



Sonoma County Planning Commission
DRAFT MINUTES

Permit Sonoma
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: May 2, 2019
Meeting No.: 19-03

ROLL CALL

Dick Fogg
Todd Tamura
Komron Shahhosseini
Cameron Mauritson
John Lowry, Chair

STAFF MEMBERS

Milan Nevajda
Jane Riley
Doug Bush
Nina Bellucci
Arielle Kohn, Secretary
Jennifer Klein, Chief Deputy County Counsel

1:00 PM Call to order and Pledge of Allegiance

Board of Zoning Adjustments/Board of Supervisors Actions

Correspondence – Deputy Director Nevajda reported additional Public Comments were received and were distributed accordingly.

Commissioner Announcements/Disclosures – Commissioner Tamura made reference to a public comment received for ZCE18-0001 that claimed several statements in the Staff Report were inaccurate. He asked the planner, **Doug Bush**, if he knew what the other issues of concern were other than traffic. **Staff Bush** said the statements in the comment were all related to traffic. **Commissioner Lowry** talked with **Chief Deputy Director County Counsel, Jennifer Klein**, about conversations with other members of the commission and spoke with **Deputy Director Nevajda** about the history of the ADA policy on agricultural parcels.

Public Appearances – James Savage, Rosanne Schneider, Richard Hannan, Rachel Bell, and John Jenkel spoke regarding concerns about activities and permits issued at the Paul Hobbs Winery in Sebastopol.

Items scheduled on the agenda

PLANNING COMMISSION REGULAR CALENDAR

Item No.: 1
Time: 1:20 PM
File: ZCE18-0001

Applicant: County of Sonoma
Cont. from: N/A
Staff: Doug Bush
Env. Doc: 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 Accessory Dwelling Units).

Proposal: Remove the Z (Accessory Dwelling Unit Exclusion) Combining District from identified agriculture district parcels and establish new objective standards for review of Accessory Dwelling Unit applications county-wide.
Location: County of Sonoma, excluding the Coastal Zone
APN: Various
District: All
Zoning: Land Extensive Agriculture, Land Intensive Agriculture, Diverse Agriculture

Doug Bush summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners

Commissioner Fogg asked how do they know they aren't establishing the building of 1,377 B&Bs. **Staff Bush** noted that according to the requirements in the ordinance, an Accessory Dwelling Unit (ADU) cannot be used as a short-term rental, Airbnb, Vrbo, etc. The County has made extensive efforts through a web scrape identifying ADUs that are not complying with the requirements. **Commissioner Fogg** asked who would be enforcing noncompliance. **Staff Riley** said they have a current and ongoing contract with a web scrape company that pulls up all the ones that are advertised and not eligible to be used as vacation rentals which are enforced and monitored by Permit Sonoma. It's a mandatory 10 times penalty for the first offense. Commissioner Fogg said it is a great system but asked if that is working for the County. Staff Riley replied that it is working and very effective.

Commissioner Tamura asked if there were there any cases where there was an application for a Z exclusion in the past for less than 10 acres that the County decided not to accept it, and if so, would that same thing be excluded under this policy. **Staff Bush** said there have been around 40 that have been approved and none have been disapproved that have met the criteria. **Deputy Director Nevajda** referred to page 6 of the Staff Report where discussion began on the development of evaluation criteria which were directly derived from the specific findings that would have to be made by this commission or any other review body when considering Z removal. It would not be possible to remove the Z on a case by case basis unless the finding associated with these particular issues, such as fire or groundwater issues can be made. The criteria are directly built off of that and then expanded thru additional factors.

Commissioner Tamura mentioned that the written comments received were mostly regarding traffic and asked what level of analysis was done on traffic and if there is anything that might help address those kinds of comments. **Staff Bush** stated that as they looked at the traffic question as it relates to the purpose for the Z district to be put in place, the majority of these parcels are on low use rural roads that don't have a significant amount of use. The Z district applies where there are existing traffic hazards or heavily impacted streets. Areas identified as traffic sensitive zones are not proposed for rezoning. However, beyond that, it has not been identified as an issue in relation to being a significant traffic hazard the amount of heavily impacted streets in these low density rural areas.

Commissioner Mauritsen asked where the exact language is in the Staff Report on the salmonid text amendment and if that was a factor in the building of an ADU. **Staff Bush** referred the commissioners to Attachment 2, Exhibit A, page 2 of 5 which he read aloud. In regards to the existing ADU Ordinance, he explained how the text would be amended to include these areas and apply the same standard that is currently applied to Class 4 areas. **Deputy Director Nevajda** referred to the ADU Ordinance and said this proposal is establishing the initial criteria and that they are still in discussion. The rest of the discussion which is currently in the ordinance and unmodified allows for an applicant to, through a groundwater report and if they meet the requirements for Class 3, establish that on a site by site basis. They could for example demonstrate they would not have the impacts that are meant to be avoided through this criteria.

Commissioner Mauritson asked what Staff considers the downside to Option 2 including parcels over 10 acres. **Staff Riley** said they took all those other parcels with the same zoning designation and ran them through the same filter, so all the same criteria were applied to those parcels and the only difference being they are 10 acres and above and there are approximately 500 of those. The reason they are not part of the recommendation is because it doesn't achieve the same strict implementation of that specific policy in the General Plan housing element. The Board of Supervisors (BOS) asked us to do that by adoption of that policy. What we are bringing forward strictly fulfills the Board's direction to us in adoption of that policy. It doesn't mean that we can't consider larger parcels because those still meet the other criteria, objectives and policies of the housing element in the other parts of the General Plan. We are bringing forward the program that the Board directed us to do with adoption of that policy in 2014.

Public Hearing opened: 1:52 p.m.

Douglas Emery, Sebastopol, asking to deny the recommendation and sees the proposal as creep in public trust. It looks like an alternative and not addressing the housing issue in Sonoma County. He voiced concerns about this change specifically noting that smaller 10 acre parcels are leased out to bigger places like wineries. This is not in the best interest at this time to remove a farmworker ordinance of the General Plan for this purpose. Groundwater issues are a problem. Mitigation, traffic and park fees were waived and that is not a good idea. He stated this is not good practice for the community and supports a denial for this recommendation.

Staff Riley stated that they have had several members of the public express concern that we are expanding provisions for the bunk house ordinances, but in fact this hearing is strictly limited to Accessory Dwelling Units and that bunk houses are not a part of this consideration. **Commissioner Tamura** asked what the square footage limitation is for ADUs. **Staff Riley** stated the maximum square footage is 1200 sq. ft.

Teri Shore, Greenbelt Alliance, said this ordinance is not addressing affordable housing in Sonoma County. There is no affordability standard, requirement or otherwise noted anywhere in this ordinance. She voiced concerns that it does induce growth outside the cities and towns in urban service areas and would significantly add development in the rural communities. She said more analysis is needed to see what the overall impacts are. Ms. Shore said she appreciates the wildfire risk is mentioned. However, she urged the Planning Commission to ask the Staff to hold this and include it as part of the General Plan update.

James Monsoun, Sebastopol, would be affected by this ordinance. He wonders why he was initially excluded when neighbors were allowed to get ADUs. He asked **Staff Bush** some questions prior to the hearing for some clarification and feels bunched in with the vineyard criteria even though his house is not a part of that. We know we are going to grow and hopes the County and members of the public can reach some consensus. Mr. Monsoun invited Staff or the Commissioners to contact him regarding his particular situation if they have any questions.

Wendy Krupnick, Santa Rosa, asked that this be postponed. She said the traffic studies are old and were from the previous General Plan which were done a long time ago. The impacts of the increased traffic in recent years are an area of concern. There are some assertions about the parcels less than 10 acres being less desirable for agriculture and that they might not be large enough to support agricultural operations. She said people are looking at small parcels for agriculture, that the demand these days is for diverse agricultural crop and small parcels are in high demand. Mrs. Krupnick mentioned the updating of farm worker housing standards and mentioned speaking with Supervisor Hopkins and that she committed to convening a group of Ag stakeholders to update these standards. She requested postponing making a decision on this until the Ag community has been consulted and has a chance to discuss this together.

Michael Hilber, Santa Rosa, concerned that impacts are not being adequately considered and there should not be a change at this time and should be a part of the General Plan update. There is potential for significant impacts. He is concerned about high-priced rentals and traffic impacts. It is best to not approve this.

Rue Furch, Sebastopol, said the community is lucky and fortunate to have County Staff of this caliber. She voiced her concerns about the need for more housing, especially after the fires, and that it's critically important. She asked where all the housing will go and that the infrastructure needs to be in place first, where infrastructure can support density at more affordable prices and provide services to residents of all ages. This

includes agriculture as a fundamental value and resource management as the backbone of our sustainable future. These are key to maintaining our economic future as well. She asked the commissioners to consider all of the impacts.

Jennifer Mann, Sebastopol, said that her adult children sold their home and she sold her home, and they bought a house together on 3 acres because they want to build a granny unit because she is a grandma. The Z overlay was a surprise to them and the cost to do a case by case basis application will cost thousands of dollars out of her construction budget. The permit process requirements address noncompliance issues. Mrs. Mann is looking forward to these changes so that she can apply for her granny unit. She supports the Commission to pass this.

Mary Moldowan, Sebastopol, spoke about their friends who lost their house in the fire and have stayed with them ever since. She wants to build a small ADU for them because they can no longer afford to buy a house. She supports the proposal as recommended by Staff.

Kent Partridge, Santa Rosa, is a realtor on the sale of a parcel that falls under this criteria. He supports removing the Z from the parcel. He has had 30 showings of this property and over half inquire about the availability of ADUs. Even buyers from outside of the country have inquired about buying a parcel with the option for an ADU. He asked if the seller should wait until the potential changes are in place. **Commissioner Lowry** clarified that they are talking specifically about parcels below 10 acres. **Deputy Director Nevajda** added that this project would not affect the procedure currently in place which is a case by case basis. The property would have to be evaluated to see if it was appropriate for Z removal. Part of the basis for reaching a recommendation to remove the Z is consistency with both the Zoning Ordinance requirements and General Plan policy.

Public hearing closed: 2:22 p.m.

Commissioner Fogg asked how many of lots are within a community separator. **Staff Riley** said there are about 20 lots, just under 1.5 percent, of the ones under 10 acres that are being recommended.

Staff Riley shared some data points to respond to some of the issues brought up during the hearing. Peak hour trip generation for an ADU is 0.31, meaning if a street built 3 new ADUs, it would result in 1 additional peak hour trip on the road. ADU surveys are done every 5 years because ADUs are counted as part of the affordable housing stock. The latest survey was in March 2019, for ADUs and affordability levels. There are 116 responses so far, 60 percent are occupied by family members, 30 percent are occupied by people with incomes of less than \$30,000 a year. The average rent is \$1,115 for the ones that charge rent. Some family members do not charge any rent which puts them in the very low income category. In general, we consider them to be affordable at a moderate level.

Commissioner Tamura is concerned about the loss of agricultural land and the people that are not using it for that purpose. He noted that the results could be a little different than what was intended if the almost 1,400 parcels open up now and ADUs are built.

Commissioner Shahhosseini asked if there is anything that says adding an additional granny unit would preclude agriculture from continuing to occur on the property. **Staff Riley** answered no. **Commissioner Shahhosseini** said if it is 430,000 sq. ft. minimum, and 1,200 sq. ft. of that is taken away, say 1,500 sq.ft. including foundation, and Ag cannot be there. He asked if the other 428,000 sq. ft. is still ok for Ag. **Staff Riley** said absolutely.

Commissioner Tamura stated that it's not so much that it would displace Ag by the footprint, it's just the nature of how the land is used. If the primary purpose is the put in a unit for income generation, then that is different.

Commissioner Shahhosseini stated that income generation is part of the crux as to why we are losing farmers. Income generation is difficult when only farming. Not having a supplemental income or at least having someone in your family that can use that, will free up of housing stock. In addition, there would be an extra income source and support to whatever farming is occurring there.

Commissioner Mauritsen agrees with **Commissioner Shahhosseini** and the commissions will consider including parcels over 10 acres. It's difficult to make a living on just 10 acres. He stated that if he were to have

any concerns, his one concern would be regarding people that move into rural areas don't necessarily understand farming and why certain things happen but that is mitigated by the Right to Farm Ordinance. The benefit of the proposal is preserving a generation and trying to keep the fabric of the community here. Trying to keep young families, and grandmothers and parcels from changing hands. He said change happens and he is supportive of this policy. Most rural roads in Sonoma County at 5:35 a.m. have traffic because there are a lot of people going to work. A huge amount of workers coming to work in farms in Sonoma County are coming from outside of the county. They are coming from outside of the county because there is not enough housing here, but there are jobs. So they live out of the county for the good paying Sonoma County jobs. There is a win to be had in providing more housing that will hopefully keep people working in the area and keep long-time residents here in Sonoma County.

Commissioner Lowry referred to his background in low income affordable housing and is uncomfortable to say ADUs provide affordable housing. Low income by definition is 80 percent of the median income which means those people make up approximately 1/3 of the population of the County. More than half of them are already paying more than half of their entire income in rent. The distress that low-income people and families have, are feeling increased distress with the cost of housing and ADUs are not addressing that need to any great extent. He voiced concerns that the County and other jurisdictions have moved away from offering low income affordable housing and stated housing should really be in higher density areas of the county.

Commissioner Shahhosseini motioned to approve the Staff recommendation. **Commissioner Mauritson** seconded the motion and asked if there any commissioners interested in Option 2, including parcels over 10 acres. **Commissioner Shahhosseini** said he is in support to include over 10 acres. Amendment to the motion by **Commissioner Shahhosseini** and seconded by **Commissioner Mauritson**.

Commissioner Tamura referred to a very recent project where staff recommended denial of a Z overlay removal request, ZCE18-0014 heard on April 4, 2019 and asked what the difference is in this proposal. **Deputy Director Nevajda** said in general Z removal is done on a case by case basis and that the application did not include removing the Z for under 10 acres. **Commissioner Tamura** asked why would staff recommend denial on that one, and recommend approval on this one and if that is written down somewhere in an ordinance or code. **Deputy Director Nevajda** said they are having to balance policies that pull in different directions. Ag preservation policies are part of this and with the housing crisis, there is also the need to reduce barriers for affordable housing. A factor that was important for that particular application is addressed through the current proposed amendment to the ADU ordinance that addresses how an ADU and Ag housing would play together on a parcel that would qualify for both. That last application which was reviewed was adding in ADUs in addition to what was already identified as a qualified Ag opportunity and Ag housing opportunity. With the correction on what we are proposing, that application could come forward and have the choice between the two, it could not have done both. It was less protected than what we are doing here.

Staff Riley said that it's all a balance of policies and that is what makes it so challenging. **Commissioner Mauritson** referred to a project where the applicant owned just under 20 acres which he thought made it nonconforming. **Deputy County Counsel Shaw** asked **Commissioner Mauritson** if he recused himself on that item. **Commissioner Mauritson** said he did not sit for that item. The house was approximately 1,000 sq. ft. and to tear that down to build something else. **Commissioner Tamura** said he understood that ZCE18-0014 was a case-specific determination and that he was not interested in revisiting that. The 10 acre size restriction came up during the hearing and that was one of the key reasons for the Staff's proposed denial of that Z overlay removal request. **Commissioner Tamura** asked whether consideration of parcels over 10 acres is consistent with past projects and past consideration of General Plan Policy HE-3C.

Commissioner Lowry asked if parcels over 10 acres are allowed agricultural housing. **Deputy Director Nevajda** responded stating agricultural housing, in a broad sense, is based on meeting a certain amount of agricultural activity on the property.

Commissioner Tamura commented on amending the motion to any size, and in doing so, is going in the opposite direction of the concerns raised earlier. He was also concerned about the people who have interest and mentioned some issues about not having enough notice on this. He is more inclined to go with Option 1.

Commissioner Lowry stated he is not in favor of changing the Staff's recommendation.

Commissioner Shahhosseini suggested voting on the item as it was presented but that he would like to go back and have it on record.

Commissioner Fogg stated he is uncomfortable with what we are doing. He said it's irresponsible to wait until the 2020 General Plan update. Higher Density is probably the best answer but he lives in Sonoma so he said let's not talk about higher density. He is bothered by the creep argument. **Commissioner Lowry** is also bothered about moving slowly and surely onto agriculture, he said the County was built on agriculture and that's why we are here. Regarding the 10 acres, he would be in support of the change but he would like to see PRMD do an analysis of what's involved, how many lots are involved and what the current circumstances now. **Deputy Director Nevajda** said properties over 10 acres were analyzed to identify how many would be added to the 1,377 parcels so they know the total number of parcels that would be affected. However, he does want to qualify that number. It's important to recognize this GIS analysis done looking at the conditions that we have mapped, and it starts at a baseline from parcels in the County. Some of those parcels are really right of way, some of them are along creek banks, so it's not all perfectly square lots of a quarter acre that are perfect for ADUs or other housing renting developments. There is no direct correlation between the number of parcels rezoned, and the number of ADUs which will be built. It is wrong to assume all parcels will qualify for an ADU.

Commissioner Fogg said he will support the motion but thinks its imperfect and would like to see more work done.

Commissioner Shahhosseini said they need to vote on the motion as it was moved and amended.

Deputy Director Nevajda restated for the record that the motion is to recommend to the BOS adoption of an ordinance that considers the criteria and applies them to parcels over 10 acres as well and Staff would be drafting a modified Resolution. The motion was made by **Commissioner Shahhosseini** and seconded by **Commissioner Mauritsen**.

Commissioner Fogg asked for clarification on the amended motion.

Deputy Director Nevajda clarified that the initial motion was amended to consider Z removal on parcels subject to the criteria that were applied to parcels over 10 acres as well.

Staff Bush said the number of parcels that would be affected under Option 1, which is parcels under 10 acres, is 1,377. Option 2 would include parcels of all sizes that meet the eligibility criteria and that would be 1,924 parcels. **Staff Riley** referred to page 12 of the Staff Report. **Staff Bush** stated the difference between them is 547 parcels.

Commissioner Tamura asked if the current motion is for Option 2. **Commissioner Fogg** said yes.

Action: **Commissioner Shahhosseini** motioned to approve the project as recommended with modified conditions. Seconded by **Commissioner Mauritsen** and passed with a 3-2-0 vote.
Appeal Deadline: N/A
Resolution No.: 19-004

Vote:

| | |
|---------------------------|-----|
| Commissioner Fogg | Aye |
| Commissioner Tamura | No |
| Commissioner Shahhosseini | Aye |
| Commissioner Mauritsen | Aye |
| Commissioner Lowry | No |

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

Time: 2:20 PM
File: ZCE18-0021
Applicant: Miguel and Monika Pelayo
Owner: Enrique and Josefina Pelayo, Miguel and Monika Pelayo
Cont. from: April 18, 2019
Staff: Nina Bellucci
Env. Doc: 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)

Proposal: Request for a Zoning Change to remove the Z Accessory Dwelling Unit Exclusion Combining District from a parcel zoned LEA B6 60 Z, RC 50/50 SR
Location: 5565 Bodega Avenue, Petaluma
APN: 113-010-003
District: 2
Zoning: LEA (Land Extensive Agriculture District) B6 60 (60 acres per dwelling unit density) Z (Accessory Dwelling Unit Exclusion Combining District), RC 50/50 (Riparian Corridor Combining District, 50-foot setbacks) SR (Scenic Resources Combining District)

Nina Bellucci summarized the staff report, which is incorporated herein by reference.

Public Hearing Opened at 3:03pm

Miguel Pelayo, Applicant, grew up in Sonoma County and was excited about the purchase of the property until finding out about the Z zoning restriction. He spoke about sky-high housing prices in Sonoma County and how fortunate he was to buy the property with his parents. Mr. Pelayo and his wife want to build a small home on their property where they can raise their daughter. He asked the commissioners to consider his application for approval.

Public Hearing Closed: 3:06 p.m.

Action: **Commissioner Tamura** motioned to approve the project as recommended. Seconded by **Commissioner Shahhosseini** and passed with a 5-0-0 vote.

Appeal Deadline: N/A
Resolution No.: 19-005

Vote:

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|---------------------------|-----|
| Commissioner Fogg | Aye |
| Commissioner Tamura | Aye |
| Commissioner Shahhosseini | Aye |
| Commissioner Mauritsen | Aye |
| Commissioner Lowry | Aye |

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

Public Appearances resumed at 3:08 p.m. for items not on the Agenda – Vanessa Steele and Rob McGilley spoke regarding concerns about activities and permits issued at the Paul Hobbs Winery in Sebastopol.

Public Hearing closed: 3:14 p.m.