



Sonoma County Planning Commission STAFF REPORT

FILE: ZCE21-0006
DATE: June 16, 2022
TIME: At or after 1:15 PM
STAFF: Claudette Diaz, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Property Owner: Lindsey Schulz and George Peaslee
Applicant: Ryan Leidner Architecture
Address: 10531 Bodega Highway, Sebastopol
Supervisory District(s): 5
APN: 077-070-010
Description: Request for a zone change to remove the Z Accessory Dwelling Unit Exclusion Combining District on a 19.86 acre parcel. The project proposal includes the revocation of 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.
CEQA Review: CEQA statutory exemption (Pub. Resources Code section 21080.17, ordinances implementing Government Code section 65852.2 re Accessory Dwelling Units); CEQA categorical exemption (CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations); CEQA Guidelines Section 15321, Enforcement Actions by Regulatory Agencies.
General Plan Land Use: Diverse Agriculture (DA), 20 acres per dwelling unit density (B6 20)
Specific/Area Plan Land Use: N/A
Ordinance Reference: Sec. 26-06-010 - 040 – Agriculture and Resource Zones
Sec. 26-24-040 – Agricultural Employee Housing: Full-Time
Sec. 26-76-005 – Z Accessory Dwelling Unit Exclusion Combining District
Sec. 26-88-060 – Accessory Dwelling Units
Sec. 26-92-060 – Concurrent Processing of Related Applications
Sec. 26-92-120 – Revocation Generally
Sec. 26-92-130 – Revocation For Failure To Use Or For Abandonment Of Use
Zoning: DA (Diverse Agriculture District), B6 20 (20 acres per dwelling unit density), Z (Accessory Dwelling Unit Exclusion Combining District), RC100/25 (Riparian



Corridor Combining District, 100-foot setbacks), RC200/25 (Riparian Corridor Combining District, 200-foot setbacks), SR (Scenic Corridor Combining District), VOH (Valley Oak Habitat Combining District)

RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission adopt a resolution revoking Use Permit #6452 (UP 6452) for an agricultural employee dwelling unit which has been demolished (DEM22-0105), and recommend that the Board of Supervisors find the project exempt from the California Environmental Quality Act under Public Resources Code § 21080.17/CEQA Guidelines § 15282(h) (ordinances implementing Gov. Code § 65852.2) and CEQA Guidelines § 15305 (minor alterations in land use limitations), and approve a zone change to remove the Z Accessory Dwelling Unit Exclusion Combining District from the subject parcel to allow for the potential for the development of an Accessory Dwelling Unit.

EXECUTIVE SUMMARY

The project proposes revocation of a Use Permit (UP 6452) for an agricultural employee dwelling unit previously demolished under DEM22-0105 and approval of a Zone Change to remove the Z (Accessory Dwelling Unit Exclusion) combining district on a 19.86 acre parcel.

UP 6452 was approved by the Board of Zoning Adjustments on July 3, 1972, for a mobile home to serve as an agricultural employee dwelling unit on the project site. The project site is no longer in compliance with the approved Use Permit because it does not meet the agricultural use thresholds to allow for an agricultural employee dwelling unit on site and UP 6452 Conditions of approval require removal of the mobile home upon cessation of agricultural operations on site. Demolition of the unit approved under UP 6452 was finalized on May 2, 2022.

In 2019 the Board of Supervisors adopted Ordinance No. 6285 for a Countywide “Z” Accessory Dwelling Unit Exclusion Combining District removal from approximately 1,924 specified parcels, including parcels over 10 acres, located in the Land Intensive Agriculture (LIA) Land Extensive Agriculture (LEA), and Diverse Agriculture (DA) zoning districts who passed the screening criteria for rezoning (Policy HE-3c).

Parcels that did not meet the initial screen criteria for the 2019 countywide Z removal ordinance are assessed on a case by case basis; the subject parcel meets the criteria for removal of the Z combining district, as discussed below.

The subject parcel did not pass the initial screening criteria due to small portions of the parcel being located in both a Class 4 groundwater area and in a high fire hazard severity zone. Permit Sonoma’s Geologist evaluated the results of a well test and determined that the well yield was sufficient to support two dwelling units and a site visit from by Fire Prevention Division staff found no increased fire risk associated with the establishment of an ADU.

PROJECT SITE AND CONTEXT

Background

The project site was approved for a Use Permit (UP 6452) for an agriculture employee dwelling unit on June 21, 1972. The parcel was zoned “A” for Agricultural Zoning District, which required a Use Permit for mobile homes housing persons employed on the premises for agricultural purposes.

The 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 Diverse Agriculture (DA), to match the 1989 General Plan land use designation.

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 the following screening criteria:

- The property was not located within a high or very high fire hazard severity zone;
- The property was not within a critical biotic habitat area for the California Tiger Salamander;
- An ADU on the parcel did not present the potential for groundwater contamination;
- An ADU on the parcel did not affect groundwater levels;
- The property was not located in a Traffic Sensitive Combining Zone;
- The property was not subject to a Land Conservation Act (Williamson Act) or other open space contract, or other recorded agricultural easements; and
- The property was not located in the Coastal Zone.

The subject parcel meets all of the above screening criteria with the exception of a 2 acre portion of the parcel being located within a Class 4 ground water level and a 2 acre portion located within a high fire hazard severity zone, as such it was excluded from the countywide effort.

Site Characteristics

The project site is 19.86 acres and is located south side of the Bodega Highway, approximately 6 miles west of the City of Sebastopol city limits. The site is developed with a single-family residence and accessory structures.

Area Context and Surrounding Land Uses

The project site is surrounded by residential parcels ranging from 1.00 acres in size to 50.00 acres in size. Parcels are zoned Diverse Agriculture (DA), Rural Residential (RR), and Agriculture and Residential (AR). Surrounding



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land uses are Diverse Agriculture and Rural Residential. The Z Combining District on the parcels east and south of the project site were removed in the Countywide Z Removal (Ordinance No. 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 Bodega Highway, a County Right of Way.

Wildfire Risk

The parcel includes both High and Moderate Fire Hazard Severity Zones. A majority of the parcel is located within a moderate zone, while a 2 acre portion is designated as a high fire hazard severity zone located on the south western portion of the lot. A site visit by Fire Prevention Division staff on October 26, 2021, and found no increased fire risk associated with the establishment of an ADU and that a contemplated ADU on the site would meet Board of Forestry standards (Attachment 8).

Water/Wastewater/Utilities

The parcel is served by an existing well and septic system.

Approximately 17 acres and the well itself is located in a Class 2 Groundwater Availability Area, which indicates location in a major natural recharge area. A 2 acre portion of the parcel is located in a Class 4 Groundwater Availability Area, which can indicate low or highly variable water yield. Permit Sonoma Natural Resource Division's staff Professional Geologist evaluated the results of a well test (WEL21-0269) and determined that the well yield was sufficient to support two dwelling units.

Agricultural Conditions/Land Encumbrances/Contracts

The parcel is not subject to any agricultural conditions, land encumbrances, or land conservation contracts (Williamson Act), and is not currently operating any agricultural uses. The parcel does not meet the thresholds to allow for an agricultural employee dwelling unit.

Right to Farm

The applicant recorded a Right to Farm under Document No. 2022032004 for the subject parcel on May 3, 2022.

Other Environmental Conditions

The parcel is partially located within a riparian corridor, and any future development will be subject to Article 65, RC Riparian Corridor Combining Zone, of the Sonoma County Code. The Riparian Corridor conservation area is located along the northern portion of the parcel, along Bodega Highway, and along the eastern parcel boundary.

The northern portion of the parcel has a Valley Oak Habitat (VOH) combining district. No trees are proposed to be removed under this project proposal.



PROJECT DESCRIPTION

The property owner is seeking County approval for a zone change to remove the Z Accessory Dwelling Unit Exclusion Combining District on a 19.86 acre parcel. The project proposal includes the revocation of 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.

Ordinance and Project History

Table 1- Ordinance History

Date	Ordinance History
July 10, 1990- January 26, 1993	The parcel was rezoned to Diverse Agriculture with an ADU exclusion 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.
July 28, 1992	The Board of Supervisors adopted Ordinance No. 4568 in Sonoma County Planning Area #6 (Sebastopol) with a growth management plan, capping subdivisions and residential building permit, with the exception of farmworker housing, agricultural employee dwelling units, and second dwelling units.
September 1, 1992	The Board of Supervisors adopted Ordinance No. 4584 extending Ordinance No. 4568 expiring January 5, 1993.
December 15, 1992	The Board of Supervisors adopted Ordinance No. 4614 extending Ordinance 4584 with an expiration date of July 27, 1993.
January 26, 1993	The Board of Supervisors adopted Ordinance No. 4643 to rezone agricultural zoned parcels to match new General Plan land use designations.
January 24, 2017	The Board of Supervisors adopted Ordinance No. 6191 amending second dwelling unit regulations, adding junior accessory dwelling units regulations, and reducing local regulatory barriers for constructing new accessory dwelling units in accordance with amendments to Gov. Code § 65852.2.
September 17, 2019	The Board of Supervisors adopted Ordinance No. 6285 to remove the for a Countywide “Z” Accessory Dwelling Unit Exclusion Combining District removal from approximately 1,924 specified parcels located in the LIA, LEA, and DA zoning districts countywide.
September 14, 2021	The Board of Supervisors adopted Ordinance No. 6352, 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.

Table 2- Project History/Milestone

Date	Project History/Milestone
July 3, 1972	Use Permit (UP 6452) for a mobile home to house an agricultural employee at 10531 Bodega Highway, Sebastopol, approved by the Board of Zoning Adjustments (Resolution No. 3954).
April 19, 2021	Request for a Zone Change on a 19.86 acre property to facilitate the removal of the Z Combining District, the property is developed with one single family residence and accessory buildings.
April 20, 2021	Referral to pertinent agencies.
October 26, 2021	Fire Prevention staff conducted site visit and determined no risk associated with an ADU on project site.
June 6, 2022	Public notice for Planning Commission
June 16, 2022	Planning Commission hearing

ANALYSIS

General Plan Consistency

Allowing 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. However, ADUs are restricted in the agricultural zones because many agricultural parcels qualify for agricultural employee units, farm family residences, and/or farmworker units.

Agricultural Resource Element:

Objective AR-2.4: “Reduce economic pressure for conversion of agricultural land to nonagricultural use.”

Objective AR-3.1: “Avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.”

Objective AR-4.1: “Apply agricultural land use categories only to areas or parcels capable of the commercial production of food, fiber and plant material, or the raising and maintaining of farm animals including horses, donkeys, mules, and similar livestock. Establish agricultural production as the highest priority use in these areas or parcels. ...”

Policy AR-3F: “Avoid amendments of the land use map from agricultural to a non agricultural use category for the purposes of allowing increase residential density which may conflict with agricultural production.”

The purpose of the Agricultural Resource element is to establish policies to insure the stability and productivity of the County’s agricultural lands and industries. It is also intended to express policies, programs, and measures that promote and protect the current and future needs of the agricultural industries.

The property owner recorded a Right to Farm for the parcel, which would protect any agricultural operations on the subject project or on adjacent properties from being considered a nuisance.

The rezoning to remove the Z Combining District would not result in substantial conversion of agricultural lands and would not create physical conflicts with agricultural production. The total area typically required for an ADU does not represent a significant conversion of agricultural land.

Accessory Dwelling Units the total number of allow for additional housing opportunities for properties not meeting the agricultural use thresholds.

Housing Element:

The current Housing Element (2014) includes Policy HE-3c, which allows for removal of the Z Combining District from agricultural parcels that are less than 10 acres in size, on a case by case basis, where appropriate.

Policy HE-3c: *“Review ‘Z’ (Second Dwelling Unit Exclusion) Combining District restrictions on agricultural parcels of less than 10 acres county-wide, and consider removing the restrictions where appropriate.”*

As discussed above, the Board of Supervisors approved Ordinance No. 6285 on September 17, 2019, to remove of the Z Combining District from approximately 1,924 parcels countywide, including parcels over 10 acres in size, to facilitate the creation of affordable housing by allowing accessory dwellings where the General Plan and Zoning Code otherwise allow such development. Rezoning the project site to remove the Z Combining District meets the following objectives.

Objective HE-3.1: *Eliminate unneeded regulatory constraints to the production of affordable housing.*

Objective HE-3.3: *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. ADU 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. In addition, ADUs can help support small farms and operations by providing supplemental income and agricultural worker housing for farm families when their properties do not qualify for agricultural housing types. The California Department of Housing and Community Development consider ADUs as an innovative, affordable, effective options for adding housing.

Program 16: *“On a parcel-by-parcel basis, the County will continue to process requests for removal of the ‘Z’ (Second Dwelling Unit Exclusion) Combining District restrictions on lots of less than 10 acres in agricultural zones that are not within water-scarce areas (Class 3 or 4) or flood prone areas, and where adequate sewage treatment capacity has been demonstrated. (Policy reference: HE-3c)”*

General Plan Housing Element Implementation Program 16 (Review Z Combining District) directs staff to implement Policy HE-3c on a case-by-case basis and outlines the qualification criteria.

Public Safety Element:

Goal PS-3: *“Prevent unnecessary exposure of people and property to risks of damage or injury from wildland and structural fires.”*

The General Plan Public Safety Element establishes policies to protect the community from unreasonable risks from a variety of natural hazards including fire. To maintain consistency with the Public Safety Element, Fire Prevention Division staff conducted a site visit on October 26, 2021, and found no increased fire risk associated with the establishment of an ADU.



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Land Use Policy for Diverse Agriculture:

Purpose and Definition: *This category shall enhance and protect those land areas where soil, climate, and water conditions support farming but where small acreage intensive farming and part time farming activities are predominant. In these areas, farming may not be the principal occupation of the farmer. The primary purpose of this category is to protect a full range of agricultural uses and to limit further residential intrusion consistent with the policies of the Agricultural Resources Element.*

Staff Analysis:

The General Plan land use designation for the project site is Diverse Agriculture, one dwelling unit for every 20 acres and at 19.86 acres. Consistent with this density designation the site is developed with one primary dwelling unit. The Land Use Element allows for residential uses in the DA district in conformance with permitted densities. ADUs do not count toward a parcel's allowed density; therefore, the addition of an ADU on this parcel would be consistent with its allowed density.

The General Plan provides for various types of agriculture-related housing units in areas designated for agricultural use. The Zoning Ordinance limits the number of additional agriculture-related housing units available in agricultural zoning districts on parcels where an ADU has been established. Currently there is no existing agricultural use on the parcel and does not meet the agricultural use thresholds to allow for an agricultural employee dwelling unit. The existing agricultural employee dwelling mobile unit was in poor condition and needed to be demolished.

The subject parcel was not included in the Ordinance No. 6285 countywide "Z" removal effort because the site did not pass the screening criteria for removal. Portions of the parcel are located in a high fire hazard severity zone and within a Class 4 groundwater area. The applicant has demonstrated that the parcel does have adequate groundwater to meet the site's current uses in addition to a potential ADU. The applicant provided supplemental studies, including a water quality report dated March 1, 2021 by Alpha Analytical Laboratories, Inc. and a Certified Well Testing Report dated February 10, 2021, by Weeks Drilling, which was reviewed by the Permit Sonoma's Geologist. In addition to this, Permit Sonoma Fire Prevention staff conducted a site visit and made a no risk determination for an ADU on the proposed site.

Rezoning the parcel to remove the Z Combining district, increases opportunities and removes regulatory barriers which acts as constraints to the production of affordable housing. The parcel no longer meets the minimum criteria thresholds to allow for an agricultural employee dwelling unit on site and the property owner has no future plans for agricultural uses on site. By allowing an ADU on the parcel, the property owner may provide housing opportunities that may not otherwise be available through an agricultural dwelling unit. The ADU could be made available to family members, rented or provided as housing for local farmworkers. The ADU may not be used operated as short-term Vacation Rental or vacation rentals (less than 30 days at a time).

Zoning Consistency

Diverse Agriculture Zoning District

Permitted Uses

ADUs are a permitted use in the DA district (Sec. 26-06-030), subject to the regulations in Section 26-88-060 (Accessory Dwelling Units). The ADU will be evaluated ministerially for compliance with all applicable development standards when a building permit application is submitted.



Rezoning the parcel 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

DA 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. In 2012 the Board of Supervisors adopted Ordinance 5967 (ORD10-0001) which limited lot coverage in the three agricultural districts (DA, LIA, & LEA) to restrict non-agricultural uses on ag-zoned parcels and to further policies from the Agricultural Resources Element, such as AR-3.1, to avoid the conversion of agricultural lands to other uses such as housing.

The maximum lot coverage for the subject parcel is 30,000 square feet, which is the most restrictive (10% = 1.97 acres or 86,510 square feet). The subject parcel contains an existing 2,876 square foot primary dwelling unit with an 800 square foot pool, a 1,300 square foot machine shed, and an 875 square foot hay barn, equating to approximately 5,850 square feet, which is far below the maximum lot coverage of 30,000 square feet. The 720 square foot agricultural employee dwelling unit was demolished on May 4, 2022.

The proposed project, including the existing structures and proposed ADU at the maximum size allowable of 1,200 square feet, will equate to a total lot coverage of 7,051 square feet. The addition of an ADU, or any other new structure that would not exceed the maximum lot coverage for the site, would still allow for the remaining 90% of the parcel to be used for a future agricultural use.

The proposed Z removal would allow for additional housing potential on the site that could be made available to family members, rented, or provided as housing for local farmworkers.

Accessory Dwelling Units

ADUs are ministerially permitted in zoning districts that allow single-family or multi-family dwellings, in compliance with Government Code § 65852.2, the requirements of the Sec. 26-88-060, and all other requirements of the applicable zoning district in which an ADU is permitted. ADUs and Junior ADUs do not count towards the site's density limits.

ADUs count towards the number of agricultural dwelling units permitted on site. Section 26-88-060 (c) (2) states that on agricultural zoning districts, including Diverse Agriculture zoning, ADUs are permitted in conjunction with a primary residence, except where a lot is eligible for one (1) or more agricultural dwelling units and an application has been filed for an ADU, that a lot shall be eligible for one (1) fewer agricultural units. ADUs count towards the number of agricultural dwelling units permitted on site.

Agricultural dwelling units are used to house full-time agricultural employees. Multiple units may be allowed on a single property, provided the onsite agriculture operation meets the agricultural use thresholds. As provided by Government Code § 65852.2, as a matter of state law ADUs do not exceed the allowable density for the lot on which the ADU is located, and are deemed consistent with the General Plan and zoning for the lot.

The parcel allows for one ADU and is subject to the development criteria established by the zoning district. The parcel does not qualify for an agricultural employee dwelling unit on site.

Z Accessory Dwelling Unit Exclusion Combining District

The purpose of Z Combining District is to provide for the exclusion of accessory dwelling units in areas that meet the following criteria found in Article 76 of the Sonoma County Code:

- 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 not meet the criteria for inclusion. Each of these criteria is evaluated below:

- a) **Water Supply.** The Z Combining District was not originally applied to the subject parcel for reasons related to water supply. The 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. Permit Sonoma’s Geologist evaluated the results of a well test (WEL21-0269) and determined that the well yield was sufficient to support two dwelling units.
- b) **Wastewater Disposal.** The Z Combining District was not applied to the subject parcel for reasons related to inadequate wastewater disposal. The parcel and the development facilitated by the project would be served by a septic system (permitted in SEP21-0127, issued).
- c) **Traffic Hazards.** The Z Combining District was not originally applied to the subject parcel for reasons related to traffic hazards. The project site is located on Bodega Highway, in a lightly populated agricultural area. 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.
- d) **Fire Hazards.** The Z Combining District was not originally applied to the subject parcel for reasons related to fire hazard. The parcel is partially located partially in a High Fire Hazard Severity Zone and partially 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 project site and determined that the establishment of an ADU would not increase the fire risk, see Attachment 8.

Scenic Resources

The parcel is located in a Scenic Corridor (SR). Future development facilitated by the project would be subject to the standards in Article 64 for Scenic Corridors (Sec. 26-64-030). ADUs are required to meet all objective design standards and are not subject to discretionary review (Sec. 26-88-060 (l)).

Housing Options for Agricultural Lands

Table 3- Housing Types Available for Agricultural Zoned-lands

#	Residential Use Type	Summary of Eligibility Criteria	Subject Parcel
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1	Primary Dwelling Unit	One single family dwelling unit per unit of density	The subject parcel is assigned a 20 acre density and is 19.86 acres in size. Density allows for one primary dwelling unit on site.
2	Farm Family Dwelling Unit	1 unit, occupied by member(s) of the farm operator's family. Requires agricultural easement with a term no less than 20 years. For parcels in Land Intensive Agriculture (LIA) zoning, a Williamson Act contract is required. Not permitted in Diverse Agriculture (DA), Resource and Rural Development (RRD), or Timber Production (TP) zoning.	The subject parcel is zoned DA which does not allow for a farm family dwelling unit.
3	Ag Employee: Full Time	1 unit for every: 50 dairy animals, 20 acres permanent crops, 100 grazing animals, 20,000 broilers, 15,000 laying hens, 3,000 turkeys, 30 horses, or 3-acres field grown nursery stock, or 1 acre of greenhouse.	The subject parcel contains one agricultural employee dwelling unit (UP 6452) proposed to be revoked due to noncompliance and does not meet minimum agricultural use thresholds to allow for an ag dwelling unit.
4	Ag Employee: Seasonal	1.5 ac min lot size; 19 workers; occupied no more than 180 days per year	The subject parcel does not contain an agricultural operation on site or off site which requires housing.
5	Ag Employee: Year-Round or Extended	5 ac min lot size; 38 workers or use permit required; occupied 180 days +	The subject parcel does not contain an agricultural operation on site or off site which requires housing.
6	Ag Employee: Caretaker Unit	One unit allowed for properties with seasonal farmworker housing for at least six (6) employees and must meet ag. employee unit thresholds. Not permitted on sites containing other permanent structures.	The subject parcel does not meet agricultural use thresholds to allow for a caretaker unit. The site contains one permanent primary dwelling unit.
7	Ag Employee: Temporary Farmworker Camps	Up to 4 self-contained recreational vehicles or travel trailers, less than 90 days.	The subject parcel does not contain and is not proposing temporary or seasonal agricultural activities.
8	Junior ADU (JADU)	Within an existing primary dwelling, up to 500 sf.	The subject parcel is permitted to have one JADU.
9	ADU	Permitted in Residential and Agriculture zones where Z District is not in place, subject to standards in Sec. 26-88-060.	The subject parcel's zoning does not allow for an ADU. Project proposes to remove the Z Combining District to allow for an ADU.

Use Permit (UP 6452)

The Use Permit (UP 6452) was approved by the Board of Zoning Adjustments on July 3, 1972, Resolution No. 3954 (Attachment 9). The Use Permit was approved for a mobile home to serve as an agricultural employee dwelling unit on the project site, subject to conditions of approval as required at the time.

UP 6452 was approved on June 22, 1972, by the Board of Zoning Adjustments for a mobile home to serve as an agricultural employee dwelling unit. This dwelling unit was subject to the following applicable conditions of approval:

1. That the subject mobile home house only those persons employed exclusively on the premises or on other properties included in the same operation for agricultural purposes and shall be removed from the property when the need to house persons employed exclusively on the premises or on other properties included in the same operation for agricultural purposes ceases.
6. That this permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been non-compliance with any of the foregoing conditions; or (b) the Board finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use.

Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26.225 ("Revocations Generally") of the Sonoma County Code."

The project site is no longer in compliance with UP 6452 and does not meet the agricultural use thresholds for an agricultural employee dwelling unit, there is no longer an agricultural use and as such no agricultural employees may be housed exclusively to serve this site.

Article 92- Administrative and Public Hearing Procedures

Section 26-92-060 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.

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.

Environmental Analysis

The project is exempt from the California Environmental Quality Act, pursuant to:

1. Public Resources Code section 21080.17 and CEQA Guidelines § 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; and,
2. 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



3. 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.
4. 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.

NEIGHBORHOOD/PUBLIC COMMENTS

None received.

RECOMMENDATIONS

Preceding Review Authority Recommendation

N/A

Staff Recommendation

Staff recommends that the Planning Commission adopt the attached resolution finding the project exempt from CEQA, approving revocation of Use Permit 6452 for an agricultural employee dwelling unit, and recommending that the Board of Supervisors approve the requested zone change removing the Z combining district.

ATTACHMENTS

- Att 1 Draft Ordinance
- Att 2 Vicinity Map
- Att 3 Aerial Map
- Att 4 General Plan Land Use Map
- Att 5 Zoning Map
- Att 6 Project Proposal Statement
- Att 7 Project Plans
- Att 8 Fire Prevention Site Evaluation
- Att 9 UP 6452 Approval and BZA Resolution
- Att 10 Draft Planning Commission Resolution

