



## Sonoma County Planning Commission STAFF REPORT

**FILE:** MJS18-0003  
**DATE:** 19 December 2019  
**TIME:** At or after 1:20 pm  
**STAFF:** Gary Helfrich, Project Planner

### SUMMARY

**Property Owner:** Acme Sonoma Properties, LLC  
**Applicant:** Acme Sonoma Properties, LLC; DBA Live Oak Farms  
**Address:** 980, 1030, 1100, and 1108 Lohrman Lane, Petaluma  
**Supervisorial District(s):** 2  
**APNs:** 048-121-003, -004, -031, and -068  
**Description:** 14 lot major subdivision  
**CEQA Review:** Exempt from further environmental review per CEQA Guidelines Section 15183. Project is consistent with General Plan 2020 and the Section 15183 Checklist prepared for project finds no potential for significant impacts not already considered by the General Plan 2020 EIR.  
**General Plan Land Use:** Rural Residential 2 acres per dwelling unit density  
**Specific/Area Plan Land Use:** West Petaluma Area Plan, Rural Residential 2 acres per dwelling unit density  
**Ordinance Reference:** Sonoma County Code Chapter 25, Chapter 26 Article 16  
**Zoning:** Agriculture and Residential 2 acres per dwelling unit density



**RECOMMENDATION**

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission approve the 14-lot subdivision subject to conditions recommended by PRAC, and find the project exempt from further environmental review under Section 15183 of the CEQA Guidelines.

**EXECUTIVE SUMMARY**

The project will subdivide 4 parcels with a total area of 29.6 acres into 14 lot individual lots with the following areas:

<b>Lot 1:</b> 2.66 acres	<b>Lot 4:</b> 2.03 acres	<b>Lot 7:</b> 2.04 acres	<b>Lot 10:</b> 2.06 acres	<b>Lot 13:</b> 2.07 acres
<b>Lot 2:</b> 2.05 acres	<b>Lot 5:</b> 2.34 acres	<b>Lot 8:</b> 2.12 acres	<b>Lot 11:</b> 2.06 acres	<b>Lot 14:</b> 2.43 acres
<b>Lot 3:</b> 2.22 acres	<b>Lot 6:</b> 2.02 acres	<b>Lot 9:</b> 2.03 acres	<b>Lot 12:</b> 2.01 acres	

The project site is located on Lohrman Lane approximately 2.4 miles west from downtown Petaluma. The main access for the project is via Live Oak Farm Lane, a private road constructed to subdivision standards under GRD16-0060 and ENC16-0250. This road connects to Ruttenberry Road on the northern project boundary, and Lohrman Lane on the western project boundary. Drainage improvements, stormwater treatment facilities, and other stormwater pollution control measures are installed and comply with the current edition of the BASMAA Post-Construction Manual.

Staff prepared a Section 15183 Checklist for this project and determined that the project, as conditioned by uniformly applied development standards and policies, will not result in any new significant impacts not previously considered by the Sonoma County General Plan 2020 Environmental Impact Report (GP2020 EIR). Under Section 15183, no additional environmental review is required.

No public comments have been received on the proposed project.

**PROJECT SITE AND CONTEXT**

***Background***

On 20 June 2019, the Project Review Advisory Committee PRAC considered the proposed tentative map for the project and unanimously recommend the draft conditions for consideration by the Planning Commission. Early neighborhood notification was sent to nearby property owners and the applicant has hosted an open house on the project site to allow the neighbors to visit the site and understand the project first hand. No comments have been received from the public and there was no public comment regarding the project at the 20 June PRAC hearing.

The Sonoma County Subdivision Ordinance (Sonoma County Code Chapter 25) provides that the Planning Commission serve as the final decision making body for major subdivisions and makes the environmental determination for the project.



**Area Context and Surrounding Land Uses**

Direction	Land Uses
North	Rural Residential - AR B6 2 acres per dwelling unit. All parcels developed with residential units.
South	Rural Residential - AR B6 2 acres per dwelling unit. All parcels developed with residential units.
East	Rural Residential - AR B6 2 acres per dwelling unit. All parcels developed with residential units.
West	Rural Residential - AR B6 2 acres per dwelling unit. All parcels developed with residential units.

**Significant Applications Nearby**

There are no significant applications pending in the project vicinity

**Access**

Wild Oak Farm Lane provides access within the project site and connects to Ruttenberry Road on the northern project boundary, and Lohrman Lane on the western project boundary.

**Wildfire Risk**

The Site is within an area designated as a Moderate Fire Hazard Severity Zone within the Local Responsibility Area (CAL FIRE Sonoma County Draft Fire Hazard Severity Zones in LRA Map, 2007). Fire protection services are provided by the Wilmar Volunteer Fire Department, located 1.5 miles from the site. Average response time is 10 minutes to the project vicinity with mutual aid provided by Petaluma City Fire and CalFire.

A Fire Safe and Vegetation Management Plan has been prepared by Vern Losh and Associates for the project. Implementation of this plan is required by the conditions of approval.

**Water/Wastewater/Utilities**

Each lot is proposed to have an individual septic system and well. Shared wells may be developed on a case-by-case basis if necessary to meet drinking water quality standards.

**Agricultural Conditions/Land Encumbrances/Contracts**

The Agriculture and Residential zoning district allows agricultural operations as an accessory use. For the last 4 years, a Certified California Organic Farm has been operating on the project site. A farm stand on Lohrman Lane sells produce grown on the farm. The applicant intends to continue operating the farm stand and has selected building envelopes intended to allow farming to continue on the site. There are no other agricultural land encumbrances or contracts.

**Other Environmental Conditions**

The project site is within a Groundwater Availability Zone 2 and has adequate groundwater supply, but is also within the Petaluma Nitrate Study Area, indicating that water quality may not meet drinking water standards. Shared wells may be necessary on a case by case basis to assure that water quality is adequate.



**PROJECT DESCRIPTION**

The project 29.6-acre project site is located 2.4 miles west of downtown Petaluma. Currently the site developed with three residences and a number of out buildings (barns sheds, garages, pump house, etc.). The remainder of the parcel consists of Live Oak Farms, an established Certified California Organic Farm which has been operating on the existing site for the past 4 years. Elevations on the relatively flat site range from approximately 160 feet above mean sea level on the eastern portion of the site dropping to 110 above mean sea level near Lohrman Lane.

There are three residences and a number of out buildings on the site including barns sheds, garages, pump house, etc. The residential units will remain and be located on Lots 1, 2 and 13, with the remaining 11 vacant lots available for residential development by future individual property owners. Lots will be serviced with power, communication and gas via an underground joint utility trench within an existing utility easement that serves all proposed lots. Individual wells are proposed for each lot with shared wells be allowed if the well is already serving multiple dwelling units, if necessary to maximize setback from on-site wastewater disposal areas, or where a shared well is necessary to meet California Code of Regulations Title 22 standards for maximum contaminant levels. On-site wastewater treatment systems already exist for the three existing residences, and individual on-site wastewater treatment systems will be developed to serve each of the 11 vacant lots.

The site contains two small wetland areas not designated by the Sonoma County General Plan or Zoning Code. No development is proposed in these areas and Sonoma County Code Section 11-16-140 requires a 50-foot setback from non-designated wetlands. The Biotic Constraints Analysis prepared for this project by Lucy Macmillan has determined that the 50-foot setback required by the Sonoma County provides adequate protection of these resources.

Access to the project is via Lohrman Lane and Ruttenberry Road. Live Oak Farm Lane provides internal circulation between the proposed lots. Live Oak Farm Lane has been finalled and constructed to subdivision standards under GRD16-0060 and ENC16-0250.

***Project History***

The table below summarizes key project milestones and events.

Date	Project Event/Milestone
05/29/2018	Application
10/15/2018	Completeness
10/15/2018	Referral to agencies
11/9/2019	CEQA Notice (Exemption – 10 days prior to hearing)

***Prior Review***

The Table below summarizes prior actions undertaken for the Project.

Date	Authority	Action Taken
06/20/2019	PRAC	Tentative map review per Sonoma County Code Section 25-37. Unanimously recommended that the Planning Commission approve the project subject the draft conditions of approval.



**General Plan and Area Plans**

*General Plan 2020 Policy for Rural Residential Areas*

**Purpose and Definition.** This category provides for very low density residential development on lands that have few if any urban services but have access to County maintained roads.

**Permitted Uses.** The primary use shall be detached single family homes. Secondary uses include attached dwellings, farming, small scale animal husbandry, home occupations, small scale home care and group care facilities, second dwelling units, public and private schools and places of religious worship, and other uses incidental to and compatible with the primary use. Consistent with Policy LU-6d, this category will allow application of the Rural Residential district that limits agricultural activities or the Agricultural and Residential district that allows unlimited animal and crop production on parcels of 2 acres or more.

**General Plan 2020 Policy LU-6d:** Provide for different levels of crop and animal production in the Rural Residential land use category by creating an "Agriculture and Residential" and a "Rural Residential" zoning district, one which permits unlimited animal and crop production on parcels two or more acres in size, and one which limits agricultural activities regardless of parcel size. Allow expanded agricultural uses in the "Agriculture and Residential" zoning district limited to agricultural processing, sales of products grown on site, product promotion, tours, educational visits, and small scale events. Where appropriate, simplify permit processing for these uses. In neither zoning district will the agricultural activities be considered the primary use of the land; nor will all of the policies of the Agricultural Resources Element apply.

**West Petaluma Area Plan**

*Policy for Nitrate Study Areas*

"Develop groundwater resources for water supply only when consistent with safe yield. The project is within the West Petaluma Area Plan Nitrate Study Area.

"Two acre densities are applied east of Thompson Lane reflecting the lowest potential agriculturally, and the many existing small parcels."

**Zoning**

The table below summarizes the development standards that apply to the site as outlined in the Sonoma County Zoning Ordinance, the existing and proposed development, and whether the project is consistent with the Zoning Ordinance. Inconsistencies with the Zoning Ordinance are discussed below.

Standard	Ordinance	Existing Condition	Proposed Project
<b>Lot Area</b>	1.5 acre minimum	29.6 acres	14 lots with a minimum area of 2.01 acres
<b>Land Use</b>	Rural Residential	Farm with 3 residential units.	Subdivision creating 14 lots
<b>Residential Density</b>	2 acres per unit	2 acres per unit	2 acres per unit
<b>Front Setback</b>	30 feet	30 feet	30 feet
<b>Side Setback</b>	10 feet	10 feet	10 feet
<b>Rear Setback</b>	20 feet	20 feet	20 feet



<b>Height</b>	35 ft maximum	35 ft maximum	35 ft maximum
<b>Floor Area Ratio</b>			
<b>Lot Coverage %</b>	18,000 SF or fifteen percent (15%), whichever is greater	18,000 SF or fifteen percent (15%), whichever is greater	18,000 SF or fifteen percent (15%), whichever is greater
<b>Parking Spaces</b>	1 per unit	1 per unit	1 per unit

***Other Development Regulations or Guidelines***

There are no combining districts for the project site.

**ANALYSIS**

**General Plan Consistency**

General Plan residential density for the project site is 2 acres per dwelling unit. The project is consistent with this density and is designed to encourage continued agricultural use on the lots, consistent with Policy LU-6d.

**West Petaluma Area Plan Consistency**

The project is within the Map 2 nitrate area. Water tests indicate that water quality is variable, with 3 of the 4 wells having relatively low nitrate levels and one well testing slightly above the Department of Health standard. All wells have adequate production. Conditions of approval allow for shared wells if an individual well fails to meet the California Department of Health standards for nitrate contamination. Water supply reports demonstrate that groundwater resources are sufficient to provide a reliable supply of potable water to the project.

Lots are east of Thompson Lane and with an average lot size of slightly over 2 acres, consistent with the West Petaluma Area Plan residential density for this area.

**Zoning Consistency**

Development of 14 lots on the 29.6 acre site is consistent with current zoning of Agricultural and Residential, 2 acres per dwelling unit. Minimum lot size in the AR Zoning District is 1.5 acres for parcels served by private wells. The minimum average lot width required within each lot is 80 feet with setbacks of 30 feet in front, 10 feet on the side, and 20 feet in the rear of each lot. The proposed lots are more than 80 feet wide and building envelopes on the tentative map meet setback requirements.

Residential development is the primary use allowed in the Agricultural and Residential zoning district. Land in this zoning district may also be used to raise crops and farm animals as a permitted accessory use. The project is configured to allow sufficient room for residential development while providing area for future property owners to continue the existing farm operations if desired.

***Environmental Analysis***

California Public Resources Code section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 provide an exemption from additional environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified, except as is necessary to determine if there are project-



specific significant effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that:

1. Are peculiar to the project or the parcel on which the project would be located, and were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,
2. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
3. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. Section 15183(c) further specifies that if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental review is not necessary for that project solely on the basis of that impact.

The Section 15183 Checklist (Exhibit E) prepared for this project evaluated potential impacts consistent with discussion items found in the Sonoma County CEQA Initial Study Checklist. This evaluation concludes that the project qualifies for an exemption from additional environmental review because it is consistent with the development density and land use policies established by the Sonoma County General Plan 2020, as analyzed by the Sonoma County General Plan Update Final Program EIR (GP2020 EIR, SCH #2003012020), and the following findings can be made:

1. The project is consistent with the development density established by General Plan 2020, as analyzed by the Sonoma County General Plan Update Final Program EIR (GP2020 EIR, SCH #2003012020).
2. There are no project specific effects which are peculiar to the project or its site, and that the GP2020 EIR failed to analyze as significant effects and there are no project specific effects which are peculiar to the project or its site.
3. The project site is located in an area developed with similarly sized parcels with residential development and associated accessory uses. The project, as conditioned by uniformly applied policies and standards will not result in any potentially significant impacts.
4. The GP 2020 EIR considered potential impacts that would result from full residential buildout at densities established in the GP 2020 Land Use Element. Development of the project is consistent with this density, therefore there are no potentially significant off-site and/or cumulative impacts which the GP2020 EIR failed to consider and evaluate.
5. There is no substantial new information which results in more severe impacts than anticipated by the GP2020 EIR, and no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GP2020 EIR.
6. The project incorporates mitigation measures specified in the GP2020 EIR where appropriate. These GP2020 EIR mitigation measures will be undertaken through project design, compliance with regulations and ordinances, or through the project's conditions of approval.



## **NEIGHBORHOOD/PUBLIC COMMENTS**

Early neighborhood notification was sent to nearby property owners and the applicant has hosted an open house on the project site to allow the neighbors to visit the site and understand the project first hand. No comments have been received from the public and there was no public comment regarding the project at the 20 June PRAC hearing.

### ***Preceding Review Authority Recommendation***

On 20 June 2019, the Project Review Advisory Committee PRAC considered the proposed tentative map for the project and unanimously recommended that the Planning Commission approve the project subject the draft conditions of approval.

### ***Staff Recommendation***

Approve the project subject to Conditions of Approval as recommended by PRAC and find the project exempt from further environmental review under CEQA Guidelines §15183.

## **ATTACHMENTS**

- EXHIBIT A: PRAC Recommended Conditions of Approval
- EXHIBIT B: Proposal Statement
- EXHIBIT C: Existing Conditions Maps
- EXHIBIT D: Tentative Map
- EXHIBIT E: Section 15181 Checklist
- EXHIBIT F: Approved Improvement Plans
- Exhibit G: Approved Encroachment Plans
- EXHIBIT H: Draft Resolution

