



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission
STAFF REPORT

FILE: ZCE22-0014
DATE: August 3, 2023
TIME: 1:05 PM
STAFF: Levan King Cranston, Project Planner

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

SUMMARY

Property Owner: Thomas R. Morse III, Kristin Carol Moore, Trustees of the Moore Morse Trust
Applicant: Peter Valtin
Address: 1524 Dry Creek Rd., Healdsburg
Supervisory District No.: District 4
APN: 089-040-001
Description: Request for a zone change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District from a 6.22-acre parcel
CEQA Review: Statutory Exemption Public Resources Code Section 21080.17 and CEQA Guidelines 15282(h) (ordinances implementing Government Code Section 65852.2); Categorical Exemption: 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)
Specific/Area Plan Land Use: NA
Ordinance Reference: Sec. 26-06-010 – 040 – Agriculture and Resource Zones
Sec. 26-76-005 – Accessory Dwelling Unit Exclusion Combining District
Sect. 26-88-060 – Accessory Dwelling Units
Zoning: LIA (Land Intensive Agriculture District) B6 20 (20 acres per dwelling unit density) and Combining Districts for Z (Accessory Dwelling Unit Exclusion), F1 (Flood Way), RC 50/25 (Riparian Corridor with 50-foot setbacks for development, 25-foot setback for agriculture), RC 100/50 (Riparian Corridor with 100-foot setback for development, 50-foot setback for agriculture), SR (Scenic Resources), and VOH (Valley Oak Habitat)



RECOMMENDATION

The Permit and Resource Management Department (Permit Sonoma) recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors approve a Zone Change to remove the Z (Accessory Unit Exclusion) Combining District from the subject parcel to allow for the potential development of an accessory dwelling unit, and find the project exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h); and, CEQA Guidelines Section 15305.

EXECUTIVE SUMMARY

The property owners request approval of a zone change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District on a 6.22-acre parcel. 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 supports consideration of removal of the Z combining district from agricultural parcels of less than ten acres in size where appropriate.

In 2019, the Board of Supervisors adopted Ordinance No. 6285 approving removal of the Z (Accessory Dwelling Unit Exclusion) Combining District from approximately 1,924 specified parcels countywide, including parcels over 10 acres within the Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), and Diverse Agriculture (DA) Zoning Districts that met specific screening criteria (Policy HE-3c). While the subject parcel did not pass the screening criteria in 2019, removal of the Z Combining District can be assessed on a case-by-case basis. After further review of current zoning regulations, mapping information, and site conditions related to traffic, wildfire risk and groundwater, staff finds the subject parcel meets the criteria for removal of the Z Combining District. Staff recommends removal of the Z combining district from the subject parcel.

PROJECT SITE AND CONTEXT

Background

The subject parcel was rezoned to “AE” Agricultural Exclusive zone in 1975 (Ordinance No. 1928) when the Zoning Ordinance was updated to reflect provisions of the California Land Conservation Act of 1965 to protect and preserve agricultural land uses, to deter the conversion of agricultural land to noncontiguous urban development, and to encourage the retention of open space. On July 10, 1990, the Board of Supervisors adopted Ordinance No. 4225 which codified prohibited uses that could negatively impact agricultural uses or promote conversion to non-agricultural activities by applying the Z Combining District. This applied the Z Combining District prohibiting ADUs on all parcels formerly zoned Agricultural Exclusive (AE) while rezoning such parcel to the new designation of Land Intensive Agriculture (LIA), to match the 1989 General Plan land use designation.

Since 2005, the County has been accepting and approving requests to remove the Z Combining District 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 countywide 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 screening criteria related to fire hazard zones, biotic habitat, groundwater, and traffic, Land Conservation Contracts.

The subject parcel met all of the 2019 countywide screening criteria, excepting the 0.18-acre portion of the parcel that is within a Fire Hazard Severity Zone.

Site Characteristics

The 6.22-acre project site borders Dry Creek and an unnamed tributary to Dry Creek and is accessed from Dry Creek Rd, approximately 2 miles west of Healdsburg. The parcel contains an open field reserved for a vineyard and is currently developed with a single-family dwelling, garage, and an agricultural building served by an existing well and septic system.

Area Context And Surrounding Land Uses

The parcel is surrounded by agricultural (vineyard) and residential land uses. Comstock Winery and tasting room is approximately 800 feet east of the site. All adjacent parcels along Dry Creek Road are zoned LIA (Land Intensive Agriculture) B6 20 (20 acres per dwelling unit density) with the Z (Accessory Unit Exclusion) Combining District.

Several parcels of similar size, along Dry Creek Rd to the east of the subject parcel, are zoned LIA B6 20, and do not have the Z combining district applied. Many had their Z combining districts removed in the Countywide Z Removal (Ordinance 6285).

Significant Applications Nearby

The countywide Z Removal, approved under Ordinance No. 6285 in 2019, included neighboring parcels and parcels throughout the county that met the screening criteria.

Access

The parcel is accessed via shared driveway off Dry Creek Road, a county-maintained public road.

Wildfire Risk

A small portion of the parcel is within the Fire Hazard Severity Zone. The 2022 Fire Hazard Severity Zone (FHSZ) Map designates approximately 0.18-acres of the total 6.22-acre property as High fire risk. The remaining 6.04-acres of the property is located outside the Fire Hazard Severity Zone.

Water/Wastewater/Utilities

The parcel is located in a Class 1 Groundwater Availability Area (Major Groundwater Basin) and is served by an existing well and septic system.

Agricultural Conditions/Land Encumbrances/Contracts

The parcel is not subject to any land encumbrances or land conservation contracts (Williamson Act) and has approximately 3.8 acres reserved for a replacement vineyard. The parcel does not meet the thresholds to allow for an agricultural employee dwelling unit.

Other Environmental Conditions

The property contains approximately 0.52 acres of land designated as Riparian Corridor with 100-foot setbacks from the top of bank of Dry Creek and 50-foot setbacks from the top of bank of an unnamed blue-line creek. Approximately 0.36-acres of the property, along Dry Creek, is located within the Floodway Combining District. The entire property is subject to Scenic Resource Combining District requirements for Scenic Landscape Units and about half of the property is within the Valley Oak Habitat Combining District.

Any future application for development in these areas would be subject to further review for compliance with the Riparian Corridor, Floodway, Scenic Resources, and Valley Oak Habitat Combining Districts at the time of application.

PROJECT DESCRIPTION

Request to rezone a 6.22-acre property to remove the Z (Accessory Dwelling Unit Exclusion) Combining District.

Ordinance and Project History

The table below summarizes key project milestones and events.

Date	Ordinance History/Project Milestone
July 10, 1990- Jan. 26, 1993	The parcel was rezoned to Land Intensive Agriculture with a Second Dwelling Unit Exclusion Combining District when the Board of Supervisors adopted Ordinance No. 4225 to rezone parcels to match General Plan land use designations and implement the 1989 General Plan.
Jan. 26, 1993	The Board of Supervisors adopted Ordinance No. 4643 to rezone agriculturally-zoned parcels to match new General Plan land use designations.
Jan. 24, 2017	The Board of Supervisors adopted Ordinance No. 6191 amending second dwelling unit regulations, adding junior accessory dwelling unit regulations, and reducing local regulatory barriers for constructing new accessory dwelling units in accordance with amendments to Gov. Code § 65852.2
Sep. 17, 2019	The Board of Supervisors adopted Ordinance No. 6285 for removal of the “Z” Accessory Dwelling Unit Exclusion Combining District from approximately 1,924 specified parcels located in the LIA, LEA, and DA zoning districts countywide.
Sep. 14, 2021	The Board of Supervisors adopted Ordinance No. 6352, updates to the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance, in compliance with Government Code Sections 65852.2 and 65852.22.

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
Nov. 14, 2022	Zone Change application submittal to Permit Sonoma
Nov. 17, 2022	Referral to pertinent agencies
July 24, 2023	Public notice for Planning Commission hearing



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 and was not in the scope of that county-led effort, but is still eligible for case-by-case consideration.

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.

Zoning Consistency

Z Accessory Dwelling Unit Exclusion Combining District

Applications to remove the Z combining district must be consistent with Article 76 of the Sonoma County Zoning Code, 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.*

The Z Combining District criteria listed above do not apply to the subject parcel as discussed further below.

- a) **Water Supply.** The Z combining district was not originally applied 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 new development in a Class 1 Groundwater Availability Area.
- b) **Wastewater Disposal.** The Z combining district does not appear to have been applied to the subject parcel for reasons related to inadequate wastewater disposal. Although Permit Sonoma does not have septic records for the existing residence, Permit Sonoma is currently reviewing an application for a replacement 6 (six) bedroom standard septic system for the property (File No. SEP23-0042) which would meet the demand for the existing single-family dwelling and a future ADU. Additionally, the parcel is not located in an Onsite Wastewater Treatment Systems Manual Waiver Prohibition Area.
- c) **Traffic Hazards.** The Z combining district was not applied to the subject parcel for reasons related to traffic hazards. The project site is located on Dry Creek Road, with adequate ingress and egress to the site via a shared driveway which exits directly onto Dry Creek Road. The addition of an accessory dwelling unit would not adversely contribute to traffic hazards or increase the burden on heavily impacted streets, roads, or highways in the area.
- d) **Fire Hazards.** The subject property consists of flat topography, a 3.8 acre area reserved for a replacement vineyard, and one single-family dwelling located at the front of the parcel. Access is provided from a shared driveway approximately 300-ft in length connecting to Dry Creek Rd effective for emergency vehicle access. The parcel is flat and planted with vineyard as are the adjoining parcels. The site has relatively few trees and the shared driveway provides adequate access to Dry Creek Road in the event of an emergency. The 2022 Fire Hazard Severity Zone (FHSZ) Map designates approximately 0.18-acres of the total 6.22-acre property as a High FHSZ. The remaining 6.04-acres of the property is located outside the Fire Hazard Severity Zone. The addition of an ADU is not anticipated to substantially increase fire risk on the property as the property is relatively flat and surrounded by vineyards, there is adequate access to a county-maintained public road, and the area is in a Class 1 Groundwater Availability Area. A future ADU building permit will be required to comply with Fire Safe Standards for new development and defensible space. Additionally, the parcel is within a Local Response Area and is served by the Sotoyome Volunteer Fire Company District.

Land Intensive Agriculture Zoning District

Accessory dwelling units are allowed by the base zoning district, 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 Zoning Code Sec. 26-88-060, LIA zoning development standards, building, well, and septic requirements. 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.

Maximum Lot Coverage

LIA-zoned parcels between 5 acres and 20 acres in size are limited to 30,000 square feet or 10% lot coverage, whichever is greater, as required in Section 26-06-040 of the Sonoma County Code.

The maximum lot coverage for the subject parcel is 30,000 square feet. The subject parcel contains an existing 4,300 square foot primary dwelling unit, and a 2,400 square foot ag accessory structure equating to



approximately 6,700 square feet, which is far below the maximum lot coverage of 30,000 square feet. The maximum allowable size for an ADU is 1,200 square feet, therefore, the addition of an ADU to the property would not exceed the maximum lot coverage allowed for the site.

Spot Zoning

The County of Sonoma has implemented a comprehensive land use plan through its Zoning Ordinance. Spot zoning is generally considered undesirable but refers to the primary base zone, rather than to combining zones. The subject property was compared to adjoining properties to determine the overall pattern of zoning designations. Surrounding parcels with the Z combining district would have the same opportunity to apply for removal of the Z combining district pursuant to General Plan Housing Element HE-3c and would be evaluated using the same generally applicable zoning code standards. Therefore, the subject property would not be granted zoning that is either more restrictive or less restrictive than zoning which is available to the surrounding properties, and spot zoning would not occur.

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 and CEQA Guidelines Section 15282(h), which provide a statutory exemption for 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

The project is located within the boundaries of Dry Creek Valley Citizens Advisory Council (DCVCAC). The DCVCAC provides recommendations to elected officials and other decision makers on applications for use permits, rezonings, and general plan amendments in Dry Creek Valley. The application was referred to DCVCAC on November 17, 2022, however, Permit Sonoma did not receive a response from the CAC.

Early neighborhood notification was sent to properties within 300 feet of the subject parcel and no public comments were 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

1. ZCE22-0014 Planning Commission Resolution
2. ZCE22-0014 Draft Board of Supervisors Ordinance
3. ZCE22-0014 Project Proposal Statement
4. ZCE22-0014 Vicinity Map
5. ZCE22-0014 Fire Hazard Severity Zone Map
6. ZCE22-0014 Assessor Parcel Map
7. ZCE22-0014 Project Site Plan