



Sonoma County Planning Commission Minutes

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: **February 7, 2008**
Meeting No.: **08-003**

ROLL CALL

COMMISSIONERS

- Dick Fogg
- Don Bennett
- Sharon Wright
- Alan Siegle
- Dennis Murphy, Chair

STAFF MEMBERS

- Jennifer Barrett
- Traci Tesconi
- Steve Padovan
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STAFF MEMBERS

- David Hurst, Chief Deputy
County Counsel
(Item#1,2)
- Sue Dahl
- Jeff Brax, Deputy County
Counsel (Item #3)

UNCONTESTED CALENDAR

Call to order: 1:00 p.m.

Commissioner Murphy will not be available the last Thursday of March and the first Thursday of April, and Commissioner Alberigi will fill in for him.

Public Appearances on Items Not on the Agenda: None

Item No. 1 **Time:** 1:05 p.m. **File:** ZCE07-0016
Applicant: Dennis L. Judd **Staff:** Traci Tesconi
Env. Doc.: Categorically Exempt
Proposal: Request for a Zone Change to place a B7 (Frozen Lot Size) designation on two parcels as a condition of a previously approved Minor Subdivision (PLP05-0115) as follows: (1) Lot 1 (APN: 027-040-016) - rezone the 10.86 acre site from the AR (Agriculture and Residential) B6 10 acre density, J (Mobile Home Exclusion), SR (Scenic Resource) district to the AR B7 (Frozen Lot Size) J, SR district or other appropriate district; and (2) Lot 2 (APN: 027-040-017) - rezone the 74.42 acre site from the LEA (Land Extensive Agriculture) B6 60 Acre J, Z, SR district to the LEA B7 (Frozen Lot Size) J, Z, SR district or other appropriate district.
Location: 5500 Burnside Road, Sebastopol
APN: 027-040-016, -017 (formerly 027-040-010) **Sup. Dist:** 5
Zoning: AR (Agriculture and Residential) B6 10 acre density, J (Mobile Home Exclusion), SR (Scenic Resource) and LEA (Land Extensive Agriculture) B6 60 acre density, J (Mobile Home Exclusion), Z (Second Unit Exclusion), SR (Scenic Resource)
Board of Supervisors Hearing to be determined.

Action: approved as recommended
Appeal Deadline:
Resolution No:

Public Hearing Opened and Closed: 1:10 p.m.

Commission Discussion: Commissioner Bennett made a motion to approve the request as written.

Fogg: S/aye	Bennett: M/aye	Wright: aye	Siegle: aye	Murphy: aye
Ayes: 5	Noes: 0		Absent: 0	Abstain: 0

REGULAR CALENDAR

Item No. 2 **Time:** 1:05 p.m. **File:** DRH06-0005
Applicant: Liquid Investments Inc. **Staff:** Steve Padovan
Env. Doc.: Mitigated Negative Declaration
Proposal: Appeal of a Design Review Permit approval for a new 155,149 square foot distribution facility for Mesa Beverages and a detached 8,400 square foot repair shop on a vacant 19.54 acre site on the east side of North Laughlin Road in the Airport Industrial Park. The new distribution center will replace the existing Mesa Beverages facility on Concourse Boulevard in the Airport Business Center and will operate on a 24 hour basis.
Location: 3200 North Laughlin Road, Santa Rosa
APN: 059-190-001 **Sup. Dist:** 4
Zoning: MP (Industrial Park) 2 acre parcel size, BR (Biotic Resource), F1 (Floodway), F2 (Floodplain), VOH (Valley Oak Habitat)
Action: approved with modified conditions
Appeal Deadline: ten days
Resolution No:

Steve Padovan summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners: **Commissioner Wright** asked whether provisions for mature landscaping and maintenance had been considered, and **Staff Padovan** said that the landscaping must be put in before occupancy, and a condition for maintenance in perpetuity could be added.

Commissioner Bennett asked if staff had reviewed the changes that the architect had been posted on the wall, and **Staff Padovan** said that he had.

Commissioner Fogg asked how the noise calculations were determined. **Staff Padovan** indicated that ambient noise and the sound wall were factored in to the calculations to arrive at the 45 db night noise limit.

Commissioner Siegle was concerned that the size of the building could impact runoff. **Staff Padovan** explained that runoff is controlled, and drainage swales were installed to absorb pollutants.

Public Hearing Opened: 1:37

Speakers: **Mark Herculson**, Mesa Beverages manager, said the project focuses most of the activities to the northeast area of the site, farthest away from neighbors, and that trucks will come in from the north. The project was modified to eliminate south lighting and the fueling station, as they determined they could fuel off-site.

Del Starrett, architect, reviewed the photos on the wall and said that the plans on the wall showed removal of the fuel island, lighting, and parking at the south end of the site. The proposed landscaping that will provide a good buffer for the neighboring properties.

Commissioner Murphy asked if the architect had considered reorientation of the building, and Del indicated that the current site plan works the best to keep the truck activity away from the neighbors.

Jack Studebaker, attorney for the applicant, said the parcel was acquired after a two year search, is properly zoned, and has access to Hwy 101. The request by neighbors to rotate the building and push it back is not feasible, as the lot is pie shaped. The current design allows for the truck circulation in the best manner. The applicant submitted his proposal in 2006, and has made many changes as a mitigation to the neighbors. He asked for approval of the project.

Jean McMullen, immediate neighbor and long term resident, was extremely concerned about biotic impacts and stormwater runoff, and asked that the building be moved farther away from the southern border. The parcel in question was originally zoned ag, and was changed in 87 to industrial. At the time, the Board of Supervisors required that a landscape buffer be planted to protect the residence currently owned by Beverly Schenck. The property was bulldozed and graded in 2002, which destroyed biotic habitat. Jean has seen over 75 different species of birds on her land. She said that trucks will not be able to get over the bridge, and the redwoods will not be enough to screen the buildings.

Rose Zoia, attorney representing neighbors, asked for continuation. She said that an EIR would be required to address traffic, noise, biological and land use impacts due to massing and sizing of the project. There is a potential for a large carbon footprint at the project.

Alan Pierson, Napa, manages the McMullen vineyards, and was concerned about the impact of the building. He noted that the refrigeration units on the roof of the loading section of building make a lot of noise and asked that that part of the structure be moved to the north end of the site to mitigate noise. This could possibly eliminate the need for the sound wall.

Beverly Schenck, neighbor, opposes the project. She is concerned that the facility is going to grow. When she bought the property, her real estate agent told her that the site would not go commercial. The environmental study did not address the wildlife in the area. The additional traffic will create dangerous conditions in front of her house. She objects to the size of the operation and the large rigs and predicted tragedy if the project was allowed.

Ed Greening, Laughlin Road, was concerned about the impacts on the people and species in the area. The maintenance shop and trucks will release grease into the environment, and there will be noise from compressors and pollution. There is already a lot of noise generated by other buildings in the area. He complained that the County does not maintain Laughlin Road and the bridge.

Del Starrett, on rebuttal, said that the redwoods that are to be planted on the south line should be a good screen, and they are limited from planting in the wetland. The trucks will not be using south Laughlin Road.

Jack Studebaker, attorney, said the applicant considered relocation of the building and determined that it would increase traffic on Laughlin Road. **Commissioner Siegle** suggested adding a condition that prohibits trucks from turning south on Laughlin Road.

Public Hearing Closed: 2:30 p.m.

Commission Discussion: **Commissioner Murphy** asked if nighttime noise had been factored in, and **Staff Padovan** indicated that the noise level is to be kept to 45 db or lower at night, but staff usually only checks if complaints are received. **Commissioner Murphy** agreed that trucks should be prohibited from turning south on Laughlin Rd. **Commissioner Murphy** asked for clarification on the limits of the Planning Commission's decision. **Deputy Director Barrett** indicated that the appeal is on the design of the building and the site plan, and the use of the building is already permitted, and is not the subject of the appeal.

Commissioner Fogg wondered if an EIR might be justified. **Counsel Hurst** said that was up to the Commission to decide whether the potential significant impacts had been mitigated to a less than significant level in the mitigated negative dec.

Commissioner Bennett said that the property was zoned as a business park in 1987, and the applicant is entitled to build. The issue before the Commission is design. **Commissioner Bennett** thought that the mitigated negative dec was adequate.

Commissioner Wright had no comments.

Commissioner Murphy asked if proximity-based audible backup alarms for forklifts had been considered, and Staff Padovan said that this could be added to the conditions. **Commissioner Murphy** asked that the condition also state that the forklifts will not operate at night.

Commissioner Bennett wanted clarification that the oil runoff comments had been addressed adequately, and **Staff Padovan** clarified that the shop itself will have required containment areas and must conform with State requirements. Fluid that drips on the road and parking areas will wash off into gutters and become trapped in grassy swales, where plants absorb and filter some of the chemicals before they enter a catch basin and drain.

Commissioner Fogg suggest adding a requirement that mature landscaping be used.

Commissioner Murphy made a motion to approve mitigated negative dec and deny the appeal, subject to modified conditions.

Change in Draft Conditions:

- Require lighted back up alarms on forklifts or other vehicles used on the site.
- Modify the site plan to delete the fuel station, southern lighting, and reorientation of the sound wall.
- Add a condition to prohibit truck traffic on south Laughlin Road until road and bridge improvements are made.
- Add a condition that appropriately sized landscaping stock be used, and that staff must approve landscaping plan.
- Modify Conditions 64 and 81 to require maintenance of the landscaping.

Fogg: aye Bennett: aye Wright: S/aye Siegle: aye Murphy: M/aye
 Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Item No. 3 Time: 1:30 p.m. File: PLP04-0046
Applicant: Dutra Group et al Staff: Steve Padovan
 Env. Doc.: Environmental Impact Report
 Proposal: Public hearing to receive written and oral comments on the adequacy of the Draft Environmental Impact Report for the proposed Dutra Haystack Landing Asphalt Plant and Recycling Facility. The proposed project consists of the following: 1) a General Plan Amendment to change the land use designation on APN's 019-320-022 and 023 from Limited Commercial to Limited Industrial; 2) a Specific Plan Amendment to the Petaluma Dairy Belt Plan to change the land use designation on the above parcels from Limited Commercial to Limited Industrial; 3) a Zone Change on these same parcels from LC (Limited Commercial), HD (Historic District), SR (Scenic Resources), SD (Scenic Design), F2 (Floodplain) to M1 (Limited Urban Industrial), HD (Historic District), SR (Scenic Resources), SD (Scenic Design), F2 (Floodplain); 4) a Use Permit for an asphalt batch plant, aggregate distribution facility and recycling operation; and 5) a Design Review Permit for a new industrial operation along a scenic corridor and in a scenic design area on three parcels totaling 38 acres.
 Location: 3355 Petaluma Boulevard South, Petaluma
 APN: 019-320-023 Sup. Dist: 2
 Zoning: M2 (Heavy Industrial)-B8 (Frozen Lot), F2 (Floodplain), BR (Biotic Resource)
 LC (Limited Commercial), HD (Historic District), SR (Scenic Resources), SD (Scenic Design), F2 (Floodplain)
Board of Supervisors Hearing to be determined.

Action:
 Appeal Deadline:
 Resolution No:

Steve Padovan summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners: **Commissioner Bennett** asked if the project was comparable to the Shamrock facility upstream, and **Staff Padovan** responded that the Dutra project is proposing minimal disturbance, and thus will have less impact than the Shamrock facility. **Commissioner Bennett** asked if staff had discussed the project with the City of Petaluma, and **Staff Padovan** said that they had verbal contact but no written responses to the DEIR had been received. **Deputy Director Barrett** added that Pamela Tuft, City of Petaluma, had requested a landscaping buffer along the highway that be located outside of the proposed right-of-way for the interchange, and that staff coordinated with the City on the improvement to Petaluma Blvd South.

C1-1

Public Hearing Opened: 4:00 p.m.

Speakers: **Al Cornwell**, is the Civil Engineer for the project and thanked staff for their efforts.

C1-2

Gerald Moore, Petaluma, Chair of Petaluma Wetlands Alliance, said that his group has been working to restore biotic habitat in Schollenberger Park (directly across the river from the Dutra site) and plans to expand the wetland in the next few years. The park is one of the hottest bird sites in California, and will generate tourism. Gerald was concerned about the effect of noise and other negative impacts on the park, and favors Alternative C. He asked that the recycling and nighttime use be eliminated to protect the wildlife and keep dust down. Gerald opposed the plan to pump 20,000 gallons of water out of the river, as it could kill fish and invertebrates and harm the river. He suggested that the project get its water from the City of Petaluma recycling facility across the river. He recommended that Dutra control the invasive weeds, especially *Spartina*, as this could negatively impact the wetlands that are being restored. Gerald felt

C1-3

that hazardous materials had been overlooked.

C1-3
(cont'd)

Norris Dyer, Senior Docent at Schollenberger Park, was concerned about potential disturbance of the Heron Egret colony located in the park, who require a 200 meter protection zone. The DEIR only recommended a zone of 100 feet. He requested a requirement to monitor the colony during nest selection and to create a new colony in the mitigation area, and also preferred Alternative C and the elimination of nighttime noise and operations. Norris was concerned about the impact on scenic distances in the park, which is used by up to 400 people a day. He recommended relocation of the plant.

C1-4

David Yearsley, Friends of the Petaluma River, asked for an extension of the comment period. He found inconsistencies in the night time operations, and was concerned about significant impacts on air quality, noise, light, and aesthetics. Potential for cumulative phosphorus had not been mentioned in the hydrology section of the DEIR. He was concerned about the impact on the water quality of the Petaluma River over time, said that threats from flooding had not been adequately addressed, and that the DEIR had not addressed projected increases in sea level due to climate change. He recommended changing the site to the Pomeroy location further upstream, which is already in a river-dependent commercial-industrial zone and not right next to sensitive wetlands.

C1-5

Tony Lemus, San Antonio Fire Department Director, supported the project, as Dutra provided property for their Fire Station. He said it is very difficult to retain firefighters without a fire station. The majority of their calls are about Hwy, 101, which is why the site is an ideal location. They provide a fully equipped rescue team.

C1-6

Susan Kirks, Petaluma, is also a docent at Shollenberger Park, and was also concerned about biotic, lighting, noise, and emissions and their impact on the park and heron egret colony. She encouraged staff to work closely with the City of Petaluma, and suggested relocating the Fire Department to a quarry location that is being developed. She recommended finding another site for the project.

C1-7

Harvey Goldberg, neighbor, said his property will be heavily impacted by the project, but added that Dutra and Shamrock have been good neighbors and he would support the decision of the Planning Commission and Board of Supervisors. He was concerned about health issues, odors, air quality, and preferred an alternate location. He suggested that alternate access at Landing Way be used

C1-8

Jerry Corda, San Antonio VFD chief, supported the project and said that Dutra and Shamrock had done a lot for them. The VFD provides service to the people of the south county, and the community needs them.

C1-9

Public Hearing Closed: 4:35

Commission Discussion: The issue of whether or not to extend the close of comment period date was discussed and decided against. The comment period will close on March 4th at 5:00 p.m. The Commission continued discussion to March 6th at 1:05 p.m.

Fogg:	Bennett:	Wright:	Siegle:	Murphy:
Ayes:	Noes:	Absent:	Abstain:	

There being no further business to come before the Planning Commission/Board of Zoning Adjustments at this time, all items having been handled and all persons having been given an opportunity to be heard on any matter before the Planning Commission/Board of Zoning Adjustments in public hearing or otherwise, the meeting was adjourned.

Minutes adopted March 6, 2008