

Resolution Number 19-

County of Sonoma
Santa Rosa, California

Date: October 7, 2019
File Number: MNS12-0004
Planner: Georgia McDaniel

**Resolution Of The Board Of Supervisors, County Of Sonoma,
State Of California, Adopting A Mitigated Negative Declaration
And Approving The Minor Subdivision For Property Located At
245 Paula Lane; APN 019-080-003.**

Whereas, the applicant, Kim Gardner, filed Minor Subdivision application MNS12-0004 with Permit Sonoma to subdivide 6.06 acres into two lots of 1.53± acres each and a designated remainder of 3.0± acres located at 245 Paula Lane in Petaluma; APN 019-080-003;

Whereas, the project site is in General Plan Land Use Designation RR (Rural Residential) and is zoned AR (Agricultural and Residential) 2-acre density and no combining zones; Supervisorial District No 2 (“the Project”); and

Whereas, the publication date for the original Mitigated Negative Declaration is December 13, 2017, and Revision 1 date is September 20, 2018; and

Whereas, pursuant to Sonoma County Code Section 25-42(b), a Planning Commission hearing on the application was required because the proposed lots do not conform with the proposed lot depths for Lot 1 and 2 are greater than three times the lot widths; and

Whereas, the applicant requested that the Planning Commission approve the lot configuration using an exception to lot depth and width ratios pursuant to the optimal design and improvement standards criteria provided in Section 25-43 of the subdivision code; and

Whereas, in accordance with applicable provisions of law, the Planning Commission held a public hearing on November 1, 2018, at which time the Planning Commission received and considered all material in the public record on the project, and all interested persons were given an opportunity to comment on the project and the associated Mitigated Negative Declaration; and

Whereas, on November 1, 2018, the Planning Commission approved the Mitigated Negative Declaration, adopted the mitigation monitoring program for the Project, and approved the tentative map, granting the exception to the lot depth to width ratio in Resolution No. 2018-019; and

Whereas, a timely appeal of the Planning Commission decision was filed on November 8, 2018 by Paula Lane Action Network; and

Whereas, a Final Mitigated Negative Declaration (Revision 2) was prepared for the Project, noticed on August 23, 2019 and made available for agency and public review in accordance with the California Environmental Quality Act ("CEQA") and the State and County CEQA Guidelines; and

Whereas, the Board of Supervisors held a duly noticed hearing on the appeal on October 7, 2019, where the Board considered all material in the record on the project and the associated Final Mitigated Negative Declaration.

Now, Therefore, Be It Resolved that the Board of Supervisors finds and determines as follows:

1. CEQA Compliance.

In making its determination to approve the Final MND and the Project, the Board recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues. The Board has gained a well-rounded understanding of the range of these issues by its review of the Final MND, the prior proceedings at the Planning Commission, all comments, testimony, letters and reports regarding the Final MND, and its own experience and expertise in these environmental issues. Prior to making the following findings, the Board has reviewed and considered the evidence and analysis presented in the Final MND, the information presented in the Appeal and post-Appeal comments, the technical reports, information and responses submitted prior to and after the Planning Commission hearing, staff responses addressing those reports and comments, and all public comments made at or before the Board hearing. The Board's findings are based on a full appraisal of all viewpoints, evidence and information in the record of these proceedings.

- a) The Board further finds that the Final MND reflects the Board's independent judgment and analysis. The Board finds that the Final MND has been completed in compliance with CEQA and that the Final MND adequately and fully describes the Project and its potential environmental effects.
- b) The Board further finds that there is no substantial evidence in light of the whole record of these proceedings sufficient to support a fair argument that the Project may have a significant effect on the environment. Therefore, the Board finds that an EIR is not required for the Project.
- c) The Board concurs with the analysis and conclusions in the Final MND and the staff analysis and recommendations and finds that with the identified mitigation measures in the Final Revised MND, and project conditions of approval attached hereto as Exhibit A and incorporated herein, all environmental impacts

associated with the Project will be less than significant. The Project does not have impacts that are individually limited but that would be cumulatively considerable when viewed in connection with the effects of past projects, other current projects and the effects of probable future projects.

- d) The Board makes the following specific findings regarding environmental impacts of the Project evaluated in the Final MND, suggested by Appellants and/or discussed in public comment on the Final MND and the Project.
- (i) The sense of openness will be maintained and disruption of the ridgeline as seen from Bodega Highway and Paula Lane will be reduced by the placement of new structures in building envelopes generally behind the existing house, barn and trees on the eastern boundary.
 - (ii) The depth to width ratio of the proposed lots will maintain the existing development pattern in the neighborhood.
 - (iii) The pass-thru fencing installed around the designated American Badger and Wildlife Habitat Area on proposed Lots 1 and 2 where it borders the Paula Lane Open Space Preserve will allow badgers to move through the property and is consistent with the restrictions on fencing applicable to the neighboring Paula Lane Open Space Preserve.
 - (iv) One acre at the back of proposed Lots 1 and 2 adjacent to the City of Petaluma's Paula Lane Open Space Preserve will be designated as American Badger and Wildlife Habitat and a deed restriction, easement or covenant acceptable to the County shall be recorded on each lot to preclude development in that area.
 - (v) A Common Area is designated within the American Badger and Wildlife Habitat Area on Lot 1 for use by the residents of Lots 1 and 2 plus the Designated Remainder for passive recreational use and an easement and covenant acceptable to the County shall be recorded plus an access easement for Lot 1 and the Designated Remainder parcel.
 - (vi) All restrictions and mitigation measures in the WRA Biological Resources Assessment (August 2014) related to the designated American Badger and Wildlife Habitat Area are noted on the Tentative Map and required on the Recorded Parcel Map.

- (vii) Drainage patterns will not be altered by the Project as all building and grading will be carried out under permits which will undergo review by Permit Sonoma to ensure compliance with State and local laws related to drainage and erosion control. An Erosion and Sediment Control Plan which meets all such laws, standards and best management practices is required as part of any grading plan.
- (vii) The Project is located in a Class 2 Water Availability Area. Groundwater supplies are adequate for the proposed domestic use on the property. The potential for the Project to adversely impact groundwater supply for the additional two units plus potential Accessory Dwelling Units and Junior Accessory Dwelling Units is low. The new lots are subject to the Water Efficient Landscaping Ordinance to minimize water use. The ordinance includes requirements for landscape water budgets, landscape and irrigation design, and irrigation scheduling.
- (viii) The designated building envelopes for each of the lots are located in the center of the lots, set back 210 feet on Lot 1 and 140 feet on Lot 2 from the designated American Badger Habitat area.
- (ix) All parcels have access via Paula lane, a County maintained road.

2. Subdivision Map Act and Sonoma County Code Chapter 25 Compliance.

- a. The proposed parcel configuration meets the criteria for Section 25-43 optional design and improvement standards relating to the ratio of lot depth to lot width since it would:
 - (i) Maintain consistency with lot layouts in the immediate neighborhood and mitigate all potential environmental impacts of the subdivision, including those specified above;
 - (ii) Protect environmental resources by setting aside in perpetuity one acre of the subdivision as an American Badger and Wildlife Preserve and restricting development and activity on that portion of the property;
 - (iii) Create an open common area with recordation of an easement and covenant and the gross density is not increased; and

- (iv) Reduce the risk of erosion by placing building envelopes centrally on the proposed lots away from sloped terrain at the west of the project site.
- b. The depth to width ratio of the proposed lots would be similar to other lots in the neighborhood and the prevailing development pattern in the area.
- c. The subdivision complies with the Subdivision Map Act (Government Code Sections 66410 through 66499.58). Pursuant to Section 66474:
 - (i) The proposed map is consistent with the Sonoma County General Plan and the West Petaluma Area Plan as set forth in findings sections 3, 4, and 5 below.
 - (ii) The design and improvements of the proposed subdivision are consistent with the Sonoma County General Plan and West Petaluma Area Plan as set forth in findings sections 3, 4 and 5 below.
 - (iii) The site is physically suitable for the type of development proposed, two residential lots with a designated remainder, because each lot meets minimum parcel sizes specified in the Sonoma County General Plan and zoning ordinance, and no physical barriers affect the proposed lots. Each lot has its own well and primary and reserve septic areas.
 - (iv) The site is physically suitable for the proposed density because the newly created lots and the designated remainder comply with density standards set in the Sonoma County General Plan and zoning ordinance. Each new lot is 1.53± acres, and the designated remainder is 3.0± acres, which meet the minimum parcel size requirement of 1.5 acres for lots served by private well and septic.
 - (v) The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because mitigation measures are imposed through conditions of approval, as specified in Section 1 above, including but not limited to conditions to reserve a portion of the site as American badger and wildlife habitat, restrict building and use on that portion of the site, provide wildlife-friendly pass-through fencing around the habitat area and between the site and the neighboring Paula Lane Open Space Preserve and take measures to protect burrowing owls, should any be found on the site. All mitigation

measures identified in the Final Mitigated Negative Declaration prepared for the subdivision pursuant to CEQA reduce potential impacts on the environment, wildlife and habitat and are incorporated into the project conditions of approval.

- (vi) The design of the subdivision and the residential improvements are not likely to cause serious public health problems because each residential lot will have its own well and septic system which meets County environmental health standards.
 - (vii) The design of the subdivision and the residential improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision because no public easements of record or easements established by court judgment affect the proposed site. The proposed internal access easement for the common area does not allow public use.
3. The subdivision complies with the Sonoma County General Plan land use designation of Rural Residential with a 2-acre per dwelling unit designation, and the AR zoning district's 2-acre density. The subject parcel is 6.06 acres with a density of 2 acres per dwelling unit. The minor subdivision proposes 2 lots with a residential building envelope on each lot and a designated remainder with an existing residence. Each proposed lot is $1.53 \pm$ acres and the designated remainder is $3.0 \pm$ acres which meets the minimum parcel size requirement of 1.5 acres for lots served by private wells and septic systems.
 4. The proposed parcels as depicted on the Tentative Map are consistent with the West Petaluma Area Plan since the proposed lots are $1.53 \pm$ acres each and each lot has its own existing well and a primary and reserve septic area. The subject parcel's land use designation in the West Petaluma Area Plan is Rural Residential 1.5-acre density per the West Petaluma Area Plan Land Use Map.
 5. The subdivision is consistent with Sonoma County General Plan goals, policies and objectives. The proposed lots as depicted on the Tentative Map do not conflict with County General Plan policy for the Rural Residential designation as the primary uses for each proposed lot will be detached single family homes.

Be It Further Resolved that based upon the information contained in the full record of proceedings and the findings and determinations set forth in this resolution, the Board of Supervisors declares and orders as follows:

1. The findings and determinations set forth in this resolution are true and correct, supported by substantial evidence in the record and adopted as set forth above.

2. The Final MND is adopted.
3. The Appeal of the Planning Commission approval of the Project is denied.
4. The tentative map for the Project as presented in the site plan and drawings dated July 24, 2019, including an exception to exceed the lot depth to width ratios pursuant to Sonoma County Code Section 25-43, and subject to the conditions of approval attached hereto as Exhibit A and incorporated herein, including but not limited to design review for the future construction of residential structures, is approved.
5. The Clerk of the Board is designated as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's 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.

Supervisors:

Gorin: Zane: Gore: Hopkins: Rabbitt:

Ayes: Noes: Absent: Abstain:

So Ordered.