

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
 Meeting Date Held Until
 ____/____/____ ____/____/____
 Agenda Item No: Agenda Item No:

Department: Permit and Resource Management
 Department

() 4/5 Vote Required

Contact:
 Melinda Grosch

Phone:
 (707) 565-2397

Board Date:
 July 14, 2009

Deadline for Board Action:

AGENDA SHORT TITLE:

Original Jurisdiction and set time and date for appeal hearing: [REDACTED], PLP06-0008

REQUESTED BOARD ACTION:

Request for the Board of Supervisors to take Original Jurisdiction on the appeal of an administrative decision to deny a request for six Administrative Certificates of Compliance and to set the time and date for the hearing for property located at 2245 Spring Hill Road, Petaluma; APN 020-010-009; Supervisorial District 2.

CURRENT FISCAL YEAR FINANCIAL IMPACT

EXPENDITURES

ADD'L FUNDS REQUIRING BOARD APPROVAL

Estimated Cost \$

Contingencies \$
 (Fund Name:)

Amount Budgeted \$

Unanticipated Revenue \$
 (Source:)

Other Avail Approp \$
 (Explain below)

Other Transfer(s) \$
 (Source:)

Additional Requested: \$

Add'l Funds Requested: \$

Explanation (if required):

Prior Board Action(s):

N/A

Alternatives - Results of Non-Approval:

On File with Clerk: N/A

Background:

In February 2006 [REDACTED] applied for six Administrative Certificates of Compliance (ACC's) for property located at 2245 Spring Hill Road, Petaluma.

The application was reviewed and it was determined that the underlying parcels met the criteria of Subdivision Map Act and the Sonoma County Subdivision Ordinance for the recognition of historic parcels. However, the parcel is subject to a Sonoma County Agricultural Preservation and Open Space District (Open Space District) Easement entered into in 1993 by the Burns'. This easement prohibits "the division, subdivision, or de facto subdivision of the Property, ..." (*Exhibit C, Prohibited Uses and Practices* of the easement). Based on this information Permit and Resource Management Department (PRMD) staff determined that the ACC's could not be granted and the issue was presented to the Open Space District for their interpretation. A letter stating PRMD's preliminary determination was sent to the Burns' in March 2007.

In response [REDACTED] filed an appeal of the preliminary determination that their request for six ACC's could not be granted due to the 1993 Open Space Easement.

In April 2009 the Board of the Sonoma County Agricultural Preservation and Open Space District concurred with PRMD staff and found that the terms of the Burns' Conservation Easement precluded the issuance of ACC's. This action allowed PRMD to formally deny the requested ACC's which activated the previously filed appeal.

Normally, appeals of administrative decisions regarding ACC's would go to the Planning Commission. However, in this instance the Sonoma County Board of Supervisors is requested to take Original Jurisdiction of the appeal of the denial of the ACC's as the Board is already familiar with the issues related to this appeal since acting in its capacity as the Board of the Sonoma County Agricultural Preservation and Open Space District in making a determination on the terms of the Open Space Easement.

Attachments:

N/A

On File With Clerk:

N/A

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: