

Resolution Number 22-03
County of Sonoma
Santa Rosa, California
June 16, 2022
ZCE21-0006 CLAUDETTE DIAZ

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING THE PROJECT EXEMPT FROM CEQA, APPROVING THE REVOCATION OF A USE PERMIT FOR AN AGRICULTURAL DWELLING UNIT, AND RECOMMENDING APPROVAL OF THE ZONE CHANGE TO THE BOARD OF SUPERVISORS AS REQUESTED BY LINDSEY SCHULZ AND GEORGE PEASLEE, FOR PROPERTY LOCATED AT 10531 BODEGA HIGHWAY, SEBASTOPOL; 077-070-010.

WHEREAS, the applicant, Lindsey Schulz and George Peaslee, filed an application with the Sonoma County Permit and Resource Management Department to: 1)) rezone 19.86 acres from the DA B6 20 Z RC100/25 RC200/25 SR VOH zoning district to the DA B6 20 RC100/25 RC200/25 SR VOH zoning district; and, 2) revoke a Use Permit # 6452 for a mobile home for an agricultural employee dwelling unit, previously approved on July 3, 1972 (Board of Zoning Adjustments Resolution No. 3954), and demolished under DEM22-0105, on property located at 10531 Bodega Highway, Sebastopol; APN 077-070-010; Supervisorial District No. 5; and

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

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on June 16, 2022, 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. Revocation of a Use Permit is consistent with the Zoning Ordinance for the following reasons:
 - a. Section 26-92-060 of the Sonoma County Code allows for Sonoma County Planning Commission to act upon an application within its jurisdiction and act on related application which would otherwise be decided by the Board of Zoning Adjustments. The Zone Change is required to be heard by the Planning Commission, who will make a recommendation to the Board of Supervisors, the decision making body.
 - b. Section 26-92-120 (a) of the Sonoma County Code states that when in the opinion of the planning director or of the Board of Zoning Adjustments a condition of any permit issues has been violated, a public hearing will be required before the Board of Zoning Adjustments on the matter of the revocation or modification of such permit.

- c. The project site is no longer in compliance with Use Permit #6452 and does not meet the agricultural use thresholds for an agricultural employee dwelling unit.
2. General Plan Housing Element Policy HE-3c includes a program to remove the Z (Accessory Dwelling Unit Exclusion) Combining District from qualifying parcels less than ten acres in size. The subject parcel is 19.86 acres in size; however, allowing an accessory dwelling unit is consistent with Housing Element goals and objectives to increase opportunities for the production of affordable housing such as accessory dwelling units.
3. Removal of the Z (Accessory Dwelling Unit Exclusion) Combining District is consistent with the Diverse Agriculture (DA) land use designation and would not significantly alter any of the potential uses that are currently allowed on this site.
4. The removal of the Z (Accessory Dwelling Unit Exclusion Zone) Combining District is consistent with the Zoning Ordinance based on the following facts. The particular 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 DA Zoning District (Sec. 26-06-030, Allowed land uses). The parcel meets the Zoning Ordinance requirements for an accessory dwelling unit. Section 26-88-060 of the Zoning Ordinance allows an accessory dwelling unit in zoning districts that allow single-family dwellings. The subject parcel meets this standard.
 - b. The parcel has sufficient water supply to serve a primary dwelling unit and an accessory dwelling unit. This parcel is partially located in a Class 4 Groundwater Availability Area, which can indicate low or highly variable water yield. The rest of the parcel and the well itself is located in a Class 2 Groundwater Availability Area, which indicates location in a major natural recharge area. The County's Geologist evaluated the results of a well test and determined that the well yield was sufficient to support two dwelling units. Additional requirements regarding establishment of an accessory dwelling unit in a Class 4 area (Sec. 26-88-060(c)(4)(ii)) will be verified at the time a building permit is issued.
 - c. Adequate wastewater disposal is available. The parcel and the development facilitated by the project would be served by a septic system (permitted in SEP21-0127, issued).
 - d. 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.
 - e. A 2 acre portion of the parcel is located in a high Fire Hazard Severity Zone and 17 acres are located in a moderate Fire Hazard Severity Zone as established by the General Plan Safety Element (Figure PS-1g). Permit Sonoma Fire Prevention staff visited the site and determined that the establishment of an accessory dwelling unit would not increase the fire risk. Removal of the Z Combining District would not decrease public safety.
5. 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

provide for the creation of an accessory dwelling unit 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; and,
- c. CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, because revocation of the existing use permit would not result in any changes in land use or density. The agricultural employee housing unit has already been demolished and, in any event, the accompanying action to remove the Z combining district will allow replacement with an accessory dwelling unit; and,
- d. CEQA Guidelines Section 15321, Enforcement Actions by Regulatory Agencies, because it provides for regulatory agencies to revoke a permit or other entitlement for use prescribed by the regulatory agencies.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors find the requested rezoning exempt from CEQA, and that it 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 _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner ____
Commissioner ____
Commissioner ____
Commissioner ____
Commissioner ____

Ayes: Noes: Absent: Abstain:

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