Land intensive Agriculture, 20 acres per dwelling unit density)

**Zoning:** LIA (Land Intensive Agriculture District) B6 20 (20 acres per dwelling unit density) Z (Accessory Dwelling Unit Exclusion Combining District), F1 (Flood Way), RC 50/25 (Riparian Corridor Combining District, 50-foot setbacks for development, 25-foot setback for agriculture), RC 100/50 (Riparian Corridor Combining District, 100-foot setback for development, 50-foot setback for agriculture) SR (Scenic Resources Combining District)



## **RECOMMENDATION**

Adopt a resolution recommending that the Board of Supervisors find the project exempt from the California Environmental Quality Act (CEQA) and approve the requested zone change to remove the Z, Accessory Dwelling Unit Exclusion Combining District, from the subject parcel.

## **EXECUTIVE SUMMARY**

The property owners request approval of a zone change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District on a 3.41-acre parcel. The property owners propose to designate an existing 1227 sq ft residence as an accessory dwelling unit (ADU) and build a new main house on the property. The Z combining district was applied to the parcel and the surrounding area in order to protect agricultural lands from potential overdevelopment of residential use and conversion to nonagricultural uses. General Plan Housing Element Policy HE-3c allows for removal of the Z combining district from agricultural parcels of less than ten acres in size where appropriate as noted below.

## **PROJECT SITE AND CONTEXT**

### ***Site Characteristics***

The 3.14 acre project site is located between W. Dry Creek Rd on the west parcel boundary and the Dry Creek waterway on the west boundary, approximately 1.3 miles west of Healdsburg. The parcel contains 1.9 acres of wine grapes and is currently developed with a 1227 sf single-family dwelling served by an existing well and septic system. The parcel is located in a Class 1 Groundwater Availability Area (Major Groundwater Basin) and is not located within a fire hazard severity zone.

### ***Area Context And Surrounding Land Uses***

The parcel is surrounded by agricultural and residential land uses. All adjacent parcels west of Dry Creek road are zoned LIA (Land Intensive Agriculture) B6 60 (60 acres per dwelling unit density) without the Z (Accessory Unit Exclusion) Combining District.

Several parcels of similar size, along West Dry Creek Rd to the north and south of the subject parcel, are zoned LIA B6 60, and do not have the Z combining district applied. Many had their Z combining districts removed in 2019 with the adoption of Ordinance 6285 by the Board of Supervisors.

### ***Water/Wastewater/Utilities***

The parcel and existing residence are served by an existing well and septic system. The existing well would also serve an ADU and primary replacement residence and the septic has been approved for expansion to serve an ADU and primary residence.

### ***Other Environmental Conditions.***

1.3 acres of the 3.4 acre property are designated as riparian corridor. An area of .9 acres of the parcel fall with the Dry Creek 100-foot riparian corridor setback along the northeast parcel boundary. An additional .4 acres on the northwest boundary fall within the 50-foot setback on an unnamed blue-line creek. Any future application

for an ADU, replacement single family dwelling, or other development in these areas would be subject to further review for compliance with the Riparian Corridor and Scenic Resources Combining Districts at the time of application.

## **PROJECT DESCRIPTION**

The project includes a rezoning request to remove the Z (Accessory Dwelling Unit Exclusion) Combining District from the 3.41-acre parcel to allow an existing 1227 sf residence to be converted to an accessory dwelling unit and accommodate future construction of a new primary residence. The parcel is currently served by an on-site well and septic system., A new septic system application has been approved to accommodate The conversion of the existing residence to an ADU and future construction of a new primary replacement residence.

## **ANALYSIS**

### ***General Plan Consistency***

Permitting accessory dwelling units on qualifying properties is consistent with General Plan Housing Element goals and objectives to increase opportunities for the production of affordable housing. Objective HE-3.1 seeks to “eliminate unneeded regulatory constraints to the production of affordable housing” and Objective HE-3.3 seeks to increase opportunities for the production of affordable housing. Surveys conducted by the County in 2006, 2013, and 2019, found that a majority of ADUs are offered at below-market rates that are affordable to moderate income households. The California Department of Housing and Community Development consider ADUs as an innovative, affordable, and effective options for adding housing.

Since 2005 the County has been accepting and approving requests to remove the Z overlay on a case-by-case basis. In 2009, the Board of Supervisors adopted General Plan Policy HE-3c to “review Z Combining District restrictions on agricultural parcels of less than 10 acres county-wide and consider removing the restrictions where appropriate.” In 2019 the County adopted Ordinance No. 6285, which removed the Z (Accessory Dwelling Unit Exclusion) Combining District from approximately 1,924 specified parcels located in the LIA, LEA, and DA zoning districts countywide that met certain screening criteria. The subject parcel was classified as being in a High Fire Hazard Area at that time so it was not in the scope of that county-led effort, but is still eligible for case-by-case consideration.

### **Staff Analysis:**

The County of Sonoma has historically used the Z combining zone to preclude ADUs where, due to the unique circumstances of a lot, an ADU may be unsafe or infeasible due to lack of water, high fire risk, or other factors. Permit Sonoma supports applications for rezoning to remove the Z Combining Zone, where an applicant has demonstrated that these circumstances no longer apply and that all current ADU regulations can be met. As discussed below with respect to zoning consistency, the applicant has demonstrated how an ADU could be supported on the site. Granting the requested rezone would be consistent with the general plan and would increase housing opportunities by removing regulatory barriers that unnecessarily constrain the production of affordable housing which could be used to house long-term tenants and is precluded by county code for use as a short-term or hosted rental.

Staff recommends that the Planning Commission adopt the attached resolution finding the project exempt from CEQA and recommending approval of the requested zone change to remove the Z combining district

## **ZONING CONSISTENCY**

### *Agricultural and Residential Zoning District*

With removal of the Z combining zone, an ADU would be ministerially permitted in the LIA zone that applies to this lot. They are subject to the requirements of County Code Sec. 26-88-060, and all other requirements of the applicable zoning district in which an ADU is permitted. An ADU is evaluated ministerially for compliance with all applicable development standards when a building permit application is submitted and does not require a separate planning permit. ADUs and Junior ADUs do not count towards the site's density limits. Rezoning to remove the Z overlay allows the property owner to apply to construct an ADU in a zone where an ADU is otherwise permitted.

### *Z Accessory Dwelling Unit Exclusion Combining District*

Accessory dwelling units are allowed by the base zoning, Land Intensive Agriculture (LIA). With the proposed removal of the Z combining district, an accessory dwelling unit would be a permitted use subject to compliance with building, well, and septic requirements.

Applications to remove the Z combining district must be consistent with Article 76 of the Sonoma County Zoning Ordinance, Accessory Dwelling Unit Exclusion Combining District. Section 26-76-005 states the following reasons for applying the Z combining district:

*The purpose of this district is to provide for the exclusion of accessory dwelling 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.*

Applications to remove the Z Combining District must demonstrate how these criteria do not apply. These criteria are shown below followed by a response regarding this application.

**Water Supply.** The Z combining district does not apply to the subject parcel for reasons related to water supply because the parcel is located in a Class 1 Groundwater Availability Area. Prior to issuance of a building permit to construct an accessory dwelling unit the project would need to meet the standards for development.

**Wastewater Disposal.** The Z combining district does not apply to the subject parcel for reasons related to inadequate wastewater disposal. The property has been issued a permit for a 6 (six) bedroom standard septic system under (SEP22-0192) which would meet the demand for the current 2 (two) bedroom house to be converted to an ADU and a new primary residence.

**Traffic Hazards.** The Z combining district does not apply to the subject parcel for reasons related to traffic hazards, and the addition of an accessory dwelling unit would not contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways in the area.



**Fire Hazards.** In 2019 the property had been identified by the mapping tool to be in a high fire hazard area, however, this is no longer the case. The Z combining district does not apply to the subject parcel for reasons related to fire hazards, and it is not located in a fire hazard area as established by the General Plan Safety Element (Figure PS-1g).

**Spot Zoning.** Spot zoning, while generally considered undesirable, refers to the base zone, rather than to combining zones. Thus, rezoning the subject parcel to remove the Z combining district would not constitute spot zoning. The Z removal is also consistent with the General Plan policy to encourage affordable housing through ADU production and removal of the Z district where appropriate.

### ***Environmental Analysis***

1. The project is exempt from CEQA pursuant to:
  - a. 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; and
  - b. 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 provide for the creation of an accessory dwelling unit in an area zoned to allow residential development.

### **NEIGHBORHOOD/PUBLIC COMMENTS**

Early neighborhood notification was sent to properties within 300 feet of the subject parcel. Additional public notice was sent in advance of this hearing. No public comment was received.

### **RECOMMENDATIONS**

#### ***Staff recommendation***

Staff recommends that the Planning Commission adopt the attached resolution finding the project exempt from CEQA and recommending that the Board of Supervisors approve the requested zone change removing the Z combining district.

### **ATTACHMENTS**

- Att 1 Draft Planning Commission Resolution
- Att 2 Draft Ordinance
- Att 3 Project Proposal Statement
- Att 4 Project Plans