



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: **March 6, 2008**
Meeting No.: **08-005**

ROLL CALL

Commissioners

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

Staff Members

Jennifer Barrett
Cynthia Demidovich
Scott Hunsperger
Dave Hardy
Steve Padovan
Sue Dahl
Greg Dion and Jeff Brax, Chief Deputy, County Counsel

Call to order: 1:00 p.m.

Approval of Minutes: Minutes from March 6th were approved with minor changes

Public Appearances on items Not on the Agenda: None

UNCONTESTED CALENDAR

Item No. 1	Time: 1:05 p.m.	File: MJS03-0005
Applicant: Ernie Langbein		Staff: Cynthia Demidovich
Env. Doc.: Categorical Exemption		
Proposal: Request for a second one-year extension of time to meet conditions of approval for a previously approved Major Subdivision of 4.74 acres creating 12 lots. Two of the eleven lots are affordable housing lots. The lot sizes range from 5,300+/- to 37,000+/- square feet in size.		
Location: 5001 Carriage Lane, Santa Rosa		
APN: 039-210-007		Sup. Dist: 4
Zoning: R1 (Low Density Residential), B6-2.6 dwelling units per acre, BR (Biotic Resource), F1 (Floodway Combining District)		
Action: Approved		
Appeal Deadline: ten days		
Resolution No:		

Public Hearing Opened: and Closed: 1:10

Commission Discussion: Commissioner Murphy moved to approve the one-year extension of time

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

Item No. 2	Time: 1:05 p.m.	File: ZCE07-0018
Applicant: Common Ground LPS		Staff: Scott Hunsperger
Env. Doc.: Categorical Exemption		

Proposal: Request for a Zone Change from the LIA (Land Intensive Agriculture), B6-40 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) to the LIA, B7 (Frozen Lot Size), Z, SR, VOH or other appropriate zoning district on 88 acres as a condition of approval for a previously approved Minor Subdivision (MNS06-0011).

Location: 2889 Piner Road, Santa Rosa

APN: 034-060-014

Sup. Dist: 4

Zoning: LIA (Land Intensive Agriculture), B6-40 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat)

Board of Supervisors Hearing on April 22, 2008 at 2:05 p.m.

Action: Approved

Appeal Deadline:

Resolution No:

Public Hearing Opened: and Closed: 1:15

Commission Discussion: Commissioner Murphy moved to approve the staff recommendation.

Fogg: aye

Bennett: S/aye

Wright: aye

Siegle: aye

Murphy: M/aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

REGULAR CALENDAR

Item No. 3 Time: 1:05 p.m. File: PLP04-0056
Applicant: County of Sonoma - PRMD Staff: Dave Hardy

Env. Doc.: Categorically Exempt

Proposal: Request to amend the Zoning Ordinance to require a Use Permit for new businesses that sell alcohol within the County, and set standards for the operation of such businesses.

Location: Countywide

APN: Various

Sup. Dist: All

Zoning: C1 (Neighborhood Commercial), C2 (Retail Business), C3 (Heavy Commercial), LC (Limited Commercial)

Board of Supervisors Hearing to be determined.

Action: Continued to May 15 at 1:05 p.m.

Appeal Deadline:

Resolution No:

David Hardy summarized the staff report, which is incorporated herein by reference.

Questions from Commissioners: Commissioner Fogg asked if staff had contacted the 711 Convenience Store Trade Association. Staff Hardy indicated that he had contacted the California Grocer's Association. He will contact the 711 Association for their input.

Commissioner Fogg thought the criteria was too broad and was concerned about legal problems that might arise with trade organizations. Staff Hardy said that the Grocery Association supports responsible legislation, and added that many cities have an ordinance like this in place. The ABC refers every application for a new license or change of ownership to PRMD, and asks if a Use Permit is required. Counsel Dion said he would discuss the matter with Brian Farrell from the City of Santa Rosa. Commissioner Wright added that it is difficult to draft a completely bullet-proof ordinance. Deputy Director Barrett said that Petaluma and Novato both adopted similar ordinances, which have been beneficial.

Commissioner Fogg asked if the ordinance was punitive as it is written, and Counsel Dion did not think it was. Staff Hardy added that the ordinance would add a land use element to a process that is already in place; currently, the ABC sends referrals to several agencies when applications are received.

Commissioner Siegle asked if staff had checked with the redevelopment agency in the Russian River area, and **Staff Hardy** said that he had sent a referral to Brian Stortch at the CDC. **Commissioner Siegle** was reluctant to support and ordinance in smaller communities, such as Forestville, as it could harm existing store owners. He did see the value of the ordinance in urban areas.

Commissioner Bennett noted that gas stations had not been listed, and **Staff Hardy** said that a gas station with more than five vending machines is considered a mini market, which needs a Use Permit.

Commissioner Murphy asked for a definition of "expansion," which was defined as increasing the building's footprint. **Commissioner Murphy** was also concerned the effect of such an ordinance on smaller communities, and noted that in Geyserville, the local mini mart is the only business of that type that is around for miles.

Public Hearing Opened and Closed: 1:40 p.m.

Commission Discussion: **Commissioner Murphy** suggested restricting the ordinance to Roseland and the three other urban areas mentioned in the staff report. **Commissioner Fogg** asked to hear the opinion of the Sheriff Department. **Ryan Russell**, deputy with the Street Crimes unit of the Sheriff Department, said consistency is important with an ordinance, since deputies work all over the County. He acknowledged that crimes are likely to be higher in an urban area than in areas with a smaller population.

Commissioner Murphy was unconvinced that a countywide ordinance was needed. Several communities have stores that sell alcohol in a closer proximity to schools than 1,000 feet. He suggested crafting exceptions or thresholds.

Commissioner Siegle was concerned that the ordinance could be cost prohibitive to small businesses if they were made to get a Use Permit to install a new cooler or that their use became non conforming.

After discussion, staff was directed to discuss the comments from the hearing with trade organizations, including consideration of exceptions for small additions like coolers and limitations on location. **Commissioner Murphy** supported adding flexibility for existing businesses.

Commissioner Bennett supported the idea, but also wants to protect existing businesses.

The item was continued to May 15th.

Change in Draft Conditions:

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

Item No. 4	Time:	1:30 p.m.	File:	PLP04-0046
	Applicant:	Dutra Group et al	Staff:	Steve Padovan
	Cont'd. from:	February 7, 2008		
	Env. Doc.:	Environmental Impact Report		
	Proposal:	Continued discussion 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: Staff directed to prepare a final EIR and discussion continued to date uncertain.
Appeal Deadline:
Resolution No:

Questions from Commissioners: **Commissioner Bennett** asked to clarify Table 2, page 2.6, which stated that the project would change rural and agricultural land to industrial development. He said that the site is bordered on one side by Shamrock, which is a comparable facility. The surrounding area has been an eyesore to the City for many years, and the site is incorrectly described as a rural area.

C2-1

Commissioner Bennett asked for more information noise and odor impacts to the newly protected marsh near the new sewer plant, clarification of the sources and types from asphalt production and recycling, and noise and odor impacts to wildlife areas, including how it relates to tourism. **Commissioner Bennett** wanted more information about the nighttime operations, since the Planning Commission has to decide whether to allow them. He also asked staff to provide historical data from ongoing operations in the area, and to indicate what the impact has been from the other asphalt plant in the area. He was concerned about the project impact on Shollenberger Park.

C2-2

Commissioner Siegle asked for more information about recycled tire and rubber and the odors they produce when mixed into the asphalt.

C2-3

Commissioner Fogg agreed with the foregoing concerns, and asked staff to explore the suggestion that the project get recycled water from the City sewer plant instead of the river. He also wanted to explore the feasibility of using the Pomeroy property located upstream, and asked staff to discuss this with the City of Petaluma. **Commissioner Fogg** wanted the function of the ponds to be better described, and to include historical information. He noted that the southern undeveloped portion of the site could possibly function as a mitigation. He asked staff to research the history of the particulate matter and diesel fuel that has gone into the river from past operations and from the Shamrock facility. He asked that staff address a comment about pumping river water and its impacts on aquatic life in the river.

C2-4

Commissioner Wright did not have any specific comments.

C2-5

Commissioner Siegle said no alternatives had been given for the concrete recycling facility and if adequate recycling already existed in the area. More information about the barges was needed, such as clarification of the number, the tonnage, and their impact on air quality. He asked if aggregate will be imported from sources other than Dutra's San Rafael Quarry. He also added that recycled water should be explored.

C2-6

Commissioner Murphy added that many Dutra mitigations, such as the rookery, may be heavily impacted by the widening of Hwy 101. He supported an adaptive system that will prevent the applicant from making mitigations that will be torn out by the road widening project. **Staff Padovan** agreed, and said that Caltrans has an EIR for the freeway widening. **Deputy Director Barrett** said that typically, CalTrans establishes right-of-way limits for their EIR, and staff could work with the applicant to delineate what mitigation measures are appropriate. **Commissioner Murphy** asked for a better explanation of the line of sight differences mentioned in the SMART letter. He said that the private crossings needed to be further defined, as private land owners in the area want more information.

C2-7

Deputy Director Barrett said that the notion of purchasing recycled water from the City could be cost prohibitive and involve substantial additional truck trips.

C2-8

Commissioner Fogg asked if Dutra was closing it's current facility in Petaluma, and **Staff Padovan** said yes, that the Use Permit was due to expire in September 2008.

C2-9

Jeff Riley, consultant, said that he needs to coordinate the responses to comments with the City and also have a chance to review the minutes from the current meeting. Adding the Pomeroy land as an alternative site could trigger the need for recirculation of the DEIR. **Counsel Brax** said he would investigate the feasibility of adding the Pomeroy site. **Commissioner Bennett** didn't think the site was realistic, as it had been purchased by a major developer to build houses and is outside of the County's jurisdiction. **Commissioner Fogg** said that the site should be addressed

C2-10

since it was brought up by so many people.

C2-10
(cont'd)

Staff was directed to prepare the final EIR, and the meeting was continued to a date uncertain.

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