

Resolution Number 19-004

County of Sonoma
Santa Rosa, California

May 2, 2019
ZCE18-0001 Doug Bush

A RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROJECT EXEMPT FROM CEQA, APPROVE A ZONE CHANGE TO REMOVE THE "Z" ACCESSORY DWELLING UNIT EXCLUSION COMBINING DISTRICT ON 1,924 SPECIFIED AGRICULTURALLY ZONED PARCELS, AND ADOPT AN ORDINANCE AMENDING SONOMA COUNTY MUNICIPAL CODE SECTION 26-88-060 (ACCESSORY DWELLING UNITS) TO 1) ESTABLISH GROUNDWATER STANDARDS FOR ACCESSORY DWELLING UNITS IN CRITICAL HABITAT AREAS AND 2) LIMIT RESIDENTIAL OVER-DEVELOPMENT ON AGRICULTURAL PARCELS.

WHEREAS, on December 2, 2014, the Board of Supervisors adopted the 2014 Housing Element, which sets forth policies and programs intended to remove constraints and to promote the development of additional affordable housing and special needs housing within the County of Sonoma; and

WHEREAS, the number of available rental housing units in Sonoma County has reached a critical shortage. The Sonoma Complex fires destroyed 5,130 housing units countywide, with 2,100 housing units lost in the unincorporated county alone.

WHEREAS, when it approved the Building HOMES Toolbox, the Board of Supervisors directed staff to bring forward proposed legislation to enable creation of more small, rental housing units that are affordable by design; and

WHEREAS, based on affordability surveys conducted in 2006, 2013 and 2018, that ADUs are limited in size, and because ADUs must be accessory to a primary dwelling, the County General Plan Housing Element recognizes that ADUs can contribute to the County's affordable housing stock; and

WHEREAS, Sonoma County's rental vacancy rate is approximately 2%, further exacerbating the difficulty of providing safe and secure housing that is affordable for lower-income families and for people who are homeless; and

WHEREAS, median rents have increased over 16% since 2000 and median renter household incomes have decreased 6%, and Sonoma County's lowest-income renters spend an average of 68% of their income on rent and utilities; and

WHEREAS, the Accessory Dwelling Unit Exclusion (Z) Combining District was established to prevent development of accessory dwelling units on constrained properties and to limit residential development on agricultural parcels; and

WHEREAS, General Plan Objective AR-3.1 seeks to prevent residential over-development in agricultural areas; and

WHEREAS, County of Sonoma Zoning Code Chapter 26, Article 76 establishes the criteria for application of the Z District which includes provisions to exclude accessory dwelling units in areas without adequate water or sewer services, areas with danger of groundwater contamination and areas with significant fire hazards; and

WHEREAS, Housing Element Policy HE-3c calls for county-wide review of "Z" Combining District restrictions on agricultural parcels of less than 10 acres and consideration of removal of those restrictions where appropriate, as a means of accomplishing the County's General Plan objectives associated with the goal of promoting production of affordable housing units; and

WHEREAS, Sonoma County General Plan Housing Element Objective HE-3.1 seeks to eliminate unneeded regulatory constraints to the production of affordable housing, Objective HE-3.3 seeks to increase opportunities for the production of affordable housing and based on 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; and

WHEREAS, ADUs can help support small farms by providing supplemental income and agricultural worker housing for farm families when their properties do not qualify for other agricultural housing types; and

WHEREAS, allowing accessory units on agricultural properties may also reduce commute times and associated traffic and pollution by providing rural housing near rural jobs; and

WHEREAS, the County of Sonoma Planning Division staff developed evaluation criteria (henceforth the "criteria") as described in the Staff Report, dated May 2, 2019, for identifying sites subject to the Accessory Dwelling Unit Exclusion (Z) Combining District designation where the removal of the Combining District would be appropriate; and

WHEREAS, subject to the criteria staff identified 1,924 parcels where (Z) Combining District removal would be appropriate because ADU construction would not conflict with agricultural uses, would not create significant environmental impacts, would not expose people and property to unnecessary and unreasonable risk, and would not lead to groundwater contamination; and

WHEREAS, an amendment of the zoning ordinance to expand the applicability of zero net groundwater use policies to critical habitat areas is necessary to limit impacts to groundwater dependent ecosystems; and

WHEREAS, it is necessary to prevent over-development of residential uses on agricultural properties by amending the zoning ordinance to state that an ADU may not be constructed over and above the quantity of agriculturally-related housing that could otherwise be built on the lot; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on May 2, 2019, at which time all interested persons were given an opportunity to be heard,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. CEQA

- a. The project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code § 21080.17 (statutory exemption for ordinances implementing Gov. Code § 65852.2 regarding ADUs).

2. General Plan Consistency

- a. General Plan Housing Element Policy HE-3c provides for review of the "Z" combining district restrictions on agricultural parcels of less than 10 acres county-wide, and that the Board of Supervisors should consider removing the restrictions where appropriate. The criteria established and described in the Staff Report, dated May 2, 2019, is as effective in determining site suitability for removing the Z Combining District from agricultural parcels of more than 10 acres as from agricultural parcels of less than 10 acres. Nothing in Policy HE-3c directs that parcels 10 acres or larger may not be considered for removal of the Z combining district. Thus, removing the Z combining district from the approximately 1,924 identified parcels is compatible with Policy HE-3c and the overall policy goals and objectives of the Housing Element.

- b. This proposal is consistent with Objective AR-3.1 because it does not result in the conversion of agricultural lands and would not create conflicts with agricultural production because the land required to accommodate an ADU represents a small and insignificant portion of the subject parcels. In addition, the amendment to the zoning ordinance requires an ADU to count toward the total number of housing units that a parcel would be eligible for, thereby preventing over-development of residential uses on agricultural parcels.
 - c. General Plan Objective AR3.1 is to “avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.” ADUs are compact in size because they may not exceed 1,200 square feet and do not represent a significant conversion of agricultural land. One zoning text amendment would prevent removal of permanent crops to accommodate an ADU, while a second amendment would prevent a parcel from being eligible for more density exempt dwelling units than is currently permitted. The limited size of an ADU, in addition to both zoning text amendments reduces the potential for an ADU to affect agricultural operations.
 - d. General Plan Goal AR-4 is to “allow farmers to manage their operations in an efficient economic manner with minimal conflict with nonagricultural uses.” This project would be consistent with this goal because all properties in agricultural zones are subject to right-to-farm rules which limit the ability of residents in agricultural zones to pursue nuisance complaints against agricultural operations.
 - e. The proposal is consistent with General Plan Goal AR-8 to “assist in formulating programs that could provide alternative sources of capital for agricultural production without selling or encumbering the farmland as collateral” because rezoning would remove prohibitions on Accessory Dwelling Units, which can provide supplemental income to support small farming operations, provide affordable housing for agricultural employees and may increase feasibility of starting a farming operation.
 - f. The rezoning is consistent with Public Safety Goal PS-3. 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 Safety Element, Z District removal is not included on parcels in high and very high fire hazard areas. Parcels in moderate fire hazard areas are subject to the Sonoma County Fire Safety Ordinance (Chapter 13) which includes Fire Safe Standards (Article V) relating to emergency access, roadway width and condition, emergency water supply and fuel modification.
3. Zoning Consistency
- a. Removal of the Accessory Dwelling Unit Exclusion (Z) Combining District is consistent with the LEA (Land Extensive Agriculture), LIA (Land Intensive Agriculture), and DA (Diverse Agriculture) zoning districts because accessory dwelling units are a permitted use in these zoning districts.
 - b. The parcels proposed for rezoning to remove the Z Combining District are not under a Land Conservation Act Contract.
 - c. The Z Combining District is intended to preclude accessory dwelling units on parcels where this is an inadequate supply of water for drinking or firefighting purposes; areas where this is inadequate sewer services or danger of groundwater contamination, areas where the addition of accessory dwelling units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways; and areas where, because of topography, access or vegetation, there is a significant hazard. Each parcel proposed for rezoning meets staff’s recommended screening criteria as follows:
 - the property is not located within a high or very high fire hazard severity zone;
 - the property is not within a critical biotic habitat area for the California Tiger Salamander;
 - an ADU on the parcel does not present the potential for groundwater

- contamination;
- an ADU on the parcel will not unduly contribute to declining groundwater levels;
- the property is not located in a Traffic Sensitive Combining Zone;
- the property is not subject to a Land Conservation (Williamson Act) or other open space contract, or other recorded agricultural easements; and
- the property is not located in the Coastal Zone

If a parcel is rezoned and an ADU application is submitted, it is subject to the objective criteria contained in Zoning Code Section 26-88-060. Both the screening criteria for rezoning, and the objective criteria applied to each ADU application appropriately address the issues for which the Z Combining District was originally applied.

4. Additional Findings

- a. The proposed rezoning will avoid affecting listed species because:
 - i. parcels in designated critical habitat areas for the California Tiger Salamander are excluded from rezoning, protecting the Salamander and other species which share this same habitat;
 - ii. new accessory dwelling units in areas recognized as critical habitat for protected fisheries will be precluded from generating any additional water use beyond that generated by the existing single family dwelling to limit reduction in streamflow over existing conditions; and
 - iii. rezoning does not modify the responsibility of each applicant to comply with state and federal laws regarding natural resource protections;
- b. The proposed parcels are in areas that have low population densities, low housing densities and generally very low traffic volumes, and addition of an ADU on some parcels would not substantially affect traffic volume.
- c. A notice of the public hearing was duly published for public review and comment at least 10 days prior to the public hearing.
- d. The Planning Commission has reviewed and considered the staff report and presentation, and all comments, materials and other evidence presented by members of the public prior to and during the public hearing held by the Commission on May 2, 2019.

BE IT FURTHER RESOLVED that, the Planning Commission recommends that the Board of Supervisors approve the requested Zone Change and amendments to Sonoma County Code, Section 26-88.

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 Shahhosseini, who moved its adoption, seconded by Commissioner Mauritson, and adopted on roll call by the following vote:

Commissioner Fogg	Aye
Commissioner Tamura	No
Commissioner Shahhosseini	Aye
Commissioner Mauritson	Aye
Commissioner Lowry	No

Ayes: 3 Noes: 2 Absent: 0 Abstain: 0

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