

Resolution Number XX-XX

County of Sonoma  
Santa Rosa, California

July 23, 2020  
UPE16-0086 Tricia Stevens

RESOLUTION OF THE BOARD OF ZONING  
ADJUSTMENTS, COUNTY OF SONOMA, STATE OF  
CALIFORNIA, EXEMPTING THE PROJECT FROM CEQA  
FOR PURPOSES OF DENIAL AND DENYING THE  
APPLICATION FOR A USE PERMIT FOR A LODGING  
AND EVENT CENTER AS REQUESTED BY SOLSTICE  
LLC, FOR PROPERTY LOCATED AT 3890 OLD  
REDWOOD HIGHWAY, SANTA ROSA; APN 058-020-009.

RESOLVED, that the Board of Zoning Adjustments (“the Board”) of the County of Sonoma (“the County”) hereby finds and determines as follows:

### **Section 1. Application and Project**

1.1 On October 13, 2016, the applicant, Solstice LLC, filed a Use Permit application with the Sonoma County Permit and Resource Department (“Department”) requesting approval for a Use Permit for a lodging and event center, including 12 cabins for visitor-serving lodging and one cabin for employees, a 1,330 square foot reception office, day-use cabanas and bathrooms, a 9,861 square foot event barn with special events including 20 events up to 250 guests, 30 events up to 175 guests, and 50 special-dining events for up to 80 guests (“the Project”). The subject property is located at 3890 Old Redwood Highway, Santa Rosa, APN 058-020-009; Zoned RRD (Resource and Rural Development, Scenic Resource (SR), Riparian Corridor (RC), and Valley Oak Habitat (VOH); Supervisorial District No. 4 (“the Property”); and

### **Section 2. Application Processing**

2.1 On May 6, 2019 the Application was determined to be complete;

2.2 The Department prepared a Mitigated Negative Declaration for the Project;

2.3 On June 5, 2020 a Notice of Intention to Adopt Mitigated Negative Declaration was published, providing for a 30-day public review period in accordance with CEQA and the State and County CEQA Guidelines;

2.4 On June 26, 2020 a Notice of Public Hearing was published for the public hearing held on July 9, 2020; and

2.5 In accordance with applicable provisions of law, the Board held a public hearing on July 9, 2020, at which time the Board heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative

Declaration and the Project. All interested persons were given an opportunity to be heard regarding the Mitigated Negative Declaration and the Project.

### **Section 3. CEQA Compliance**

3.1 Pursuant to Public Resources Code section 21080(b)(5) and section 15270 of the State CEQA Guidelines, the Board finds that the Project is exempt from CEQA for purposes of denial.

3.2 In light of the Board's decision to deny the Project, the Board need not, and does not consider, in any respect, the adequacy of the proposed Mitigated Negative Declaration prepared by the Department in connection with the Project.

### **Section 4. Findings**

4.1 The Project is not consistent with the Community Separator policies of the Sonoma County General Plan Open Space and Resource Conservation Element objectives and policies OSRC-1a- k related to Community Separators, in that the project does not meet the primary objectives to *"Preserve the visual identities of communities by maintaining open space areas between cities and communities,"* and *"Retain a rural character and promote low intensities of development in Community Separators."* An event center with 100 annual events, ranging in size from 80 to 250 attendees, along with 12 overnight cabins, comprising 24 guest rooms, cannot be considered a low intensity use. Typical low intensity uses in Community Separators include agriculture, residential densities of one unit per 10 acres, bed and breakfast inns up to five guest rooms, and agricultural processing and agriculture-related uses such as wineries and tasting rooms. Similarly, the Project is not consistent with policies of the Open Space and Resource Conservation Element because it does not avoid commercial uses in Community Separators other than those that are permitted by the agricultural or resource land use categories. As proposed, the use is a year-round commercial event and resort use with 12 guest cabins (24 guest rooms) where the intensity of the commercial lodging use interferes with and detracts from the purpose of the district for resource conservation and production.

4.2 The Project is not consistent with objectives of the Land Use Element of the General Plan directing avoidance of urban development outside urbanized areas. Specifically, the project conflicts with Land Use Element Goal LU-5 and Objective LU-5.1, which directs that the County should *"[r]etain low intensities of use in Community Separators between and around cities and communities as designated in the Open Space and Resource Conservation Element."* This lodging and events use is more typical of commercial urban development, and as proposed is not a low intensity use.

4.3 The Project is not consistent with the Resource and Rural Development designation in the Sonoma County General Plan 2020 Land Use Element (2.7 Natural Resource Land Use Policy), the purpose of which is to protect lands used for timber, geothermal and mineral resource production and for natural resource conservation, and is intended to allow very low density residential development and protection and conservation of resources such as timberlands, agriculture, fish and wildlife habitat, and

biotic areas. As proposed, the use is a higher intensity commercial use that does not promote or advance the purposes of this land use category.

4.4 The Project is zoned Resource and Rural Development (RRD) but is not consistent with that zoning designation because the use as proposed detracts from the purposes of the district. It proposes uses that are more intense than uses explicitly allowed with a use permit under RRD zoning, including a bed and breakfast with no more than five guest rooms and campgrounds, lodging, or other visitor serving uses which do not interfere with or detract from the purposes of the RRD district, as provided in Zoning Code section 26-10-020(ee). The proposed use is a commercial resort with recreation, event use, and related facilities, and 13 cabins comprising 24 guest rooms and a 2-bedroom caretaker unit. The intensity of proposed uses would interfere with or detract from the purposes of the RRD, with less than 30% of the 22 acre Property proposed to be preserved against development under a deed restriction, where such deed restriction does not include riparian areas of the property, and where no significant agricultural or resource oriented use is proposed. Typical land uses in the RRD zoning district allowed with a conditional use permit include bed and breakfast inns with a maximum of five guest rooms and tasting rooms. The level of visitor serving uses proposed by the Project detracts from the purpose of the RRD zoning district and sets a precedent for higher intensity uses. K Zoning (Recreational and Visitor Serving Commercial) is a more appropriate zone district for the proposed Project. No projects similar to the proposed Projects were identified as approved in RRD zones; several were identified in K and other zones.

NOW, THEREFORE BE IT FURTHER RESOLVED that, based upon the foregoing findings and determinations and the record of these proceedings, the Board hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.
2. The Project is exempt from the California Environmental Quality Act for purposes of denial, pursuant to Public Resources Code section 21080(b)(5) and Section 15270 of the State CEQA Guidelines.
3. The Project is denied without prejudice on each of the grounds stated above under Section 4. Findings, subsections 4.1 through 4.4.
4. The Secretary 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.
5. This action shall be final on the 10<sup>th</sup> day after the date of the Resolution unless an timely appeal is filed.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

|              |           |
|--------------|-----------|
| Commissioner | Fogg      |
| Commissioner | Cook      |
| Commissioner | Mauritson |

Commissioner Lowry  
Commissioner Tamura

Ayes:      Noes:      Absent:      Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted;  
and

SO ORDERED.