



County of Sonoma  
Permit & Resource Management Department

## Sonoma County Planning Commission STAFF REPORT

**FILE:** CMO19-0001  
**DATE:** September 19, 2019  
**TIME:** 1:20 p.m.  
**STAFF:** Ross Markey

Appeal Period: 10 calendar days

### SUMMARY

**Applicant:** Ajaib Bhadare  
**Owner:** 21033 Westwind, LLC  
**Location:** 1740 & 1760 Copperhill Pky, 3500 & 3580 Laughlin Rd., Santa Rosa  
**APNs:** 059-370-026, -027, -028, & -029  
**Supervisory District:** Fourth  
**Subject:** Certificate of Modification  
**PROPOSAL:** Request for a Certificate of Modification to remove sanitation and drainage easements over Lots 1, 2, 3, and 4 shown on subdivision map MJS02-0003.  
**Environmental Determination:** General Exemption 15061(b)(3)  
**General Plan:** Limited Industrial  
**Specific/Area Plan:** Airport Industrial Specific Plan  
**Land Use:** Industrial Park Designation  
**Zoning:** MP (Industrial Park), 2 Acre Average Lot Size, VOH (Valley Oak Habitat)  
**Williamson Act:** N/A  
**Application Complete for Processing:** August 8, 2019  
**RECOMMENDATION:** Adopt the Resolution approving the request for the Certificate of Modification.



**EXECUTIVE SUMMARY:**

The applicant is requesting to remove redundant private sanitation and drainage easements on an approved subdivision map. Certificates of Modification allow for a correction to a recorded tentative or final (subdivision) map. The subject property is part of the Billa Landing Business Park. The property is encumbered by private sanitation and drainage easements recorded with the "Cassiopeia" subdivision Final Map for MJS02-0003 to satisfy conditions of approval for a 2000, Design Review permit (DRH00-0009). Cassiopeia is a major 5-lot subdivision that was prepared and recorded with the County. Major subdivisions involve five or more parcels and are governed by the Subdivision Map Act (California Government Code, Section 66410, et. seq.), the Sonoma County Subdivision Ordinance (Sonoma County Code, Chapter 25), and the Sonoma County Zoning Code (County Code, Chapter 26).

Sonoma County Code Chapter 25 allows for minor modifications (e.g. amending notes or non-substantial conditions) on a recorded Final or Parcel Map in accordance with the requirements of the Subdivision Map Act, Section 66472.1, by the advisory agency having jurisdiction over the original subdivision approval. As the Planning Commission approved the original Final Map for MJS02-0003 (Cassiopeia), the Planning Commission must review the Certificate of Modification request.

The private easements were established to facilitate storm water drainage, and sewer connection to Copperhill Pkwy. However, the lots in Cassiopeia are served by public services that are provided through the lot frontages on both Copperhill Pkwy and N Laughlin Rd. Furthermore, development of Cassiopeia will comply with the County's design review, grading & stormwater, and building permit standards and requirements that address the sanitation and drainage requirements. Accordingly, Cassiopeia has access to services and no longer needs the easements.

The Project Review and Advisory Committee (PRAC) reviewed and recommended approval of the requested Certificate of Modification on September 5, 2019. No issues were raised by PRAC members in issuing the recommendation, and no public comments were received at the hearing.

**ANALYSIS****Site Location and Characteristics:**

The subject properties are located at 1740 & 1760 Copperhill Pky, 3500 & 3580 Laughlin Rd., in the Airport Business Center (Attachment A). The terrain on all subject parcels is level with graded building pads. Vegetation remaining between building pads consists of grassland (no trees). Vegetation near existing industrial buildings is ornamental. All lots within the subdivision are served by public sewer and water. Access to the subject properties is via Copperhill Pkwy and N Laughlin Rd.

**Surrounding Land Use and Zoning:**

Direction	Land Uses
North	Industrial Park designated land developed with existing industrial uses.
East	Industrial Park and Heavy Industrial designation, developed as industrial uses.
West	Public/Quasi Public designation, developed as the County Airport and industrial uses.
South	Industrial Park and Heavy Industrial designation, developed as industrial uses.

**Background:**

The Billa Landing Business Park is located on the west end of the Airport Industrial Area, south of Airport Boulevard, and adjacent to the County Airport. Development of the business park has been ongoing for several years. The portion of the Business Park subject to review under this application includes 4 lots, Lots 1 – 4 of the Cassiopeia subdivision.

Private sanitation and drainage easements are located on the Cassiopeia lots. The sanitation and drainage easements, which are held in common ownership with the subject lots, were required as a condition of approval under DRH00-0009 involving 4 buildings totaling 260,000 square feet of industrial development – this approval expired in 2002. The Cassiopeia subdivision, recorded as MJS02-0003, was prepared and recorded including easements to serve the pattern of development proposed with DRH00-0009. A Water line easement to the Town of Windsor was established in 2004, encumbering lots 1, 2, 3, and 4, to ensure adequate water service access to the subject lots. The Final Map for MJS02-0003 was recorded as “Cassiopeia Subdivision Tract No. 1049” dated January 2, 2008, Book 718, Pages 21-27, Sonoma County Records. In 2018, design review of a 70,000 square foot building was approved on Lot 4 under PLP17-0022. Revised utility and storm water design was reviewed and conditionally approved for Lot 4. A design review proposal for Lots 1 - 3 has been received by Permit Sonoma and is currently being reviewed under PLP19-0006.

On May 11, 2004, the Town of Windsor obtained a water line easement over the subject parcels. The Windsor water line easement existed prior to recordation of the Final Map for the Cassiopeia subdivision and are therefore not subject to the requested Certificate of Modification. The applicant will work with the Town of Windsor to quit claim the unnecessary water line easement prior to the development proposed with PLP17-0022 and PLP19-0006. The Town of Windsor has indicated that they will work to bring the quit claim request to the Town Council in October for review. Access to the water line is provide along the frontages of the subject lots. The County Surveyor and County Counsel have reviewed this easement and determined that it is not subject to removal under CMO19-0001.

The table below summarizes the land development history for the Cassiopeia subdivision and the current application and permitting requests:

Reference	Date of Approval/Recording	Summary
DRH00-0009	10/18/00 Expired in 2002	Design review of 4 buildings totaling 260,000 square feet of building space area to be located on 11.84 acres, including the area within the Cassiopeia subdivision – expired.
MJS02-0003 (Cassiopeia)	Approved 11/3/2005	Cassiopeia Subdivision approved for 19 acres by the Planning Commission on 11/3/2005 of 19 acres into to create 5 lots. Approved by the Planning Commission 11/3/2005.
Doc. # 2004-070468	5/11/2004	The Town of Windsor establishes a water line easement in the area within Lots 1, 2, 3, & 4 of the Cassiopeia subdivision.
PLP17-0022	Approved 6/6/2018	Design Review and Lot Line Adjustment to construct a 70,000 square foot building, “Building J,” on Lot 4 of the Cassiopeia subdivision. – Approved Condition Compliance.
MJS02-0003 (Cassiopeia) Final Map	Final Map Recorded 1/2/2008	The Final Map for MJS02-0003 was recorded as “Cassiopeia Subdivision Tract No. 1049” dated January 2, 2008, Book 718, Pages 21-27, Sonoma County Records.
BLD19-0026	In Plan Check	Building permit to allow for a 70,000 square foot building, “Building J” on Lot 4 of the Cassiopeia subdivision. – Pending Planning approval; Building Plan Check approved on 6/4/2019.
CMO19-0001	Under Review	Filed January 30, 2019: application to remove sanitation and drainage easements over Lots 1, 2, 3, and 4; MJS02-0003, Cassiopeia (MJS02-0003).
PLP19-0006	Under Review	Design Review and Lot Line Adjustment to construct 2 commercial buildings, “Building K,” 70,315 square feet; and “Building L/M,” 150,066 square feet.
	9/5/2019	PRAC review: Blake Hillegas moved to recommend Findings and Conditions to the Planning Commission. Seconded by Keith Hanna and passed with a 6-0-1-0 vote. Town of Windsor to process quit claims.
	9/19/2019	PC review : Planning Commission to review request for Certificate of Modification and PRAC’s recommended Findings and Conditions of Approval for CMO19-0001.

## **DISCUSSION OF ISSUES**

### **Issue #1: General Plan/ Specific Plan Consistency**

The site has a land use designation of Limited Industrial and zoning designation of Industrial Park, 2-acre average parcel size. The request does not affect the current zoning density allowance or increase development potential of the project site.

The site has a land use designation of Industrial Park per the Sonoma County Airport Industrial Area Specific Plan and the proposed project does not conflict with that designation.

The requested Certificate of Modification does not hinder the allowable land uses on the site, the allowable development intensity or density, and it does not undermine service provision to the subject lots because access to sanitation and water services are available to all lot frontages. Therefore, the requested Certificate is consistent with both the General Plan and Specific Plan.

### **Issue #2: Subdivision Ordinance Consistency**

Chapter 25 of the Sonoma County Code allows upon application in writing, minor modifications regarding notes, conditions, etc., on a recorded final or parcel map in accordance with the requirements of the Subdivision Map Act, Section 66472.1, by the advisory agency having jurisdiction over the original subdivision approval, if, after public hearing, the advisory agency makes the findings listed under Issue #3 below.

### **Issue #3: Subdivision Map Act**

Changes to a recorded final or parcel map are allowed per Section 66472.1 or the Subdivision Map Act to make minor modifications to said maps. These changes, if found in compliance with the local zoning ordinance, may be made by recording an amended map or Certificate of Modification. A new final or parcel map would be required if there were changes exceeding minor modifications, such as the proposal of additional lots.

To amend a recorded Subdivision Map, the Planning Commission must make specific findings, as required by Section 66472.1 of the Subdivision Map Act. The findings include:

- 1. That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary;*

The request pertains to removal of the sanitation and drainage easements as shown on that "Certificate Of Modification Site Map" dated January 11, 2019, and made a part of the initial submittal package, across parcels 1, 2, 3, and 4 as shown on that map entitled "Cassiopeia

Subdivision Tract No. 1049" filed January 2nd 2008, in the office of the County Recorder in Book 718 of Maps, Pages 21-27, Sonoma County Records.

The County's design, grading & stormwater, and building permit review address the sanitation and drainage requirements for development of the subject parcels and render the subject easements redundant. Individual design review applications also address compliance with the Sonoma County Airport Industrial Area Specific Plan, which is a requirement for development in this area, as well as the California Environmental Quality Act (CEQA).

- 2. That the modifications do not impose any additional burden on the present fee owner of the property;*

The current property owner of Lots 1, 2, 3, and 4 has requested the Certificate of Modification because the sanitation and drainage easements have already been extinguished by merger. As such, the present property owner is aware of the modifications and no additional burden will be imposed.

- 3. That the modifications do not alter any right, title or interest in the real property reflected on the recorded map;*

The current property owner of Lots 1, 2, 3, and 4 has requested the Certificate of Modification because the sanitation and drainage easements have already been extinguished by merger. The interest in the property of owners of the other easements shown on the recorded map may not ripen into a fee title per Section 66436(a)(3)(A)(i) of the Subdivision Map Act.

- 4. That the map as modified conforms to all the provisions of the Subdivision Map Act and local implementing ordinances.*

In accordance with the provisions of the Subdivision Map Act, an amended Final Map or Certificate of Modification will be recorded depicting the removal of the drainage and sanitation easements shown on that map entitled "Cassiopeia Subdivision Tract No. 1049" filed January 2nd 2008, in the office of the County Recorder in Book 718 of Maps, Pages 21-27, Sonoma County Records. The amended Final Map or Certificate of Modification will conform to all the provisions of the Subdivision Map Act and local ordinances, as originally approved. Thereby, staff believes that all of the findings required by the California Subdivision Map Act can be made.

#### **Issue #4: Environmental Determination**

The Certificate of Modification is exempt from the California Environmental Quality Act pursuant to section 15061(b)(3) given that there will be no physical changes to the environment as a result of the project.

**STAFF RECOMMENDATION**

Adopt the Draft Conditions of Approval recommended by PRAC on September 5, 2019, and approve the request for a Certificate of Modification to remove sanitation and drainage easements shown on subdivision map MJS02-0003.

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
  - EXHIBIT B: Vicinity Map
  - EXHIBIT C: General Plan Map
  - EXHIBIT D: Zoning Map
  - EXHIBIT E: Aerial Photograph
  - EXHIBIT F: Site Map - Certificate of Modification Map
  - EXHIBIT G: Draft Resolution
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