

COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

DATE: September 29 at 2:10 p.m.
TO: Board of Supervisors
FROM: Sigrid Swedenborg, Project Planner
SUBJECT: PLP08-0117, [REDACTED]

Action of the Planning Commission:

At its regularly scheduled meeting on July 16, 2009, the Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the request by [REDACTED] for a Zone Change from LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat) district to the LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) district or other appropriate district on 14.75 acres for property located at 13300 Chalk Hill Road, Healdsburg; APN 132-100-001; Supervisorial District No. 4.

The purpose of the zone change is to remove the Z (Second Unit Exclusion) zoning to allow for the construction of a second dwelling unit.

ISSUES DISCUSSED AT THE PUBLIC HEARING

No issues were raised by the public or the Planning Commission at the public hearing.

List of Attachments:

Draft Board of Supervisors Resolution
EXHIBIT A: Draft Ordinance
EXHIBIT B: Draft Sectional District Map
EXHIBIT C: Planning Commission Resolution No.09-022
EXHIBIT D: Planning Commission Minutes dated July 16, 2009
EXHIBIT E: Planning Commission Staff Report dated July 16, 2009

Resolution Number

County of Sonoma
Santa Rosa, California

September 29, 2009
PLP08-0117 Sigrid Swedenborg

RESOLUTION OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, APPROVING THE ZONE CHANGE AS REQUESTED BY [REDACTED] AND FINDING THE PROJECT EXEMPT FROM CEQA FOR PROPERTY LOCATED AT 13300 CHALK HILL ROAD, HEALDSBURG; APN 132-100-001.

WHEREAS, the applicant, [REDACTED] filed an application with the Sonoma County Permit and Resource Management Department to rezone 14.75 acres from the LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat) district to the LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) district, or other appropriate district for property located at 13300 Chalk Hill Road, Healdsburg; APN 132-100-001; Supervisorial District No. 4; and

WHEREAS, this project has been found to be categorically exempt from CEQA Guidelines; and

WHEREAS, the rezoning is consistent with the General Plan Land Use designation of LIA (Land Intensive Agriculture); and

WHEREAS, in accordance with the provisions of law, the Board of Supervisors held a public hearing on September 29, 2009, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors makes the following findings:

1. The removal of the Z (Second Dwelling Unit Exclusion) combining district is consistent with the General Plan based on the following facts. The particular circumstances in this case are:
 - a. A Groundwater Availability Study was prepared for the project, which concludes that the on-site well is capable of meeting the minimum two gpm (gallons per minute), eight hour water supply demand and that there will not be an appreciable effect on water supply on adjoining and nearby properties.
 - b. The 14.75-acre parcel is not constrained and appears to have adequate room to accommodate the leach field area required for both the primary dwelling and second dwelling unit with required expansion areas.
 - c. The site is not located in an area with existing traffic hazards. The addition of a second dwelling unit to this site would not increase the burden on streets, roads or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The project site is not located within a designated fire hazard area. Removal of the Z (Second Dwelling Unit Exclusion) combining district would not decrease public safety.

2. The second dwelling unit would be consistent with LIA (Land Intensive Agriculture) zoning which allows for second dwelling units.
3. The project is exempt from CEQA pursuant to Section 15061(b)(3), because it will not have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

SUPERVISORS VOTE:

Brown: Kerns: Zane: Carrillo: Kelley:

 Ayes: Noes: Absent: Abstain:

SO ORDERED.

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM LIA (LAND INTENSIVE AGRICULTURE), B6-20 ACRE DENSITY, Z (SECOND DWELLING UNIT EXCLUSION), SR (SCENIC RESOURCE), VOH (VALLEY OAK HABITAT) DISTRICTS TO THE LIA (LAND INTENSIVE AGRICULTURE), B6-20 ACRE DENSITY, SR (SCENIC RESOURCE), VOH (VALLEY OAK HABITAT) DISTRICTS FOR 14.75 ACRES LOCATED AT 13300 CHALK HILL ROAD, HEALDSBURG; APN 132-100-001.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I: The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat) district to the LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) district for 14.75 acres located at the intersection of Flora Ranch Road and Chalk Hill Road, also known as 13300 Chalk Hill Road, Healdsburg, APN 132-100-001. File No. PLP08-0117. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

SECTION II: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III: This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this _____ day of _____, 2009, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Brown:	Kerns:	Zane:	Carrillo:	Kelley:
Ayes:	Noes:	Absent:	Abstain:	

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

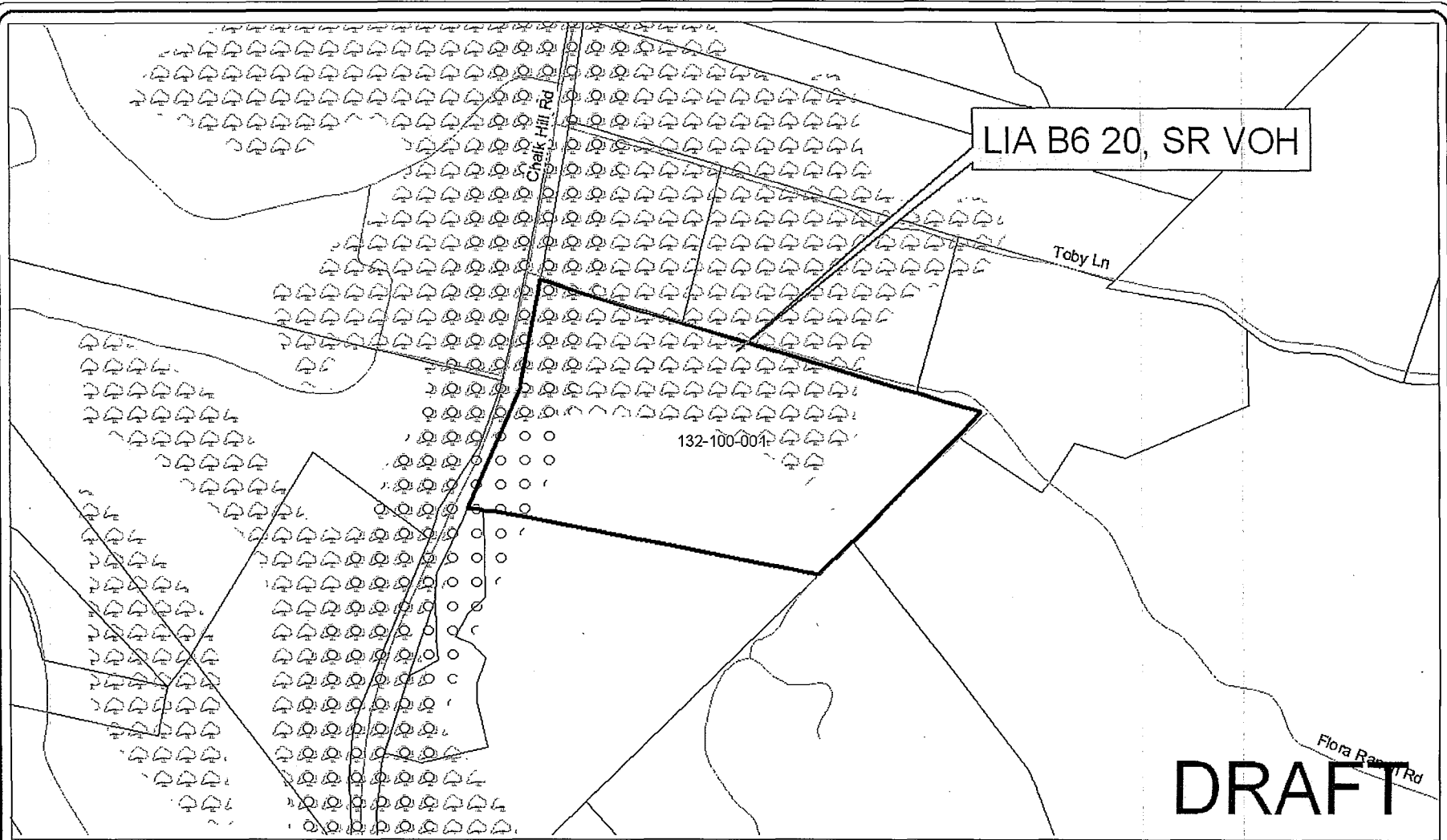
SO ORDERED

Chair, Board of Supervisors
County of Sonoma

ATTEST:

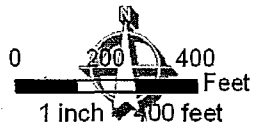
Clerk of the Board of Supervisors

LIA B6 20, SR VOH



Zoning Combining Districts

- + · LU Policy
- |||| AH Affordable Housing
- //// HD Historic District
- BR Biotic Resource
- SD Scenic Design
- SR Scenic Resource
- VOH Valley Oak Habitat
- MR Mineral Resource
- G Geologic Hazard
- F1 Floodway
- F2 Floodplain



Permit & Resource Management Department

Project Review Section
 2550 Ventura Avenue, Santa Rosa, CA 95403
 (707) 565-1900 Fax (707) 565-1103

FILE: PLP 08-0117
 AP #: 132-100-001
 Ordinance No.
 Sectional District Map No.

Resolution Number 09-022

County of Sonoma
Santa Rosa, California

July 16, 2009
PLP08-0117 Sigrid Swedenborg

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF THE ZONE CHANGE AS REQUESTED BY [REDACTED] AND FINDING THE PROJECT EXEMPT FROM CEQA FOR PROPERTY LOCATED AT 13300 CHALK HILL ROAD, HEALDSBURG; APN 132-100-001.

WHEREAS, the applicant, [REDACTED] filed an application with the Sonoma County Permit and Resource Management Department to rezone 14.75 acres from the LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat) district to the LIA (Land Intensive Agriculture), B6-20 acre density, SR (Scenic Resource), VOH (Valley Oak Habitat) district, or other appropriate district for property located at 13300 Chalk Hill Road, Healdsburg; APN 132-100-001; Supervisorial District No. 4; and

WHEREAS, this project has been found to be categorically exempt from CEQA Guidelines; and

WHEREAS, the rezoning is consistent with the General Plan Land Use designation of LIA (Land Intensive Agriculture); and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a public hearing on July 16, 2009, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings:

1. The removal of the Z (Second Dwelling Unit Exclusion) combining district is consistent with the General Plan based on the following facts. The particular circumstances in this case are:
 - a. A Groundwater Availability Study was prepared for the project, which concludes that the on-site well is capable of meeting the minimum two gpm (gallons per minute), eight hour water supply demand and that there will not be an appreciable effect on water supply on adjoining and nearby properties.
 - b. The 14.75-acre parcel is not constrained and appears to have adequate room to accommodate the leach field area required for both the primary dwelling and second dwelling unit with required expansion areas.
 - c. The site is not located in an area with existing traffic hazards. The addition of a second dwelling unit to this site would not increase the burden on streets, roads or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The project site is not located within a designated fire hazard area. Removal of the Z (Second Dwelling Unit Exclusion) combining district would not decrease

public safety.

2. The second dwelling unit would be consistent with LIA (Land Intensive Agriculture) zoning which allows for second dwelling units.
3. The project is exempt from CEQA pursuant to Section 15061(b)(3), because it will not have a significant effect on the environment.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors approve the requested Zone Change.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the 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.

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

Commissioner Feibusch	Aye
Commissioner Shahhosseini	Aye
Commissioner Murphy	Aye
Commissioner Lynch	Aye
Commissioner Fogg	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.

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: **July 16, 2009**
Meeting No.: **09-011**

ROLL CALL

Commissioners

Marcel Feibusch
Komron Shahhosseini
Dennis Murphy
Tom Lynch
Dick Fogg, Chair

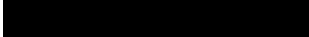
Staff Members

Jennifer Barrett, Deputy Director
Steve Padovan
Sigrid Swedenborg
Karin Theriault
Jane Riley
Sue Gallagher, Chief Deputy County Counsel

Call to order: 1:00 p.m.

Approval of Minutes: June 18, 2009 approved

REGULAR CALENDAR

Item No. 3	Time:	1:05 p.m.	File:	PLP08-0117
	Applicant:		Staff:	Sigrid Swedenborg
	Env. Doc.:	Categorical Exemption		
	Proposal:	Request for a Zone Change to remove the Z (Second Dwelling Unit Exclusion) combining designation on a 14.75 acre parcel.		
	Location:	13300 Chalk Hill Road, Geyserville		
	APN:	132 100 001	Supervisory District:	4
	Zoning:	LIA (Land Intensive Agriculture), B6 20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resource), VOH (Valley Oak Habitat).		
		Board of Supervisors Hearing date to be determined		

Sigrid Swedenborg summarized the written staff report which is incorporated herein by reference.

Questions from Commissioners: **Commissioner Lynch** asked why the Z overlay applied in this case, and Staff **Swedenborg** stated that in 1994 everything with AE zoning was given a Z overlay, but in some areas the Z overlay is due to water issues. **Commissioner Lynch** stated that the code seems to conflict with itself regarding whether or not to encourage second dwelling units. **Deputy Director Barrett** stated that for agriculturally zoned lands second dwelling units are allowed for the agricultural use as farm family, farmworker, or ag employee housing units. With the Z overlay, the distinction is that second units are considered to be a residential use. The recently adopted Housing Element calls for the County will be re-evaluating Z overlays in the County, and a County-initiated rezoning may come forth to remove some of the parcels with Z overlays. **Commissioner Lynch** said that affordable housing is being lost, and more affordable housing needs to be provided in the rural communities.

Public Hearing Opened and Closed: 1:21 p.m.

Action: **Commission Murphy** made a motion to recommend approval of the Zone Change to the Board of Supervisors as recommended by staff. The motion was seconded by **Commissioner Lynch** and passed with a 5-0 vote.

Appeal Deadline: ten days
Resolution No: 09 022

Feibusch : aye Shahhosseini : aye Murphy : aye Lynch : aye Fogg, Chair: aye
Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

Minutes adopted August 20, 2009

Sonoma County Planning Commission STAFF REPORT

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

FILE: PLP08-0117
DATE: July 16, 2009
TIME: 1:05 p.m.
STAFF: Sigrid Swedenborg

**Board of Supervisors hearing
to be determined at a later date and
will be noticed at that time.**

SUMMARY

Owners:

[REDACTED]

Location:

13300 Chalk Hill Road, Healdsburg
APN: 132-100-001

Supervisorial District No. 4

Subject:

Zone Change

PROPOSAL:

Request for a Zone Change to remove the Z (Second Dwelling Unit Exclusion) combining designation on a 14.75 acre parcel.

**Environmental
Determination:**

General Exemption 15061(b)(3)

General Plan:

LIA (Land Intensive Agriculture), 20 acre density

Zoning:

LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion), SR (Scenic Resources), VOH (Valley Oak Habitat)

RECOMMENDATION:

Recommend that the Board of Supervisors approve the requested Zone Change to remove the Z (Second Dwelling Unit Exclusion) district from the subject property.

ANALYSIS

Background:

The subject property was rezoned from the AE (Agriculture Exclusive) to the current zoning designation of LIA (Land Intensive Agriculture), B6-20 acre density, Z (Second Dwelling Unit Exclusion) in 1990 as part of the implementation of the 1989 General Plan. The Board of Supervisors adopted Ordinance No. 4643 rezoning agricultural lands to match the new General Plan designations. All lands previously designated as AE (Agriculture Exclusive) were rezoned to include the Z (Second Dwelling Unit Exclusion) combining district. The rationale for the application of the Z (Second Dwelling Unit Exclusion) combining district was based on the fact that agricultural lands are allowed additional dwellings related to agricultural uses of the property including agricultural employee units, seasonal and year-round farmworker housing. Allowing second dwelling units in addition to these units could result in over development of agricultural lands.

Project Description:

The applicant has requested that the Z (Second Dwelling Unit Exclusion) combining district designation be removed from the subject property so a second dwelling unit can be permitted. The existing non-conforming second unit, currently designated as a studio apartment, would be remodeled as the second dwelling unit.

Site Characteristics:

The parcel is 14.75 acres and is developed with a single family dwelling, guest house (no kitchen), studio apartment (with a kitchen), shed, and garage. The site is planted extensively with a vineyard. It slopes up from Chalk Hill Road. The subject parcel is served by a private septic system and well.

Surrounding Land Use and Zoning:

The subject site is surrounded by parcels that range in size from two to 50 acres. The majority of parcels in the immediate area have the General Plan designation of LIA (Land Intensive Agriculture), with 20 acre densities and the Z (Second Dwelling Unit Exclusion) combining district. Prior to 1994, this area was designated AE (Exclusive Agriculture), so most parcels have the Z (Second Dwelling Unit Exclusion) zoning. There is one parcel to the west that is designated RRDWA (Resources and Rural Development/Agricultural Preserve).

DISCUSSION OF ISSUES

Issue #1: Conformance with the General Plan and Precedence

The subject property received the Z (Second Dwelling Unit Exclusion) zoning designation in 1990 during the implementation of the 1989 General Plan because the previous zoning designation was AE (Agriculture Exclusive). However, second dwelling units are allowed in the Land Intensive Agricultural zoning district as long as the site is not subject to a Williamson Act Contract, is at least two acres in size, and can otherwise meet the second unit standards. There are no General Plan policies that apply to this request.

Currently, parcels in the LIA zoning designation without the Z (Second Dwelling Unit Exclusion) designation could have single family residences, as allowed by density, a second dwelling unit, and an agricultural employee unit with qualifying agricultural production on-site such as 20 acres of planted crops, 100 beef cattle, 30 mature horses, etc. The 14.75-acre parcel is too small to meet that requirement.

Zone Change applications to remove the Z (Second Dwelling Unit Exclusion) combining district have been approved in other parts of the County based on similar circumstances of being too small to accommodate agricultural employee units.

Issue #2: Conformance with the Zoning Ordinance

Section 26-76-005 of the Sonoma County Zoning Ordinance states the following reasons for applying the Z (Second Dwelling Unit Exclusion) combining district:

“The purpose of this district is to provide for the exclusion of second dwelling units in the following areas:

- (a) Areas where there is an inadequate supply of water for drinking or firefighting purposes,
- (b) Areas where there is inadequate sewer services or danger of groundwater contamination,
- (c) Areas where the addition of second units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways,
- (d) Areas where, because of topography, access, or vegetation, there is a significant fire hazard (Ord. No. 4643, 1993).”

The above reasons do not appear to apply to the project site as stated with the following explanations:

Water Supply:

Groundwater availability maps show that the subject property is located in a Groundwater Availability Area 3 which indicates that the area is has marginal groundwater availability. A Groundwater Availability Study was prepared for the project, prepared by EBA Engineering dated March 25, 2009. The study concludes with the statement that the on-site well is capable of meeting the minimum two gpm (gallons per minute),

eight hour water supply demand and that there will not be an appreciable effect on water supply on adjoining and nearby properties.

Jon Tracy, a Registered Environmental Health Specialist at PRMD, has reviewed the study and concurs with the geological evaluation of the water supply. Therefore, the provision of adequate water availability justifies the elimination of the Z (Second Dwelling Unit Exclusion) combining district on the subject site.

Wastewater Disposal:

The subject parcel is 14.75 acres in size and appears to have adequate area to accommodate the leach field area required for a second dwelling unit, especially since an existing unit will be removed. Adjoining properties are also served by private septic systems on both smaller and larger parcels. Requirements related to septic systems will have to be met, and this will ensure that groundwater contamination does not occur.

Traffic Hazards:

The site is not located in an area with existing traffic hazards. The addition of a second dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.

Fire Hazards:

The Safety Element of the General Plan indicates areas that are prone to wildfires and would be considered to be subject to high fire danger. The subject property is not located in such an area.

STAFF RECOMMENDATION

Adopt the Resolution recommending that the Board of Supervisors approve the requested Zone Change to remove the Z (Second Dwelling Unit Exclusion) combining district from the subject property.

FINDINGS FOR RECOMMENDED ACTION

1. The removal of the Z (Second Dwelling Unit Exclusion) combining district is consistent with the General Plan based on the following facts. The particular circumstances in this case are:
 - a. A Groundwater Availability Study was prepared for the project, which concludes that the on-site well is capable of meeting the minimum two gpm (gallons per minute), eight hour water supply demand and that there will not be an appreciable effect on water supply on adjoining and nearby properties.
 - b. The 14.75-acre parcel is not constrained and appears to have adequate room to accommodate the leach field area required for both the primary dwelling and second dwelling unit with required expansion areas.
 - c. The site is not located in an area with existing traffic hazards. The addition of a second dwelling unit to this site would not increase the burden on streets, roads or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
 - d. The project site is not located within a designated fire hazard area. Removal of the Z (Second Dwelling Unit Exclusion) combining district would not decrease public safety.
2. The second dwelling unit would be consistent with LIA (Limited Agriculture) zoning which allows for second dwelling units.
3. The project is exempt from CEQA pursuant to Section 15061(b)(3), because it will not have a significant effect on the environment.

LIST OF ATTACHMENTS

- EXHIBIT A: Draft Ordinance
- EXHIBIT B: Draft Sectional District Map
- EXHIBIT C: Proposal Statement
- EXHIBIT D: Vicinity Map
- EXHIBIT E: Site Plan
- EXHIBIT F: Partial Site Plan with Second Unit Location
- EXHIBIT G: Partial Site Plan - Future Main Residence Location
- EXHIBIT H: Draft Resolution

Background information is on file at:

County of Sonoma Board of Supervisors Office
575 Administration Drive, Room 100A
Santa Rosa, CA 95403

It can be viewed and/or copies requested during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. Call (707) 565-2241 for more information.