

<h1 style="margin: 0;">County Of Sonoma</h1> <h2 style="margin: 0;">Agenda Item</h2> <h3 style="margin: 0;">Summary Report</h3>			Clerk of the Board Use Only	
			Meeting Date / /	Held Until / /
			Agenda Item No: _____	Agenda Item No: _____
Department: Permit and Resource Management Department			<input type="checkbox"/> 4/5 Vote Not Required	
Contact: Cynthia Demidovich	Phone: (707) 565-1754	Board Date: 9/15/2009	Deadline for Board Action:	
<p>AGENDA SHORT TITLE: Final action on a Resolution denying an appeal: UPE07-0117, [REDACTED]</p> <p>REQUESTED BOARD ACTION: Approve a Resolution denying the appeal of the Board of Zoning Adjustment's decision to approve a Use Permit for a large family day care facility located at 4700 Stoetz Lane, Sebastopol, APN 074-041-011; Supervisorial District No. 5</p>				
<p>CURRENT FISCAL YEAR FINANCIAL IMPACT - None.</p>				
<p>Explanation (if required): None.</p>				
<p>Prior Board Action: On August 25, 2009, the Board of Supervisors heard the appeal and took a straw vote to deny the appeal request.</p>				
<p>Alternatives – Results of Non-Approval: N/A.</p>				

Background:

On June 11, 2009, Board of Zoning Adjustment's (BZA) approved a Use Permit for property owner [REDACTED] to increase a small family day care facility of eight children to a large family day care facility for up to 14 children on a 1.5 acre parcel located at 4700 Stoetz Lane, Sebastopol; APN 074-041-011; Zoning DA (Diverse Agriculture), B6-20 acre density, SD (Scenic Design); Supervisorial District No. 5, with several conditions. The applicant appealed several of these conditions, specifically Condition #4 requiring the construction of a sound wall which the applicant feels is financially infeasible and Condition #5 requiring compliance with General Plan noise standards. The applicant felt that it would be impossible for day care providers to meet such standards. The applicant also requested that none of the standard Conditions of Approval be required which includes testing of well water for contaminants, accessibility requirements contained in the building code, and restrictions to hours of operation.

On August 25, 2009, the Board of Supervisors held a public hearing on an appeal of the decision. While the Board of Supervisors took a 5-0 straw vote to deny the appeal, the Board also directed staff to modify the Conditions of Approval and the Resolution. The revisions included deleting a condition, a revised finding that a sound wall is not required, and adding the following conditions: prohibit outdoor amplified sound or radio at all times, require a one-year operational review, and require the operator to engage in mediation if a valid complaint is received.

The Board of Supervisors requested that the final Resolution and modified Conditions of Approval for the item be brought back on September 15, 2009, on the Consent calendar.

Attachments:

Final Resolution
EXHIBIT A: Conditions of Approval

On File With Clerk: N/A.

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: