



## Sonoma County Board of Zoning Adjustments STAFF REPORT

FILE: PLP14-0079  
DATE: December 21, 2017  
TIME: 1:05 P.M.  
STAFF: Traci Tesconi, Project Planner

**Appeal Period: 10 calendar days**

### SUMMARY

**Applicant:** Valley Ford Water Association

**Property Owner:** Les and Sheryl Erbst

**Location:** 14655 Valley Ford Road, Valley Ford

APNs: 026-050-002, 026-010-058, -060, -065, and -066

Supervisorial District No.: 5

**Subject:** Extension of Time on Use Permit

**PROPOSAL:** Request for a one year extension of time of a previously approved Use Permit and Coastal Permit for a new well site and related water-utility infrastructure on portions of five parcels to serve existing connections of the Valley Ford community water system. A leased area of approximately 0.40 acres of APN 026-050-002 contains an existing well, a new proposed second well to be drilled, with new water storage tanks with a total capacity of 6,000 gallons, a pressure tank, two small booster pumps (one for the on-site residence and one for the community water system), and metering and water level monitoring equipment. A new water transmission line will be routed along the roadway and through four privately owned parcels to new treatment tanks. The existing storage tanks will remain. The two well(s) will serve the existing 20 connections of the Valley Ford Water Association and the leased parcel. Vegetation planting is proposed to screen the facilities from Highway 1. None of the parcels included in the project are under a Land Conservation Act contract.

#### **Environmental**

**Determination:** Mitigated Negative Declaration, previously adopted October 15, 2015

**General Plan** Land Extensive Agriculture 160 acres per dwelling unit/ Rural Residential 2 acres per dwelling unit/Limited Commercial

**Specific/Area Plan:** Local Coastal Plan

**Land Use:** Agriculture/Rural Residential/Retail Commercial



**Ord. Reference:** Section 26-92-130

**Zoning:** APN 026-050-002- LEA (Land Extensive Agriculture), B6 CC (Coastal Combining) 160 acre density/640 acre minimum, SR (Scenic Resource)

APN 026-010-058 – RR (Rural Residential), B6 CC (Coastal Combining) 2 acre density

APN 026-010-060 – RR CC (Coastal Combining), B6 2 acre density

APN 026-010-065 - RR CC (Coastal Combining), B6 2 acre density, SR (Scenic Resource)

APN 26-010-066- CS (Rural Services), CC (Coastal Combining) HD (Historical District), SR (Scenic Resource)

**Land Conservation Contract:** Not applicable

**Application Complete for Processing:** October 3, 2017

**RECOMMENDATION:** Recommend that the Board of Zoning Adjustments approve the one year extension of time to meet Conditions of Approval of the Use Permit. This extends the Use Permit's expiration date to October 15, 2018.

#### **EXECUTIVE SUMMARY:**

This is a request for an extension of time on a previously approved Use Permit and Coastal Permit for a new well site and related water-utility infrastructure on portions of five parcels to serve existing connections of the Valley Ford community water system. The Valley Ford Water Association (Association) owns and operates a public water system that serves the small, unincorporated community of Valley Ford. The existing Valley Ford Water Association's public water system serves 20 connections. Currently, water supply is obtained from three wells located adjacent to the Estero de Americano southwesterly of the community. These wells do not meet current construction standards and have a documented history of surface water contamination and other water quality deficiencies. The proposed project is intended to provide a new water source and treatment equipment to provide a safe potable water source for the existing 20 connections and eliminate the need to truck in potable water. The water storage and distribution system will be retained and essentially unchanged by the project. A leased area of approximately 0.40 acres of APN 026-050-002 contains an existing well, a new proposed second well to be drilled, with new water storage tanks with a total capacity of 6,000 gallons, a pressure tank, two small booster pumps (one for the on-site residence and one for the community water system), and metering and water level monitoring equipment. A new water transmission line will be routed along the roadway and through four privately owned parcels to new treatment tanks.

#### **ANALYSIS**

##### **Background:**

On October 15, 2015, the Board of Zoning Adjustments adopted the Mitigated Negative Declaration and conditionally approved the project. The Conditions of Approval included the specification that the applicant was to act upon the entitlement within two years of its approval, with an opportunity for a one-year time extension. However, the applicant requested a two-year extension on meeting the Conditions of Approval because a majority of the conditions remain outstanding.

In 2016, the applicant filed for state funding for the construction and informed in early 2017 that additional studies were required under NEPA (National Environmental Protection Act). The applicant anticipates the state application packet will be completed by end of 2017 with funding granted early 2018.

On October 2, 2017, Permit Sonoma received the formal request a two-year extension, along with the appropriate fees.

**Project Description:**

This is a request for an extension of time on a previously approved Use Permit and Coastal Permit for improvements to the Valley Ford community water system. The project includes a new leased area approximately 0.40 acres size on a portion of a 6.97 acre parcel (APN 026-050-002) (see Exhibit Figure 1) which contains a residence and outbuildings with grazing for a horse. The new leased area contains an existing well, a proposed second new well to serve the existing 20 connections of the Association (see Exhibit C). The leased area will also include a concrete pad (6' x 8') with a booster pump and 6,000 gallon pressure tank approximately 8 feet in height. The new leased area is minimally grazed, therefore, concern with water quality issues are not as great as it would be if the site contained an intensive grazing operation. Water will be pumped into a new water main transmission line routed across four privately owned parcels to the new treatment facility and to the existing water storage tanks enclosed in a building approximately 120 square feet in size and 12 feet in height (see Exhibit F, Plan 4-Floor and Elevation Plans). All five parcels have been included in the project description and analyzed.

The Valley Ford Water Association (Association) is comprised of 20 connections consisting of 20 Assessor Number Parcels (see Table below). All parcels served by the Association have existing development. These parcels are each served by private septic systems because public sewer is not available. Since these parcels are served by public water, but not public sewer, under the CS (Rural Commercial) zoning district requires a one (1) acre minimum parcel size for a subdivision of property. Out of the 20 parcels, only one parcel APN 026-010-065 (\*) has subdivision potential to create one additional parcel. Septic system standards must be demonstrated to approve the subdivision, as well as biological and cultural resource studies to determine developable areas. The PF zoned parcel 026-010-055 is the Valley Ford Volunteer Fire Department which utilizes the entire property for its operations. Any new future connection is restricted by the State's permit approval and requires a majority vote from the members of the Association to approve a new connection. Therefore, it is unlikely that any new connections would be allowed in the near future.

APN	ACREAGE	ZONE
026-010-002	0.86	CS CC, SR
026-010-006	0.09	CS CC, SR
026-010-010	0.59	CS CC, SR
026-010-011	0.56	CS CC, HD SR
026-010-014	0.86	RR CC B6 2, SR
026-010-036	0.59	CS CC, SR
026-010-039	1.74	RR CC B6 2, SR

026-010-040	0.25	CS CC, HD SR
026-010-046	1.23	CS CC, SR
026-010-047	0.45	CS CC, SR
026-010-048	0.75	CS CC, HD SR
026-010-051	0.61	CS CC, SR
026-010-055	0.27	PF CC, SR
026-010-056	0.5	CS CC, SR
026-010-057	0.48	CS CC, HD SR
026-010-058	1.5	RR CC B6 2, SR
026-010-060	1.74	RR CC B6 2, NONE
026-010-065	4.05	RR CC B6 2, SR (*)
026-010-066	1.67	CS CC, HD SR
026-010-074	2.03	CS CC, RR CC B6 2, HD SR

**Site Characteristics:**

The new well site is on the west side of Hwy 1 and contains a residence and light grazing. The project site is located in Valley Ford which is located along Highway 1, approximately seven miles east of Bodega Bay. The community of Valley Ford is located in the coastal zone. The proposed well site is west of Highway 1.

**Surrounding Land Use and Zoning:**

The small, unincorporated community of Valley Ford is located in southwestern Sonoma County in the coastal development zone and the middle of the County's dairy-belt. It is a small, rural community with a commercial hub containing restaurants, retail stores, and the historic Valley Ford hotel and Valley Ford Market. Primary surrounding uses are cattle and sheep grazing. Highway 1 runs through the community and is the primary access.

**DISCUSSION OF ISSUES**

**Issue #1:** Extension of Time Request

Condition of Approval No. 108 allows for a one-year extension of time. The applicant is requesting a two-year extension on meeting the Conditions of Approval due to several conditions that remain outstanding. However, under the Zoning Code, Section 26-92-130, it specifically limits an extension of time on a Use Permit to one (1) year.

- Sec. 26-92-130. - Revocation for failure to use or for abandonment of use.

*“In any case where a zoning permit, use permit, design review approval or variance permit has not been used within two (2) years after the date of the granting thereof or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided, however, that upon written request by the applicant and payment of applicable fees prior to the expiration of the two-year period, the permit approval may be extended for not more than one (1) year by the planning director subject to public notice and opportunity for hearing before the authority which granted the original permit.”*

An option available to the applicant is to submit a request to revise the project before the next expiration date and request a three-year term for the Use Permit and Coastal Permit, as allowed under Section 26-92-130 of the Zoning Code. Through the revision process, the applicant may request a three year term to activate the approval of the Use Permit and Coastal Permit. If approved, this would give the applicant another year to complete the project by 2019. If there were no other changes or modification to the original project, it may be possible the Use Permit and Coastal revision to a three year term could be granted by the Director of Permit Sonoma and the public hearing be waived, provided the request has been publicly noticed prior to any approval. Unfortunately, no further extensions of time could be allowed with the revision to the file based on the limit of a one-year time extension listed in the Zoning Code under Section 26-92-130.

**Issue #2:** Scope of Project

This request is only for the allowable extension of time for the previously approved project, PLP14-0079. There have been no changes to the project and no changes in circumstances or context. Because this project has a previously adopted Mitigated Negative Declaration, and no changes to the project are proposed, no further environmental review is required.

**STAFF RECOMMENDATION**

Staff recommends that Board of Zoning Adjustments approve the request for a one-year extension of time on the previously approved Use Permit and Coastal Permit for a new well site and related water-utility infrastructure on portions of five parcels to serve existing connections of the Valley Ford community water system. A leased area of approximately 0.40 acres of APN 026-050-002 contains an existing well, a new proposed second well to be drilled, with new water storage tanks with a total capacity of 6,000 gallons, a pressure tank, two small booster pumps (one for the on-site residence and one for the community water system), and metering and water level monitoring equipment. A new water transmission line will be routed along the roadway and through four privately owned parcels to new treatment tanks. The existing storage tanks will remain. The two well(s) will serve the existing 20 connections of the Valley Ford Water Association and the leased parcel. Vegetation planting is proposed to screen the facilities from Highway One.

**FINDINGS FOR RECOMMENDED ACTION**

1. A Mitigated Negative Declaration was previously reviewed and adopted as part of this project, pursuant to Section 15162 of CEQA Guidelines. There have been no changes in the project design or operations. There are no new impacts and no required changes to the Mitigated Negative Declaration, nor any changes which would warrant denial of the request for a one-year time extension. Therefore, no additional environmental review is required.

2. The project site is governed by the Local Coastal Plan, adopted in 2001. The new well site is under an Agriculture land use designation, but, the property is 6.97 acres and not used for a commercial agriculture use. The proposed project conforms with the Land Use- Agriculture policies of the Local Coastal Plan because the new lease area will not conflict or distract from any agricultural uses on the property, the project does not include a subdivision of agricultural land, and the project site is not under a Land Conservation Act contract.
3. The proposed project is consistent with the Development-Public Services- Water Supply policies of the Local Coastal Plan as it will improve an existing water system that is currently deemed inadequate under the Local Coastal Plan. Current conditions do not meet public health standards. Water supply is currently obtained from three wells located adjacent to the Estero de Americano southwesterly of the community. These wells do not meet current construction standards and have a documented history of surface water contamination and other water quality deficiencies. There is a moratorium on new connections. The proposed project is intended to provide a new water source and treatment equipment to provide a safe potable water source for the existing community and eliminate the need to truck in potable water. The water storage and distribution system will be retained and essentially unchanged by the project. The proposed project consists of improvements to the Valley Ford community water system by obtaining a new well site that contains two wells (existing and proposed) with new water transmission lines to serve existing connections of the Valley Ford Water Association. All parcels served by the Association have existing development. These parcels are served by private septic system because public sewer is not available. Based on these parcels served by public water only, under the CS (Rural Commercial) zoning district, a one (1) acre minimum parcel size is required for a subdivision of property. Out of the 20 parcels, only one parcel APN 026-010-065 has subdivision potential to create one additional parcel. Septic system standards must be demonstrated to approve the subdivision, as well as biological and cultural resource studies to determine developable areas. The PF zoned parcel 026-010-055 is the Valley Ford Volunteer Fire Department which utilizes the entire property for its operations. Any new future connection is restricted by the State's permit approval and requires a majority vote from the members of the Association to approve a new connection. Therefore, it is unlikely that any new connections would be allowed in the near future.
4. The project conforms to the Development-Visual Resource policies in the Local Coastal Plan because the wells, water transmission lines are not visible, and the new water tank and water treatment tanks will be screened by planting new trees and shrubs from Highway 1. The project would not involve tree removal, construction or grading that would affect the scenic corridor. Neither of the proposed treatment building sites are located in a Scenic Corridor or Scenic Landscape designations. Conditions require a final landscape plan with water conservation measures be submitted prior to PRMD for review and approval prior to any building permit issuance on the leased site.
5. The project conforms to the Historical Resource policies in the Local Coastal Plan because the proposed Alternative 1 for the pipeline route would pass in front of three Sonoma County Landmarks whereas in this area a "trenchless" installation of the water main near or through the HD zoned parcels and required setbacks are met from these buildings. This area also includes rows of mature trees that contribute to the historic setting, therefore, an arborist shall review and clear the grading plans and monitor construction work in these areas.
6. The project conforms to the Environmental Resource policies of the Local Coastal Plan because a Biological Resources Assessment prepared for the project by a qualified biologist determined there were no special-status plant or animal species observed during the assessment site visits. However, three special-status plant species and three special-status animal species have a moderate potential to be present. To avoid impacts to these species, pre-construction plant and

animal surveys are required prior to any well drilling or grading activity, or issuance of any building permits. In addition, sensitive biological communities were identified within the Project Area that include seasonal wetlands that function as wetlands during the winter and spring wet season and are dry the remainder of the year, and a man-made pit with indication of ponding into the summer months. The project would not cause a direct impact to any wetlands. The project does not involve direct removal, filling, hydrological interruption, or other means of disturbance. The proposed treatment building option A is located within the County right of way on an undeveloped but mowed and maintained strip adjacent to an existing roadway. Consistent with the seven standards listed under Attachment M of the Administrative Coastal Manual, the proposed water treatment building is small in scale and provides a less intensive use when compared to other agricultural, residential, industrial, or commercial structures or uses in the area. It is approximately 10 feet east and north of potential wetland areas on the adjacent parcel. The adjacent parcel is used for grazing lands and wetland habitat is seasonal, marginal, and under constant disturbance by the grazing, but plant species are present meeting the coastal definition of wetland. The building, approximately 120 square feet in size, will not impact the seasonal wetlands as it will not alter existing drainage at that site to any appreciable way. The proposed water treatment building is temporarily occupied for routine maintenance and meets the standards set forth in Attachment M to allow a reduced setback. Wetlands are expected to be avoided by the project, however, prior to issuance of any grading permit or building permit, a qualified Biologist shall determine that the project will not require an approved Section 404 Nationwide permit from the Army Corps of Engineers, or an approved Section 401 Certification from the Regional Water Quality Control Board.

7. The proposed project is consistent with the LEA (Land Extensive Agriculture), RR (Rural Residential), and CS (Rural Services) zoning district of the Coastal Zoning Ordinance as minor public service uses and facilities with a Use Permit approval and combined with the Coastal Permit approval for the grading and earth-moving activities.
8. The project, as described in the application and accompanying materials and as conditioned, conforms to the plans, policies, requirements, and standards of the Local Coastal Program. In this specific case, the proposed improvements are to an existing community water system in Valley Ford that is long overdue and necessary to protect public health.
9. Based upon the whole record and the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, because mitigation measures have been incorporated into the project as Conditions of Approval. The Mitigated Negative Declaration has been completed in compliance with CEQA State and County guidelines, and the information contained therein has been reviewed and considered.
10. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are: 1) The new wells will serve existing water connections within the community of Valley Ford; 2) construction activities will be short in duration and temporary in nature; 3) pre-construction surveys are required for plants and animals; 4) wetlands will be avoided and no wetland will be disturbed or filled and indicated on the exhibits by utilizing trenchless construction in those areas; and 5) a qualified arborist will review the grading and construction plans and oversee the construction activities in certain areas to protect existing trees.

11. A licensed Geologist (RC. Slade) concludes in his analysis that the pumping of the existing Erbst well for use by the Valley Ford Water Association at the rates and durations described in his April 11, 2015 Revised Draft Memorandum will not likely affect either of the Braga wells, for the reasons described: a).The shallow Braga Irrigation well, which is located roughly 330 feet north of the existing Erbst Well, is considered to derive the majority of its water from the relatively thin, and laterally limited alluvial deposits into which is was hand-dug. The existing Erbst Well clearly produces water from the deeper portion of the Wilson Grove Formation, and is at an elevation that is 229 feet deeper than the bottom of the Braga Irrigation Well. Based on this elevation difference, and the fact that the Braga Irrigation well derives most of its water from the shallow alluvial deposits, and not the deeper Wilson Grove Formation, the proposed future pumping of the existing Erbst Well is very unlikely to affect the Braga Irrigation well; b) located roughly 1,300 feet southwest of the existing Erbst Well, the shallow Braga Residential well produces water at an elevation 220 feet higher than the uppermost perforations in the existing Erbst Well which is in the Wilson Grove Formation. The Braga Residential well is considered to derive its water from the thin alluvial deposits as shown by its location on the geologic map. Due to the great lateral distance and elevation difference between the Braga Residential well and the existing Erbst well, and the fact that the Braga well produces it groundwater from the alluvial deposits that exist beneath the Braga property, the proposed future pumping of the existing Erbst well is very unlikely to affect the Braga Residential well; and c) the new second well proposed with the request, Slade also concludes in an addendum letter that the proposed second well to serve the Association also located on the leased site will not affect the Braga wells as the new well will be drilled in the same aquifer and similar depth of the existing Erbst well and required as a condition of approval for the Coastal Permit and Use Permit.

#### **LIST OF ATTACHMENTS**

- EXHIBIT A: Extension of Time Request by Applicant  
EXHIBIT B: Draft Conditions of Approval for Extension of Time  
EXHIBIT C: BZA Staff Report with Exhibit "A" Conditions of Approval, dated October 15, 2015  
EXHIBIT D: Notice of Final Action to Coastal Commission, dated October 27, 2015  
EXHIBIT E: Current APN pages  
EXHIBIT F: Project Plans  
EXHIBIT G: Resolution for Extension of Time

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Separate Attachment for Commissioners: Previously Adopted Mitigated Negative Declaration