



Sonoma County Planning Commission STAFF REPORT

FILE: ZCE22-0008
DATE: May 2, 2023
TIME: At or after 1:15 PM
STAFF: Wil Lyons, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Property Owner: Jack's Vineyard, LLC
Applicant: Jack's Vineyard, LLC
Address: 1506 Dry Creek Road, Healdsburg
Supervisory District(s): 4
APN: 089-040-002
Description: Request for a Zone Change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District on an 8.0-acre parcel.
CEQA Review: Statutory Exemption, Public Resources Code Section 21080.17 and CEQA Guidelines 15282(h) (ordinances implementing Government Code Section 65852.2); Categorical Exemption: CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).
General Plan Land Use: LIA 20 (Land Intensive Agriculture, 20 acres per dwelling unit density)
Specific/Area Plan Land Use: N/A
Ordinance Reference: Sec. 26-06-010 - 040 – Agriculture and Resource Zones
Sec. 26-24-040 – Agricultural Employee Housing: Full-Time
Sec. 26-76-005 – Z Accessory Dwelling Unit Exclusion Combining District
Sec. 26-88-060 – Accessory Dwelling Units
Zoning: LIA (Land Intensive Agriculture District), B6 20 (20 acres per dwelling unit density), Z (Accessory Dwelling Unit Exclusion Combining District), F1 (Floodway Combining District), RC100/50 (Riparian Corridor Combining District, 100-foot setbacks), SR (Scenic Corridor and Landscape Unit Combining Districts), VOH (Valley Oak Habitat Combining District)

RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors approve a Zone Change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District from the subject parcel to allow for the potential



for development of an accessory dwelling unit, and find the project exempt from the California Environmental Quality Act under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h); and, CEQA Guidelines Section 15305.

EXECUTIVE SUMMARY

The project proposes approval of a Zone Change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District on an 8.0-acre parcel.

In 2019, the Board of Supervisors adopted Ordinance No. 6285 approving removal of the Z (Accessory Dwelling Unit Exclusion) Combining District from approximately 1,924 specified parcels countywide, including parcels over 10 acres within the Land Intensive Agriculture (LIA), Land Extensive Agriculture (LEA), and Diverse Agriculture (DA) Zoning Districts that met specific screening criteria (Policy HE-3c). Removal of the Z Combining District for parcels that did not meet the screening criteria for the countywide initiative is assessed on a case-by-case basis. The subject parcel meets the criteria for removal of the Z combining district, as discussed below.

The subject parcel did not pass the initial screening criteria because small portions of the parcel are located within the Riparian Corridor Combining District and Floodway Combining District. Permit Sonoma’s standard review process for encroachment into the streamside conservation setback required by the Riparian Corridor Combining District would adequately evaluate a project’s environmental impacts at the time of proposal. Zoning Code Section 26-56-020 prohibits all construction of permanent structures or those intended for human occupancy within the Floodway Combining District. Further, because the streamside conservation setback area is completely within the Floodway Combining District, Permit Sonoma would not allow an ADU within this area.

PROJECT SITE AND CONTEXT

Background

The subject parcel was rezoned to “AE” Agricultural Exclusive zone in 1975 (Ordinance No. 1928) when the Zoning Ordinance was updated to reflect provisions of the California Land Conservation Act of 1965 to protect and preserve agricultural land uses, to deter the conversion of agricultural land to noncontiguous urban development, and to encourage the retention of open space. On July 10, 1990, the Board of Supervisors adopted Ordinance No. 4225 which codified prohibited uses that could negatively impact agricultural uses or promote conversion to non-agricultural activities by applying the Z Combining District. This applied the Z Combining District prohibiting ADUs on all parcels formerly zoned Agricultural Exclusive (AE) while rezoning such parcel to the new designation of Land Intensive Agriculture (LIA), to match the 1989 General Plan land use designation.

Since 2005, the County has been accepting and approving requests to remove the Z Combining District on a case-by-case basis.

In 2009, the Board of Supervisors adopted General Plan Policy HE-3c to “review Z Combining District restrictions on agricultural parcels of less than 10 acres countywide and consider removing the restrictions where appropriate.”

In 2019 the County adopted Ordinance No. 6285, which removed the “Z” Accessory Dwelling Unit Exclusion Combining District from approximately 1,924 specified parcels located in the LIA, LEA, and DA zoning districts countywide that met the following screening criteria:

- The property was not located within a high or very high fire hazard severity zone;



- The property was not within a critical biotic habitat area for the California Tiger Salamander;
- An ADU on the parcel did not present the potential for groundwater contamination;
- An ADU on the parcel did not affect groundwater levels;
- The property was not located in a Traffic Sensitive Combining Zone;
- The property was not subject to a Land Conservation Act (Williamson Act) or other open space contract, or other recorded agricultural easements; and
- The property was not located in the Coastal Zone.

Due to the sensitive nature of riparian corridors and floodways, staff excluded parcels affected by these areas, finding it more appropriate to examine applications affected by such combining districts on a case-by-case basis. The subject parcel meets all of the above screening criteria, excepting a 0.61-acre portion of the parcel within the Floodway Combining District and a 0.18-acre portion within the Riparian Corridor Combining District.

Site Characteristics

The project site is 8.0 acres and is located south side of Dry Creek Road, approximately one mile west of the City of Healdsburg city limits and Highway 101. The site is developed with a single-family residence, vineyard, and accessory structures. It is bordered by Dry Creek to the south, which is the source of the floodway and riparian corridor.

Area Context and Surrounding Land Uses

The project site is surrounded by agriculturally zoned parcels ranging from under 1.00 to 24.00 acres in size. Parcels in the immediate area are zoned Land Intensive Agriculture (LIA). Surrounding land uses are Land Intensive Agriculture. The Z Combining District on the parcels north and immediately northeast of the project site were removed in the Countywide Z Removal (Ordinance No. 6285).

Significant Applications Nearby

The countywide Z Removal, approved under Ordinance No. 6285 in 2019, included neighboring parcels and parcels throughout the county that met the screening criteria.

Access

The parcel is accessed via Dry Creek Road, a County-owned right of way.

Wildfire Risk

The parcel is not within a designated Fire Hazard Severity Zone and is not at greater risk for wildfire.

Water/Wastewater/Utilities

The parcel is served by an existing well and septic system. The property lies within a Class 1- Major Groundwater Basin and an ADU should not contribute to declining water levels.

Agricultural Conditions/Land Encumbrances/Contracts

The parcel is not subject to any agricultural conditions, land encumbrances, or land conservation contracts (Williamson Act), and is currently operating as a vineyard with 5 acres of grapes. The parcel does not meet the thresholds to allow for an agricultural employee dwelling unit.

Other Environmental Conditions

The parcel is partially located within a riparian corridor, and any future development will be subject to Zoning Code Article 65, which requires evaluation via a Zoning or Use Permit process for any encroachment into the protected setback areas. The Riparian Corridor conservation area is located along the southern portion of the parcel, along Dry Creek. The parcel is affected by an F1 Floodway along the southern portion of the parcel any future development will be subject to Article 56, F1 Floodway Combining District, of the Sonoma County Code.

The parcel is located within VOH (Valley Oak Habitat) Combining District. The majority of the parcel is planted in vineyard and the trees that remain are located along the northerly and westerly parcel boundaries. No trees are proposed to be removed under this project proposal.

PROJECT DESCRIPTION

Request for a Zone Change to remove the Z (Accessory Dwelling Unit Exclusion) Combining District on a 8.0-acre parcel.

Ordinance and Project History

Table 1- Ordinance History

| Date | Ordinance History |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| July 10, 1990- January 26, 1993 | The parcel was rezoned to Land Intensive Agriculture with a second dwelling unit exclusion when the Board of Supervisors adopted Ordinance No. 4225 to rezone parcels to match General Plan land use designations and implement the 1989 General Plan. |
| January 26, 1993 | The Board of Supervisors adopted Ordinance No. 4643 to rezone agriculturally-zoned parcels to match new General Plan land use designations. |
| January 24, 2017 | The Board of Supervisors adopted Ordinance No. 6191 amending second dwelling unit regulations, adding junior accessory dwelling unit regulations, and reducing local regulatory barriers for constructing new accessory dwelling units in accordance with amendments to Gov. Code § 65852.2. |
| September 17, 2019 | The Board of Supervisors adopted Ordinance No. 6285 for removal of the “Z” Accessory Dwelling Unit Exclusion Combining District from approximately 1,924 specified parcels located in the LIA, LEA, and DA zoning districts countywide. |
| September 14, 2021 | The Board of Supervisors adopted Ordinance No. 6352, updates to the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance, in compliance with Government Code Sections 65852.2 and 65852.22. |

The table below summarizes key project milestones and events.



Table 2- Project History/Milestone

| Date | Project History/Milestone |
|--------------------|----------------------------------------------------|
| August 25, 2022 | Zone Change application submittal to Permit Sonoma |
| September 20, 2022 | Referral to pertinent agencies |
| May 8, 2023 | Public notice for Planning Commission hearing |
| May 18, 2023 | Planning Commission hearing |

ANALYSIS

General Plan Consistency

Allowing accessory dwelling units on qualifying properties is consistent with General Plan Housing Element goals and objectives to increase opportunities for the production of affordable housing. However, ADUs have historically been limited in agricultural zones because many agricultural parcels qualify for agricultural employee units, farm family residences, and/or farmworker units.

Agricultural Resource Element

Objective AR-2.4: “Reduce economic pressure for conversion of agricultural land to nonagricultural use.”

Objective AR-3.1: “Avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.”

Objective AR-4.1: “Apply agricultural land use categories only to areas or parcels capable of the commercial production of food, fiber and plant material, or the raising and maintaining of farm animals including horses, donkeys, mules, and similar livestock. Establish agricultural production as the highest priority use in these areas or parcels. ...”

Policy AR-3F: “Avoid amendments of the land use map from agricultural to a non agricultural use category for the purposes of allowing increase residential density which may conflict with agricultural production.”

Staff Analysis: The purpose of the Agricultural Resource element is to establish policies to insure the stability and productivity of the County’s agricultural lands and industries. It is also intended to express policies, programs, and measures that promote and protect the current and future needs of the agricultural industries.

The rezoning to remove the Z Combining District would not result in substantial conversion of agricultural lands and would not create physical conflicts with agricultural production. The total area typically required for an ADU would not represent a significant conversion of agricultural land.

In addition, the applicant intends to construct the accessory dwelling unit in or near the area of the parcel currently developed with a single family dwelling and accessory structures, minimizing loss of agricultural land.

Housing Element

Policy HE-3c: “Review ‘Z’ (Second Dwelling Unit Exclusion) Combining District restrictions on agricultural parcels of less than 10 acres county-wide, and consider removing the restrictions where appropriate.”



Staff Analysis: As discussed above, the Board of Supervisors approved Ordinance No. 6285 on September 17, 2019, to remove of the Z Combining District from approximately 1,924 parcels countywide, including parcels over 10 acres in size, to facilitate the creation of naturally occurring affordable housing by allowing accessory dwellings where the General Plan and Zoning Code otherwise allow such development. Rezoning the project site to remove the Z Combining District meets the following objectives.

Objective HE-3.1: *Eliminate unneeded regulatory constraints to the production of affordable housing.*

Objective HE-3.3: *Increase opportunities for the production of affordable housing.*

Staff Analysis: ADU surveys conducted by the County in 2006, 2013, and 2019 found that a majority of ADUs are offered at below-market rates that are affordable to moderate income households. In addition, ADUs can help support small farms and operations by providing supplemental income and agricultural worker housing for farm families when their properties do not qualify for agricultural housing types. The California Department of Housing and Community Development considers ADUs as an innovative, affordable, effective option for adding housing.

Program 16: *“On a parcel-by-parcel basis, the County will continue to process requests for removal of the ‘Z’ (Second Dwelling Unit Exclusion) Combining District restrictions on lots of less than 10 acres in agricultural zones that are not within water-scarce areas (Class 3 or 4) or flood prone areas, and where adequate sewage treatment capacity has been demonstrated. (Policy reference: HE-3c)”*

Staff Analysis: General Plan Housing Element Implementation Program 16 (Review Z Combining District) directs staff to implement Policy HE-3c on a case-by-case basis and outlines the qualification criteria which this parcel meets as discussed below.

Land Use Policy for Diverse Agriculture

Purpose and Definition: *The Land intensive Agriculture Zone enhances and protects lands best suited for permanent agricultural use and capable of relatively high production per acre of land; It implements the land intensive agriculture land use category of the General Plan and the policies of the Agricultural Resources Element.*

Staff Analysis: The General Plan land use designation for the project site is Land Intensive Agriculture with a 20-acre per dwelling unit density. The parcel is 8.0 acres and developed with one primary dwelling unit consistent with the established density. The Land Use Element allows for residential uses in the LIA district in conformance with permitted densities. ADUs do not count toward a parcel’s allowed density; therefore, the addition of an ADU on this parcel would be consistent with its allowed density.

The General Plan provides for various types of agriculture-related housing units in areas designated for agricultural use. The Zoning Code limits the number of additional agriculture-related housing units available in agricultural zoning districts on parcels where an ADU has been established. There is existing agricultural use on the parcel, but it does not meet the agricultural use thresholds to allow for an agricultural employee dwelling unit. Approximately 5 acres are planted with vineyard, and Zoning Code Section 26-24-40 requires at least 20 acres for a full-time agricultural employee unit or Caretaker Dwelling.

The subject parcel does not meet the minimum thresholds to allow for an agricultural employee dwelling unit on site. By allowing an ADU on the parcel, the property owner may provide housing opportunities that may not otherwise be available through an agricultural dwelling unit. The ADU could be made available to family

members, rented long-term or provided as housing for local farmworkers. The ADU may not be used as short-term Vacation Rental or vacation rentals (less than 30 days at a time).

Zoning Consistency

Land Intensive Agriculture Zoning District

Permitted Uses

ADUs are a permitted use in the LIA district (Sec. 26-06-030), subject to the regulations in Section 26-88-060 (Accessory Dwelling Units). If the Z Combining District removal is approved, any proposed ADU will be evaluated ministerially for compliance with all applicable development standards when a building permit application is submitted. Rezoning the parcel to remove the Z Combining District allows the property owner to apply to construct an ADU in a zone where an ADU is otherwise permitted.

Maximum Lot Coverage

LIA-zoned parcels between 5 acres and 20 acres in size are limited to 30,000 square feet or 10% lot coverage, whichever is greater, as required in Section 26-06-040 of the Sonoma County Code. In 2012, the Board of Supervisors adopted Ordinance 5967 (ORD10-0001) which limited lot coverage in the three agricultural districts (DA, LIA, & LEA) to restrict non-agricultural uses on ag-zoned parcels and to further policies from the Agricultural Resources Element, such as AR-3.1, to avoid the conversion of agricultural lands to other uses such as housing.

The maximum lot coverage for the subject parcel is 34,848 square feet, which is the most restrictive. The subject parcel contains an existing 1,350 square foot primary dwelling unit, a 2,120 square foot barn, and a 6,275 square foot barn equating to approximately 9,745 square feet, which is far below the maximum lot coverage of 34,848 square feet.

The proposed project, including the existing structures and proposed ADU at the maximum allowable size of 1,200 square feet, will equate to a total lot coverage of 10,945 square feet. The addition of an ADU, or any other new structure that would not exceed the maximum lot coverage for the site, would still allow for the remaining 90% of the parcel to be used for a future agricultural use.

The proposed Z Combining District removal would allow for additional housing potential on the site that could be made available to family members, rented, or provided as housing for local farmworkers.

Accessory Dwelling Units

ADUs are ministerially permitted in zoning districts that allow single-family or multi-family dwellings, in compliance with Government Code § 65852.2, the requirements of the Sec. 26-88-060, and all other requirements of the applicable zoning district in which an ADU is permitted. ADUs and Junior ADUs do not count towards a parcel's density.

ADUs count towards the number of agricultural dwelling units permitted on site. Section 26-88-060 (c)(2) states that on agricultural zoning districts, ADUs are permitted in conjunction with a primary residence, except where a lot is eligible for one or more agricultural dwelling units and an application has been filed for an ADU, that a lot shall be eligible for one fewer agricultural units.

Agricultural dwelling units are used to house full-time agricultural employees. Multiple units may be allowed on a single property, provided the onsite agricultural operation meets the agricultural use thresholds. As provided



by Government Code § 65852.2, ADUs do not exceed the allowable density for the lot on which the ADU is located, and are deemed consistent with the General Plan and Zoning for the lot.

The parcel allows for one ADU and is subject to the development criteria established by the zoning district.

Z (Accessory Dwelling Unit Exclusion) Combining District

The purpose of the Z Combining District is to provide for the exclusion of accessory dwelling units in areas that meet the following criteria found in Article 76 of the Sonoma County Zoning Code:

- a) *Areas where there is an inadequate supply of water for drinking or firefighting purposes,*
- b) *Areas where there are 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, and*
- d) *Areas where, because of topography, access, or vegetation, there is a significant fire hazard.*

Applications to remove the Z Combining District must not meet the criteria for inclusion. Each of these criteria is evaluated below:

- a) *Water Supply.* The Z Combining District was not originally applied to the subject parcel for reasons related to water supply. The parcel is partially located in a Class 1 Groundwater Availability Area, which indicates a major groundwater basin.
- b) *Wastewater Disposal.* The Z Combining District was not applied to the subject parcel for reasons related to inadequate wastewater disposal. The parcel is served by an approved 3-bedroom septic system (SEP07-0797) serving a 2-bedroom house and is not located in an Onsite Wastewater Treatment Systems Manual Waiver Prohibition Area.
- c) *Traffic Hazards.* The Z Combining District was not originally applied to the subject parcel for reasons related to traffic hazards. The project site is located on Dry Creek Road, with adequate ingress and egress to the site via a shared access road which exits directly onto Dry Creek Road. The addition of an accessory dwelling unit would not contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways in the area.
- d) *Fire Hazards.* The Z Combining District was not originally applied to the subject parcel for reasons related to fire hazard. Section 26-76-006(d) of the Zoning Ordinance regulating the Z Exclusion Combining District evaluates “Areas where, because of topography, access or vegetation, there is a significant fire hazard.” The parcel is flat and planted with vineyard as are the adjoining parcels. The site has relatively few trees being bounded on the north by a stand of trees flanking a shared private access road and the woods along Dry Creek to the southwest. The access road provides adequate access to Dry Creek Road in the event of an emergency. The parcel is not located within a Fire Hazard Severity Zone as established by the General Plan Safety Element (Figure PS-1g). The parcel is within a Local Response Area and is served by the Sotoyome Volunteer Fire Company district.

Housing Options for Agricultural Lands



Table 3 - Housing Types Available for Agricultural Zoned-lands

| # | Residential Use Type | Summary of Eligibility Criteria | Subject Parcel |
|---|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Primary Dwelling Unit | One single family dwelling unit per unit of density | The subject parcel is assigned a 20-acre density and is 8.0 acres in size. Density allows for one primary dwelling unit on site. |
| 2 | Farm Family Dwelling Unit | 1 unit, occupied by member(s) of the farm operator’s family. Requires agricultural easement with a term no less than 20 years. For parcels in Land Intensive Agriculture (LIA) zoning, a Williamson Act contract is required. Not permitted in Diverse Agriculture (DA), Resource and Rural Development (RRD), or Timber Production (TP) zoning. | The subject parcel is zoned LIA and would not be allowed a Farm Family Dwelling Unit because it is not subject to a Williamson Act Contract. |
| 3 | Agricultural Employee Dwelling Unit: Full Time | 1 unit for every: 50 dairy animals, 20 acres permanent crops, 100 grazing animals, 20,000 broilers, 15,000 laying hens, 3,000 turkeys, 30 horses, or 3-acres field grown nursery stock, or 1 acre of greenhouse. | With 5 acres planted in grapes, the parcel does not meet minimum agricultural use thresholds to allow for an Agricultural Employee Dwelling Unit. |
| 4 | Agricultural Employee Dwelling Unit: Seasonal | 1.5 ac min lot size; 19 workers; occupied no more than 180 days per year. | The applicant does not propose to develop housing for seasonal agricultural employees. |
| 5 | Farmworker Housing: Year-Round or Extended Seasonal | 5 ac min lot size; maximum 38 workers or use permit required; occupied 180 days; set back minimum of 55' from the centerline of any roadway, 60' from any other property line, 40' from any other structure, and 40' from watering troughs, feed troughs, and accessory buildings, 75' from barns, pens or similar quarters of livestock or poultry. | The applicant does not propose to develop housing for seasonal agricultural employees. |
| 6 | Ag Employee: Caretaker Unit | One unit allowed for properties with seasonal farmworker housing for at least six (6) employees and must meet ag. employee unit thresholds. Not permitted on sites containing other permanent structures. | The subject parcel does not meet agricultural use thresholds to allow for a caretaker unit. The site contains one permanent primary dwelling unit. |
| 7 | Ag Employee: Temporary Farmworker Camps | Up to 4 self-contained recreational vehicles or travel trailers, less than 90 days. | The applicant does not propose to develop housing for seasonal agricultural employees. |
| 8 | Junior ADU (JADU) | Within an existing or proposed primary dwelling, up to 500 sf. | The subject parcel is permitted to have one JADU. |
| 9 | ADU | Permitted in zoning districts that allow single family or multifamily dwellings where the Z Combining District is not in place, subject to standards in Sec. 26-88-060. | The subject parcel’s zoning does not allow for an ADU. Project proposes to remove the Z Combining District to allow for an ADU. |



Environmental Analysis

The project is exempt from the California Environmental Quality Act, pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), which provide a statutory exemption for adoption of an ordinance by a city or county to implement the provisions of Government Code Section 65852.2 regarding Accessory Dwelling Units. The proposed rezoning would provide for the creation of an Accessory Dwelling Unit in an area zoned to allow residential development. The project is also categorically exempt under CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations) because the proposed zone change would not result in any changes in land use or density and is proposed on a site with an average slope of less than 20 percent.

NEIGHBORHOOD/PUBLIC COMMENTS

Dry Creek Valley Citizens Advisory Committee has provided comment stating they have no objection to this project. No other comments have been received to date.

RECOMMENDATIONS

Staff Recommendation

Staff recommends that the Planning Commission adopt the attached resolution recommending the Board of Supervisors approve the requested zone change removing the Z Combining District, and find the project exempt from the California Environmental Quality Act.

ATTACHMENTS

- Att 1 Draft Resolution
- Att 2 Draft Ordinance
- Att 3 Ordinance Map
- Att 4 Applicant Proposal Statement
- Att 5 Site Map
- Att 6 Other Maps

