



July 29, 2022

Karen Weeks, Chairperson – Santa Rosa Planning Commission

Email: [kweeks@srcity.org](mailto:kweeks@srcity.org)

Re: August 11<sup>th</sup>, 2022 Planning Commission Meeting Item:

Subdivision of Parcel “A” of the Kerry Ranch 1 Subdivision

Chairperson Weeks,

This letter is written on behalf of the North West Santa Rosa Neighborhood Association. The subject subdivision is within the boundaries of the NWSRNA. We participated in the approval process for the Kerry Ranch Development (1, 2, and 3) which was approved in late 2007.

Parcel “A”, within Kerry Ranch 1, was created to accommodate a storm drainage retention basin-wetlands to drain Kerry Ranch 1, 2, and 3, a total of 95 lots. In 2017 the concept of utilization of bio-swales was discussed within Sonoma County as a replacement for the traditional storm drainage systems and guidelines were developed for Standard Urban Storm Water Mitigation Plans (SUSMP). Exhibit “A” provides the background that led to the conclusion that Kerry Ranch 1 could be developed as shown in the 2007 Development Advisory Report (DAC) since the proposed storm drainage retention basin – wetland was consistent with the 2005 SUSMP Manual.

The City Planning staff, in October 2019, re-wrote the Kerry Ranch 1 DAC report. This new DAC Report was never formally reviewed/discussed/approved by the City Planning Commission. City Code Title 19 Subdivisions, Chapter 19-24 Tentative Map Procedures provides for the Planning Commission to hold a Public Hearing to allow for public comment on the Tentative Map and the DAC Report (see Exhibit “B”). On January 23<sup>rd</sup>, 2020 the City Planning Commission, under the Consent section of their agenda, approved a 1-year time extension for the approved Kerry Ranch 1 Tentative Map (see Exhibit C) but did not take any other action relative to Kerry Ranch 1 Tentative Map or Staff proposed 2019 DAC Report.

On or about September 11, 2020, Resolution No. 11998 of the Planning Commission was prepared by the City Planning Department and executed by Planning Commission Chairperson Patti Cisco and Clare Hartman, Executive Secretary. This resolution (see Exhibit “D”: Resolution - 4 pages and revised 2019 DAC Report- 9 pages) represents that the Planning Commission took action to approve the October 2019 staff revised DAC Report, when in fact this never occurred! Furthermore, if any such action would be taken by the Planning Commission, it would have to be done under a public hearing format to ensure that the surrounding neighborhood would be notified and could participate in the Planning Commission meeting.

The two outstanding issues between the original 2007 DAC Report and the 2019 staff revised DAC report are:

- 1) Use of a bio-swale storm drain design for Kerry Ranch 1 and (we suppose) for Kerry Ranch 2 and 3 versus the original retention basin -wetlands storm drain design to serve Kerry Ranch 1, 2, and 3. The Planning Commission needs to understand that Parcel “A” is currently encumber with a restriction of use for residential dwelling units (see Exhibit “E”).

- 2) The curb to curb width of San Miguel was to be 46 feet in the 2007 DAC Report to accommodate parking lanes on both the north and south side of San Miguel, two one-way bike lanes, and two travel lanes. The staff proposed 2019 DAC Report dropped the parking lane on the north side of San Miguel making the curb to curb width 38 feet. The NWSRNA strongly disagrees with dropping this parking lane since all the proposed new houses on the north side of San Miguel are bounded on three sides with other new houses and, therefore, need the street parking. Where else in Santa Rosa has the Planning Commission deleted street parking in front of new houses that are bounded on the three other sides by other new houses!!! (see Exhibit "F"). The Kerry Ranch 1 subdivision improvements have been installed in accordance with the proposed 2019 DAC Report, which was not approved by the Planning Commission and should have been installed in accordance with the 2007 DAC Report.

It should be clear to the Planning Commission that certain staff actions have frustrated the NWSRNA neighborhood and, moreover, have not been approved by the majority of the Planning Commissioners. Furthermore, these actions represent violations of the City Code and the State Subdivision Map Act. Currently, the Developer-Dan Morgan is getting ready to install the 4-foot wide asphalt path on the west side of Francisco up to Jack London School and plans to start taking reservations to selling houses. The NWSRNA proposes that the Planning Commission take action to approve the Tentative Map subject to the following:

- 1) While the NWSRNA would like to propose that the 2007 DAC Report approved storm drainage retention basin-wetlands would be the better storm drain system (versus bio-swales) and provide a terminal drainage system for Kerry Ranch 2 and 3; the cost to revamp the existing storm drain system would be too costly and be the financial obligation of the City . So, the existing bio-swale design system, although never approved by the Planning Commission, should remain.
- 2) Eliminate the two one-way bike lanes and have San Miguel re-stripped with two 8-foot parking lanes, and two 11-foot travel-way lanes. We make this recommendation with the knowledge that the existing two bike lanes will probably never get extended to Fulton Road because of San Miguel right of way encumbrances in the last 600 feet before reaching Fulton Road.
- 3) We support the subdivision of Parcel "A" into 4 lots, not 5 (see Exhibit G) wherein all lots are accessed off the internal street not San Miguel. This would provide additional parking on San Miguel for the 8 housing units to be built on lots 1 through 6. However, the City needs to be successful in eliminating the "no residential dwellings" encumbrance on Parcel "A". This action will require City Council concurrence since the Planning Commission can only recommend (not adopt) City Code changes.

We, strongly, suggest that the City Attorney work with both the Planning Commission and the City Planning and Engineering staff to clarify the confusion around "Conditions of Approval" for major subdivisions. Specifically, the City Attorney needs to address the legal obligation of the City to conduct Public Hearings whenever the Planning Commission is to be discussing major subdivision Conditions of Approval. Furthermore, the City Attorney needs to clarify the division of effort between the Planning Commission, the City staff and the Applicant in processing Tentative Maps. City staff approval of Conditions of Approval without conformation by the Planning Commission is a violation of City Code and the State Subdivision Map Act.

Sincerely,

NWSRNA

Marsha Chevalier

Al Petrie



## Acknowledgements

This document was prepared for the County of Sonoma, City of Santa Rosa and the Russian River Watershed Association. A Technical Advisory Committee was convened to provide input in the development of these guidelines and to review the draft document. We appreciate the effort and time afforded by the Technical Advisory Committee in providing comments, suggestions and guidance.

### Agencies/Organizations Providing Representatives to the SUSMP Technical Advisory Committee

- Caltrans
- City of Santa Rosa Community Development Department
- City of Santa Rosa Public Works Department
- Consulting Engineers and Land Surveyors of California
- CSS Associates Architects, Inc.
- Engineering Contractors Association
- Homebuilders Association of Northern California
- Marin/Sonoma Mosquito and Vector Control District
- Quadriga Landscape Architecture and Planning, Inc.
- Regional Water Quality Control Board, Region 1
- River Keeper
- Russian River Watershed Association
- Sonoma County Fire Services
- Sonoma County Permit and Resource Management Department
- Sonoma County Transportation and Public Works Department
- Sonoma County Water Agency



## Low Impact Development Technical Design Manual



The City of Santa Rosa and most development projects in the City must meet requirements to reduce storm water pollution, protect water quality of our local waterways and promote groundwater recharge. The City has provided design guidelines for permanent storm water features in a series of manuals since July 13, 2005. The current revised Manual to provide those development design guidelines will be approved and required of all new development on May 3, 2017.

Low Impact Development is a design approach that integrates specialized landscape features into the urban environment. Runoff is directed into these features where it can soak into the ground. This approach mimics the storm water benefits of the natural environment. Specialized swales, planters, and raingardens provide beauty while also slowing runoff and removing pollutants. Plants and microbes that live in healthy soil use pollutants as nutrients, removing them from runoff.

**NOTE:** Development projects that received discretionary approval prior to July 13, 2005 are exempt from following the manuals and guidelines. The table below is provided to guide the use of the correct Manuals, determination worksheet, storm water calculator and other tools that are applied to your development project.

### Manuals & Related Documents

What date did the project receive discretionary approval?

5/3/2017 - Present	7/1/2010 - 5/2/2017	7/13/2005 - 6/30/2010
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Bigleaf Maple



California Buckeye



Coast Live Oak



Valley Oak



Narrow-leaved Willow



Red Willow

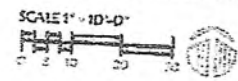


**OWNER:** KERRY RANCH LLC  
1500 San Juan Avenue  
Santa Rosa, CA 95401  
707-539-1000

**DESIGNER:** KERRY RANCH LLC  
1500 San Juan Avenue  
Santa Rosa, CA 95401  
707-539-1000

# DETENTION BASIN PLAN KERRY RANCH SANTA ROSA, CALIFORNIA

DATE: DECEMBER 11, 2008





**Santa Rosa  
City Code**

**Santa Rosa,  
California**



Current through Ordinance 2021-002 and the June 2021 code supplement. For more recent amendments to this code, refer to the [CodeAlert](#) page.

This document is provided for informational purposes only. Please read the full [disclaimer](#).

Santa Rosa City Code

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[Title 19 SUBDIVISIONS](#)

[Chapter 19-24 TENTATIVE MAP PROCEDURES](#)

**19-24.070 Planning Commission action.**

(A) The Planning Commission or the Subdivision Committee, in the case of a tentative parcel map, shall hold a public hearing to receive public comment on the tentative map and to review the recommendations of the Development Advisory Committee and the Department of Community Development within 50 calendar days of the date the tentative map application has been deemed filed. The public hearing shall be noticed at least 10 calendar days prior to the meeting as established in Government Code Sections 66451.3 and 66451.4. Failure to receive the notice required by Government Code Sections 66451.3 and 66451.4 shall not invalidate any action taken pursuant to the Subdivision Map Act or this title. The written recommendation of the Department of Community Development and a copy of the Development Advisory Committee report shall be delivered to the subdivider at least three calendar days prior to the date of the hearing. The Planning Commission may approve or conditionally approve any tentative map which complies with this title and the Subdivision Map Act. Approval of a tentative map which does not comply with this title or the Subdivision Map Act shall be null and void, whether the approval was granted in error or otherwise.

(B) In accordance with Government Code Section 66451.3, if the Planning Commission or the Subdivision Committee

"Exhibit B"

B



# City of Santa Rosa

City Hall, Council Chamber  
100 Santa Rosa Ave  
Santa Rosa, CA



## Planning Commission Regular Meeting Minutes - Final

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Thursday, January 23, 2020

4:00 PM

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### 1. CALL TO ORDER

Chair Cisco called the meeting to order at 4:00 p.m.

### 2. ROLL CALL

**Present** 4 - Chair Patti Cisco, Vice Chair Karen Weeks, Commissioner Charles Carter, and Commissioner Julian Peterson

**Absent** 3 - Commissioner Vicki Duggan, Commissioner Akash Kalia, and Commissioner Jeff Okrepkie

### 3. APPROVAL OF MINUTES

3.1 December 12, 2019 - Draft Minutes

Approved as submitted.

### 4. PUBLIC COMMENTS

Chair Cisco announced item 10.1 would be continued and allowed Public Comment to include item 10.1.

Duane DeWitt spoke regarding Climate Change and item 10.1.

### 5. PLANNING COMMISSIONERS' REPORT

None.

### 6. DEPARTMENT REPORTS

Presented by Clare Hartman, Planning Deputy Director.

### 7. STATEMENTS OF ABSTENTION BY COMMISSIONERS

None.

### 8. STUDY SESSION

None.

## 9. CONSENT ITEMS

**A motion was made by Vice Chair Weeks, seconded by Commissioner Peterson, to waive reading of the text and adopt Consent Items 9.1 through 9.4.**

**The motion carried by the following vote:**

Yes: 4 - Chair Cisco, Vice Chair Weeks, Commissioner Carter and Commissioner Peterson

Absent: 3 - Commissioner Duggan, Commissioner Kalia and Commissioner Okrepkie

- 9.1      CONSENT ITEM - KERRY RANCH I TENTATIVE MAP  
EXTENSION - 2181 FRANCISCO AVENUE - PRJ18-079  
(EXT18-0066, EXT18-0067)

BACKGROUND: This is a request for a 1-year time extension for the approved Kerry Ranch I Tentative Map, which will extend the expiration dated to December 4, 2020. The approved project will subdivide a 3.95-acre parcel into 25 single-family lots and will construct 25 single-family residences and 12 second-unit dwellings.

PRESENTED BY: Michael Wixon, Contract Planner.

Staff responded to Commissioner inquiries.

The Consent - Resolution was adopted.

RESOLUTION NO. 11998 ENTITLED: RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA GRANTING A FOURTH ONE-YEAR EXTENSION OF TIME OF THE TENTATIVE MAP FOR KERRY RANCH 1, A SMALL LOT SUBDIVISION, LOCATED AT 2181 FRANCISCO AVENUE, SANTA ROSA - ASSESSOR'S PARCEL NUMBER 034-041-012 - FILE NUMBER PRJ 18-079





RESOLUTION NO. 11998

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA GRANTING A FOURTH ONE-YEAR EXTENSION OF TIME OF THE TENTATIVE MAP FOR KERRY RANCH 1, A SMALL LOT SUBDIVISION, LOCATED AT 2181 FRANCISCO AVENUE, SANTA ROSA – ASSESSOR’S PARCEL NUMBER 034-041-012 – FILE NUMBER PRJ18-079

WHEREAS, on October 11, 2007, the Planning Commission approved Resolution No. 11181, recommending adoption of the Mitigated Negative Declaration for the Kerry Ranch I, II and III Project; and

WHEREAS, on October 11, 2007, the Planning Commission approved Resolution No. 11183, approving the Small Lot Subdivision Conditional Use Permit for the Kerry Ranch 1 Project; and

WHEREAS, on October 11, 2007, the Planning Commission approved Resolution No. 11186, approving the Tentative Subdivision Map for the Kerry Ranch 1 Project; and

WHEREAS, on December 4, 2007, the City Council approved Resolution No. 26991, adopting a Mitigated Negative Declaration for the Kerry Ranch I, II and III Project; and

WHEREAS, on December 4, 2007, the City Council on appeal adopted Resolution Nos. 26992 and 29994, upholding the Planning Commission’s action and denying the appeal of the Small Lot Subdivision Conditional Use Permit and Tentative Subdivision Map, to subdivide and develop a property measuring 3.95 acres into 25 new residential lots and associated improvements (MJP05-053), for two (2) years; and

WHEREAS, on December 11, 2007, the City Council approved Ordinance No. 3857 to rezone the Kerry Ranch I, II and III Project area from OSC (Open Space Conservation) to R-1-6 (Single-family Residential); and

WHEREAS, Senate Bill 1185 granted an automatic one-year extension for the Tentative Map, and Assembly Bills 333, 208, and 116 each granted automatic two-year Tentative Map extensions for a total of 7 years of time extensions to file a final map, extending the Tentative Map expiration date to December 4, 2016; and

WHEREAS, on February 22, 2018, after a duly noticed public hearing, the Planning Commission adopted Resolution No 11883, approving two (2) separate one-year extension requests, extending the final map filing period for the Kerry Ranch I Subdivision from December 4, 2016, to December 4, 2018; and

WHEREAS, on December 18, 2018, the City Council adopted the Resilient City Development Measures of the Santa Rosa Zoning Ordinance, §20-16.120 permitting a one-time, 12-Month extension of an approved tentative map that had not expired as of October 9, 2017, extending for a third year the Tentative Map expiration date for Kerry Ranch 1 to December 4, 2019; and,

WHEREAS, on October 22, 2018, the time extension applications for the project were submitted to the Planning and Economic Development Department, requesting a one-year extension of time to December 4, 2020; and

WHEREAS, the scope of the Kerry Ranch Project and subsequent time extensions of Kerry Ranch 1 have been found in compliance with the California Environmental Quality Act (CEQA). An Initial Study was prepared for the project, which resulted in a Mitigated Negative Declaration adopted by the City Council (Resolution 26991); and

WHEREAS, CEQA Guidelines section 15162 provides that no additional review is required where a mitigated negative declaration has been adopted for a project and there are no substantial changes to the project or changed circumstances which will result in new or more severe environmental impacts, there is no new information showing the project will have significant effects not discussed in the mitigated negative declaration, and no newly identified feasible mitigation measures have been introduced to substantially reduce one or more significant effects identified for the Project; staff has reviewed the project and has determined that the Project has not changed substantially and remains consistent with the analysis of the environmental document adopted by the City Council, and there are no new circumstances that would require further environmental review under CEQA.

WHEREAS, the Planning Commission has considered the fourth request to extend the period for filing the final map for the Kerry Ranch 1 Small Lot Subdivision from December 4, 2019 to December 4, 2020; and

WHEREAS, conditions pertaining to the subject development have not changed to any appreciable degree.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa grants the fourth of five one-year extensions of time on the filing of the final map for Kerry Ranch I to December 4, 2020, subject to the following conditions:

1. Comply with all conditions of City Council Resolution No. 26994, which approved the Tentative Map except where superseded by this resolution.
2. Comply with all conditions as specified by Exhibit "A" dated October 22, 2019, attached hereto and incorporated herein.
3. Obtain building permits for the proposed project.



- D  
3
4. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
  5. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
  6. Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time, or thereafter, that the building permit(s) for this development, or any part thereof, are issued.
  7. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Sonoma County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within a reasonable timeframe. Subsequently, the Native American Heritage Commission shall identify the "most likely descendant." The most likely descendant shall then make recommendations and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98.

8. Condition 7 of City Council Resolution No. 26994, which requires compliance with the Housing Allocation Plan, is hereby rescinded and replaced with the following:

The developer of the Kerry Ranch I subdivision, which was approved via Resolution No. 26994 shall comply with City Code section 21-02, Housing Allocation Plan, through (a) provision of the appropriate number of on-site affordable units, (b) payment of housing impact fees, or (c) an alternative compliance proposed in accordance with City Code section 21-02.070 and approved by the Director of Planning and Economic Development. For purposes of this condition, the Director of Planning and Economic Development is designated as the review authority for review and acceptance of innovative Housing Allocation Plan compliance strategies under City Code section 21-02.070(D).

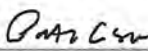
REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on this 23 day of January 2020, by the following vote:

AYES: (4) Chair Cisco, Vice Chair Weeks, Commissioner Carter, and Commissioner Peterson

NOES: (0)

ABSTAIN: (0)

ABSENT: (3) Commissioner Duggan, Commissioner Kalia, Commissioner Okrepiek.

APPROVED:   
Patti Cisco (Sep 11, 2020 16:01 PDT)  
PATTI CISCO, CHAIR

ATTEST:   
CLARE HARTMAN, EXECUTIVE SECRETARY

Exhibit A – Engineering Development Services Conditions, October 22, 2019  
not attached ↗



Title 19 SUBDIVISIONS  
Chapter 19-08 DEFINITIONS

**19-08.291 Parcel.**

"Parcel" means that portion of land within a subdivision, recorded after June 1, 1998, to allow for an amenity, common use structure or to protect a public or private interest. Parcels are not intended for commercial use or for residential dwelling units. Parcels shall be designated by letter. Examples of parcels include, but are not limited to: public or private open space, landscaping and common areas. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)

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3" BRASS DISK IN  
WELL STAMPED "CI  
ROSA, I.S. 5316" III  
CITY OF SANTA RO  
MONUMENT G-527  
N: 294612.0102) 5K  
S: 175055.0102) 5K

**From:** [Osburn, Gabe](#)  
**To:** [Murray, Susie](#)  
**Subject:** FW: FW: [EXTERNAL] Kerry Ranch I Final Map  
**Date:** Wednesday, July 20, 2022 8:31:28 AM  
**Attachments:** [image003.png](#)  
[image001.png](#)  
[image002.png](#)  
[Scan0691.pdf](#)

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Hi Susie,

Below are the main concerns that Al has expressed in the past. The majority of the correspondence was occurring before the recordation of the Kerry Ranch I map. He was arguing that we should not have allowed the Kerry Ranch I project to change the LID design. He was also trying to argue that the map should not be recorded due to the manner in which we processed the tentative map extension. I'm not sure how deep you want to dive into this issue in the staff report. We may be able to write up a brief background regarding the formation of Parcel A and include a summary regarding the lid change. We can then state that we received feedback regarding the change.

Thanks,

-Gabe

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**From:** Al Petrie <alpetrie7@aol.com>  
**Sent:** Wednesday, July 28, 2021 4:25 PM  
**To:** Osburn, Gabe <GOsburn@srcity.org>; mechevalier@gmail.com; Williams, Stephanie <SWilliams@srcity.org>  
**Subject:** Re: FW: [EXTERNAL] Kerry Ranch I Final Map

Hi Gabe,

Thank you for providing the the City representative's name that will be signing the Final Map - Jason Nutt. I do not claim to be an expert on appeals to the City Council, I can only speak to my experiences with other California cities and City Clerks.

The City of Santa Rosa representatives should be the last signatures to go onto the Final Map vellum. Thereafter, the Final Map should be held by the City (usually the City Clerk) until any appeal process is exhausted. THEN, the distribution process you describe can occur. Should there be an appeal during the appeal process time line, the appeal is adjudicated by the City Council before the City Clerk releases the Final Map and then the distribution process proceeds. I do understand that Ordinance No. 3501 of the City of Santa Rosa has shifted some of the City Clerk responsibilities to the City Engineer, but that does not relieve the City Engineer from implementing the Final Map approval/recordation process as outlined in this paragraph.

You asked for clarification of specific topics the Northwest Santa Rosa Neighborhood Association wishes to discuss with the City:

1) Which Storm Drainage Design Manual should be used in reviewing Kerry Ranch I



Subdivision Improvement Plans and Final Map? The attached 3-page exhibit entitled "Low Impact Development Technical Design Manual" and denoting the 16- member committee that decided the appropriate Manual to be used for various projects CLEARLY shows that the June 3, 2005 Manual is to be used for the Kerry Ranch development. The Regional Water Quality Control Board-Region 1 did not agree with the Committee conclusion but had to accept it since they are a State Agency and, therefore, subordinate to the State Subdivision Map Act which was/is the basis for approval of the Kerry Ranch Development Tentative Maps. We ask again, why did the City not use the June 3, 2005 Manual and implement the detention basin-wetland storm drain design which was approved by the City Planning Commission?

2) Why did the City Planning Department, once you decided to deviate away from the detention basin-wetland concept to bio-swales, not take this matter back to the Planning Commission for their approval? The attached 5-page sections of Title 19 of the City Code CLEARLY demonstrates that the Planning Commission approves Tentative Map conditions of approval, not the Planning Department staff. Therefore, what should have occurred is the Planning staff should have taken a "Modification of Kerry Ranch I Tentative Map" application back to the Planning Commission for their consideration. Since all Subdivision Tentative Map approvals (or modifications there to) must be done by Public Hearing (per the State Subdivision Map Act), the NWSRNA would have been notified and could have appeared to present our point of view. The NWSRNA, along with the then applicant-Harvey Rich, and the Planning staff put a lot of time and effort into the approved condition of detention basin - wetlands, yet we were denied an opportunity to address your change to bio-swales. I would suggest you review in the field what has been the result of requiring bio-swales along the north side of San Miguel from Francisco Avenue to Fulton Road. Some are decent, some are filled in, some are just weeds and garbage catchers.

Let's meet/talk in person or at the site before August 10th (last day of the appeal period).

Sincerely,

NWSRNA

Al Petrie RCE #20966 cell 707-974-9193

On 7/28/2021 1:16 PM, Osburn, Gabe wrote:

Hi Al,

The City Engineer signs the City Engineer's certificate on the map. Jason Nutt is currently fulfilling that responsibility for the City. I will handle the processing of any appeals.

The developer's title representative is provided copies of the map once they are approved. The title representative may record the map at any point in time. That is not a process that the City controls. There are no state or local code sections that I'm aware of that prohibit the subdivider from recording the map during the appeal window. An appeal of a final determination (not always the appeal window) can pause any future applications associated with the final determination that the City

controls, such as building permits. If you feel otherwise, please cite specific municipal or state code sections that support your argument. The applicant will be required to unwind, through the amendment process, any items associated with the map that are upheld in an appeal.

Please let me know the specific topics you would like to discuss in the meeting so that we can coordinate the appropriate participation. If you would like to solely focus on the applicability of the various LID manuals, it would make sense to include our Storm Water team. The Storm Water division is tasked with compliance under the City's National Pollutant Discharge Elimination System Permit. That permit sets requirements associated with storm water LID. If you wish to discuss setback requirements, wetland mitigations or the processes associated with amending the tentative map conditions through the tentative map extension process, I'll be sure to include our Planning staff.

Let me know if you have any additional questions.

**Gabe Osburn | Deputy Director of Development Services**

Planning and Economic Development Department | 100 Santa Rosa Ave | Santa Rosa, CA 95404

Desk: (707) 543-3853 | Cell: (707) 328-7066 | Fax: (707) 543-3936 | Email: [gosburn@srcity.org](mailto:gosburn@srcity.org)



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**From:** Al Petrie <[alpetrie7@aol.com](mailto:alpetrie7@aol.com)>

**Date:** Monday, July 26, 2021 at 6:06 PM

**To:** Osburn, Gabe <[GOsburn@srcity.org](mailto:GOsburn@srcity.org)>, [mechevalier@gmail.com](mailto:mechevalier@gmail.com)  
<[mechevalier@gmail.com](mailto:mechevalier@gmail.com)>, Williams, Stephanie <[SWilliams@srcity.org](mailto:SWilliams@srcity.org)>

**Subject:** Re: FW: [EXTERNAL] Kerry Ranch I Final Map

Hi Gabe,

I appreciate receipt of your email wherein you acknowledge the City Engineer's signature on July 19th and the appeal period extending to 15 days after July 26th, 2021 (or August 10th, 2021). However, your email contains certain information that we (NWSRNA) question:

- 1) Per our previous email (June 30th) we asked who is actually signing the Final Map for the City Engineer? Could you provide us their name.
- 2) Any appeal of the Final Map within the appeal period actually "freezes" the Final Map until the



appeal is heard. There should not be any direction to the applicant that the Final Map is ready for recordation. Even if there was no appeal of the Final Map, the City has to let the appeal period lapse before the Final Map is recorded.

Yes, we (NWSRNA) would like to meet with you and Clare at your earliest convenience concerning our reasons for appeal.

Al Petrie, RCE #20966

cell 707-974-9193

On 7/26/2021 10:52 AM, Osburn, Gabe wrote:

Hi Al,

I just wanted to provide you with an update associated with the status of the Kerry Ranch I final map. As you are aware, the notice regarding the Final Map was added to the July 13th council meeting. The map must be approved or denied within 10 working days following the meeting date. The final map was signed by the City Engineer on July 19, 2021. All final approvals have been granted at this point and the developer may move forward with the recordation of the map.

If you wish to appeal this determination, you may do so by filing an appeal with the City Clerk within 15 calendar days from the date of this correspondence (July 26, 2021).

Let me know if you have any questions. I will provide a sperate response to the points highlighted below and we can schedule a meeting to discuss these items if you would find that beneficial.

**Gabe Osburn | Deputy Director of Development Services**

Planning and Economic Development Department | 100 Santa Rosa Ave | Santa Rosa, CA 95404

Desk: (707) 543-3853 | Cell: (707) 328-7066 | Fax: (707) 543-3936 | Email: [gosburn@srcity.org](mailto:gosburn@srcity.org)



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**From:** Al Petrie <[alpetrie7@aol.com](mailto:alpetrie7@aol.com)>  
**Sent:** Wednesday, June 30, 2021 5:29 PM  
**To:** Osburn, Gabe <[GOsburn@srcity.org](mailto:GOsburn@srcity.org)>; [mechevalier@gmail.com](mailto:mechevalier@gmail.com)  
<[mechevalier@gmail.com](mailto:mechevalier@gmail.com)>; Williams, Stephanie <[SWilliams@srcity.org](mailto:SWilliams@srcity.org)>  
**Subject:** Re: FW: [EXTERNAL] Kerry Ranch I Final Map

Hi Gabe Osburn,

Thank you for your response to our email to Stephanie Williams, City Clerk. The Northwest Santa Rosa Neighborhood Association worked with the original developer - Harvey Rich and the City Planning staff in 2007 to conclude the use of a detention basin - wetland concept to reduce the storm drainage flow from Kerry Ranch I, II, and III, prior to entering the existing City storm drainage system. We would encourage you to review the project files to understand the effort by everyone involved and the resulting design of the detention basin - wetland produced by the applicant - Harvey Rich and approved by the Planning Commission.

The NWSRNA will provide the enclosed draft "Basis For Appeal Of Kerry Ranch Final Map" to the City once you take the position that the Final Map is ready for recordation. The two key points in our appeal are (1) The 2005 SUSWMP is the appropriate manual that staff should be using in concluding the storm drain improvements and this manual supports the use of a retention basin - wetland concept to serve the 14 acre Kerry Ranch I/II/III Development and (2) the re-write of the DAC report in October 2019 has no legal standing since it was not approved by the City Planning Commission.

Representatives of the NWSRNA are ready to discuss the key issues whenever the City is available. I do think it would be good to "clear the air" before the actual appeal hearing. I would appreciate knowing who is going to sign the Final Map for the City, since they take on an added burden in the appeal hearing.

Thank you,

Al Petrie, RCE #20966

cell 707-974- 9193

On 6/24/2021 6:06 PM, Osburn, Gabe wrote:

Hi Al and Marsha,

Based on your request below, I am providing a copy (below)



of the notice that will be added to the **July 13<sup>th</sup>** City Council Agenda regarding the Kerry Ranch I final map. The notice is required under section 19-28.240 of the City Code. The City Engineer has authority to approve the map and the purpose of this notice is to inform the council and the public that the map is under review and that a final determination will be made within 10 business days from the Council Meeting. It's possible that the review of the map will be delayed due to overall permit volumes and the impacts they can have on turnaround times. If it's determined that the review of the map and the associated documents cannot be completed within 10 business days from the 13<sup>th</sup>, we will push the notice to a future Council date. This is rare, but it can occur. If the notice is pushed beyond the 13<sup>th</sup>, I will follow up with an updated notice.

You may, at any time in the review process, submit your specific concerns regarding compliance with the conditions of approval and the City Engineer will review those concerns prior to approving the map. Please feel free to send me any concerns you have regarding the pending approval of the map and we will review and provide a written response. If the results of that review do not resolve your concerns, you will obviously have the opportunity to exercise your appeal rights after the final determination is made on the final map.

## **“NOTICE OF SUBMITTAL OF FINAL MAP**

The Final Map of Kerry Ranch 1 Subdivision was submitted on **March 24, 2021** to the City Engineer. In accordance with City Code Section 19-28, notice is hereby provided to the City Council that the subdivision map of Kerry Ranch 1 Subdivision is being reviewed for final approval.

The Kerry Ranch 1 Subdivision is located at the northwest corner of the intersection of San Miguel Avenue and Francisco Avenue, and is 4.04 acres will be subdivided into 25 and 1 parcel lots. The City Engineer shall approve or deny the final

map within 10 working days following the City Council meeting of July 13, 2021.”

Let me know if you have any questions.

**Gabe Osburn | Deputy Director of Development Services**

Planning and Economic Development Department | 100  
Santa Rosa Ave | Santa Rosa, CA 95404  
Desk: (707) 543-3853 | Cell: (707) 328-7066 | Fax: (707)  
543-3936 | Email: [gosburn@srcity.org](mailto:gosburn@srcity.org)



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**From:** Al Petrie <[alpetrie7@aol.com](mailto:alpetrie7@aol.com)>  
**Sent:** Wednesday, June 23, 2021 10:57 AM  
**To:** Williams, Stephanie <[SWilliams@srcity.org](mailto:SWilliams@srcity.org)>  
**Cc:** Marsha Chevalier <[mechevalier@gmail.com](mailto:mechevalier@gmail.com)>  
**Subject:** [EXTERNAL] Kerry Ranch I Final Map

Hi Stephanie Williams - Santa Rosa City Clerk,

The Northwest Santa Rosa Neighborhood Association (NWSRNA) wishes to be notified of the processing of the Kerry Ranch I Final Map as outlined in Ordinance No. 3501 - (B).

The Kerry Ranch I development is within our neighborhood. We are of the opinion that the City Engineer - Community Development CAN NOT approve the Final Map because the conditions for approval of the Final Map as outlined in Ordinance No. 3501 - (C) have not been met.

We do anticipate the need to appeal the actions of the City Engineer - Community Development relative to Kerry Ranch I, so please provide us with the appropriate appeal form as outlined in Ordinance No. 3501 - (G).

Thank you,

Al Petrie RCE #20966

cell 707-974-9193





# Low Impact Development Technical Design Manual



The City of Santa Rosa and most development projects in the City must meet requirements to reduce storm water pollution, protect water quality of our local waterways and promote groundwater recharge. The City has provided design guidelines for permanent storm water features in a series of manuals since July 13, 2005. The current revised Manual to provide those development design guidelines will be approved and required of all new development on May 3, 2017.

Low Impact Development is a design approach that integrates specialized landscape features into the urban environment. Runoff is directed into these features where it can soak into the ground. This approach mimics the storm water benefits of the natural environment. Specialized swales, planters, and raingardens provide beauty while also slowing runoff and removing pollutants. Plants and microbes that live in healthy soil use pollutants as nutrients, removing them from runoff.

NOTE: Development projects that received discretionary approval prior to July 13, 2005 are exempt from following the manuals and guidelines. The table below is provided to guide the use of the correct Manuals, determination worksheet, storm water calculator and other tools that are applied to your development project.

## Manuals & Related Documents

What date did the project receive discretionary approval?

5/3/2017 - Present	7/1/2010 - 5/2/2017	7/13/2005 - 6/30/2010
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## **Acknowledgements**

This document was prepared for the County of Sonoma, City of Santa Rosa and the Russian River Watershed Association. A Technical Advisory Committee was convened to provide input in the development of these guidelines and to review the draft document. We appreciate the effort and time afforded by the Technical Advisory Committee in providing comments, suggestions and guidance.

### **Agencies/Organizations Providing Representatives to the SUSMP Technical Advisory Committee**

- Caltrans
- City of Santa Rosa Community Development Department
- City of Santa Rosa Public Works Department
- Consulting Engineers and Land Surveyors of California
- CSS Associates Architects, Inc.
- Engineering Contractors Association
- Homebuilders Association of Northern California
- Marin/Sonoma Mosquito and Vector Control District
- Quadriga Landscape Architecture and Planning, Inc.
- Regional Water Quality Control Board, Region 1
- River Keeper
- Russian River Watershed Association
- Sonoma County Fire Services
- Sonoma County Permit and Resource Management Department
- Sonoma County Transportation and Public Works Department
- Sonoma County Water Agency

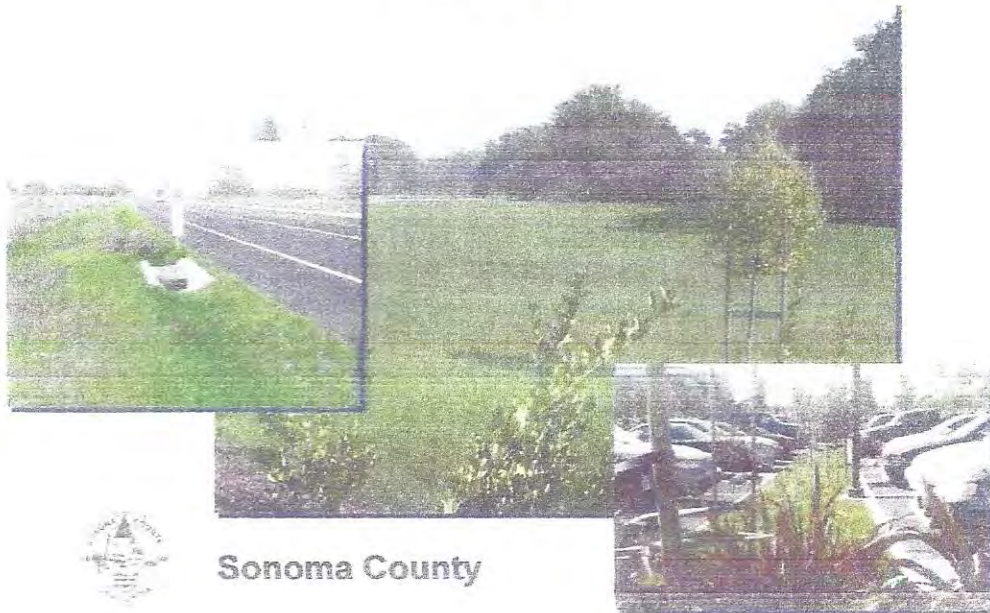


# Guidelines for the Standard Urban Storm Water Mitigation Plan

## Storm Water Best Management Practices for New Development and Redevelopment

*For the Santa Rosa Area and Unincorporated Areas  
around Petaluma and Sonoma*

June 3, 2005



Sonoma County



City of Santa Rosa



Russian River Watershed Association

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EOA, Inc.  
BKF Engineers

## Santa Rosa City Code

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(A) The Planning Commission or the Subdivision Committee, in the case of a tentative parcel map, shall hold a public hearing to receive public comment on the tentative map and to review the recommendations of the Development Advisory Committee and the Department of Community Development within 50 calendar days of the date the tentative map application has been deemed filed. The public hearing shall be noticed at least 10 calendar days prior to the meeting as established in Government Code Sections 66451.3 and 66451.4. Failure to receive the notice required by Government Code Sections 66451.3 and 66451.4 shall not invalidate any action taken pursuant to the Subdivision Map Act or this title. The written recommendation of the Department of Community Development and a copy of the Development Advisory Committee report shall be delivered to the subdivider at least three calendar days prior to the date of the hearing. The Planning Commission may approve or conditionally approve any tentative map which complies with this title and the Subdivision Map Act. Approval of a tentative map which does not comply with this title or the Subdivision Map Act shall be null and void, whether the approval was granted in error or otherwise.

(B) In accordance with Government Code Section 66452.1(c), the time period specified in subsection (A) for Planning Commission action shall commence after certification of an environmental impact report or the adoption of a negative declaration for the subdivision project, or a determination by the City that the subdivision project is exempt from the California Environmental Quality Act. The City shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code in accordance with its terms. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)

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City Code****Santa Rosa,  
California**

Current through Ordinance 2020-021, effective January 14, 2021. For more recent amendments to this code, refer to the [CodeAlert](#) page.

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[Chapter 19-12 RESPONSIBILITIES OF SUBDIVIDER AND CITY](#)

**19-12.030 City Engineer.**

The City Engineer shall determine that the proposed public improvements necessitated as a function of the tentative map or private improvements specifically required by the City Engineer to fulfill the intent of the approved tentative map, are consistent with the regulations contained herein and shall be responsible for supervision and ultimate approval of the design and construction of all such improvements. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)

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**19-12.050 Development Advisory Committee.**

The Development Advisory Committee shall advise the Planning Commission on the design and improvement of each proposed subdivision referred to the Committee by the Department of Community Development or Planning Commission or pursuant to provisions of this title. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)

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The Planning Commission shall act as the Advisory Agency to the City Council with respect to subdivisions as provided in the Subdivision Map Act. The Planning Commission shall consider investigations and reports on the design and improvement of proposed subdivisions and the conformance of such subdivisions with the California Environmental Quality Act, the general plan, this title, and the Subdivision Map Act. The Planning Commission shall also consider the written reports of public agencies whose services will be required in those areas which are subdivided under the regulations herein and take into account the requirements of such agencies with regard to a proposed subdivision. The Planning Commission shall have all the powers and duties with respect to tentative maps and the procedures relating thereto which are specified by law and by this title, subject to appeal to the City Council within 10 calendar days of the decision of the Planning Commission. The Planning Commission has authority to prescribe the kinds, nature, and extent of dedications and improvements required to be installed in connection therewith, and to report to the subdivider the action taken on the tentative map. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)

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[Title 19 SUBDIVISIONS](#)

[Chapter 19-10 COMMITTEES](#)

**19-10.070 Duties and responsibilities.**

The Development Advisory Committee shall act as a staff advisory committee to the Planning Commission on the design and improvements for each proposed subdivision; for hillside and large-scale development proposals unaccompanied by a tentative map for which Planning Division staff of the Department of Community Development deems review by the Development Advisory Committee necessary and desirable; and such other development proposals or matters as may be referred to it from time to time by the Department of Community Development or the Planning Commission. The Development Advisory Committee shall make recommendations to approve, with or without conditions, or to disapprove the proposed subdivision or development. Additionally, the Development Advisory Committee shall act in such capacities as it may be directed by the City Council or Planning Commission. (Ord. 3396 § 1, 1998; Ord. 2622 § 1, 1987)

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