

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS, COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE BY SECTION 26-02-110 OF THE SONOMA COUNTY CODE, BY RECLASSIFYING CERTAIN REAL PROPERTY FROM AR B6 3 Z VOH ZONING DISTRICT(S) TO THE AR B6 3 VOH ZONING DISTRICT(S) AND APPROVING A CERTIFICATE OF MODIFICATION FOR 4.02-ACRES LOCATED AT 19651 7TH STREET EAST, SONOMA, APN: 127-291-037

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

Section I. The Board of Supervisors finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, because the proposed Zone Change and Certificate of Modification constitute a minor alteration in land use limitations in an area with an average slope of less than 20% that does not result in any changes in land use or density. This ordinance is a minor alteration in land use limitations that does not alter the base zoning or allowable uses or density because under state law, addition of one accessory dwelling unit may not be considered to exceed the allowable density for the lot upon which it is located (Government Code § 65852.2(a)(8)). Adoption of the proposed ordinance is also exempt from CEQA pursuant to Public Resources Code section 21080.17 and Section 15282(h) of the State CEQA Guidelines, which provide for the adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2, regarding permitting of accessory dwelling units. The proposed rezoning would provide for the creation of an accessory dwelling unit in an area zoned to allow residential development.

Section II. The Board of Supervisors finds that adoption of this ordinance is consistent with the General Plan. The proposed zone change and certificate of modification to allow an accessory dwelling unit is consistent with the Rural Residential land use designation and will not significantly alter any of the potential uses that are currently allowed by the base zoning of the parcel.

Section III. The Board of Supervisors finds that adoption of this ordinance is consistent with Chapter 26 of the Sonoma County Code (Zoning). Removal of the Z Combining District would allow for an accessory dwelling unit on each parcel. Accessory dwelling units are allowed in the AR Zoning District (Sec. 26-08-030, Allowed land uses). The subject parcel meets the Zoning Ordinance requirements for an accessory dwelling unit. Section 26-88-060 of the Zoning Ordinance allows an accessory dwelling unit in zoning districts that allow single-family dwellings. The subject parcels meet this standard. The parcels do not meet any of the conditions provided in Sec. 26-76-005 for retaining the Z combining district, for the following reasons:

- a. The parcel is located in a Class 1 Groundwater Availability Area, which indicates a major groundwater basin. Additionally, the parcel is located within the Sonoma Valley basin, which is designated as high priority groundwater basin by the California Department of Water Resources. The adopted Sonoma Valley Groundwater Sustainability Plan has documented a groundwater depression and declining groundwater levels in the immediate vicinity of the project site, suggesting the local aquifer is in a condition of overdraft. The applicant provided a report demonstrating to the satisfaction of the staff geologist, that removal of a portion of existing vineyard would be sufficient to accommodate a future accessory dwelling unit while generating no net increase in groundwater use on the subject parcel.
- b. Adequate wastewater disposal will be available. The parcel is served by an existing septic system, and any future development would be subject to county wastewater requirements.
- c. The parcel is not located in an area with existing traffic hazards, and the addition of an accessory dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
- d. The parcel is not located in an established Fire Hazard Severity Zone as mapped by CAL FIRE. The establishment of an accessory dwelling unit would not increase the fire risk and would be subject to applicable building and fire construction standards. Removal of the Z Combining District would not decrease public safety with respect to fire.

Section IV. The following findings are made for approval of the Certificate of Modification, as required by Chapter 25 of County Code and Government Code Section 66472.1:

- a. There are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary. The prohibition on accessory dwelling units was originally imposed in this subdivision to prevent the property from exceeding the maximum residential density permitted by general plan. At the time it was imposed, an accessory dwelling was considered as distinct residential dwelling unit which would exceed the allowable density on the parcel had it been permitted. Changes in state law since that time however now clarify that an accessory dwelling unit may not be considered additional density and should instead be treated as an accessory use to the primary dwelling.
- b. The proposed modifications do not impose any additional burden on the present fee owner of the property. The proposed modifications are being requested by the current owners of the property to provide relief from current restrictions.

- c. The modifications do not alter any right, title or interest in the real property reflected on the recorded map.
- d. The map as modified, conforms to all the provisions of the Subdivision Map Act and local implementing ordinances (Section 66472.1 of the Subdivision Map Act and Section 25-13.8 of the Sonoma County Subdivision Ordinance)

Section V. The Official Zoning Database (OZD) of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying the following real property from the AR (Agriculture and Residential) B6 (3-acres per dwelling unit density) Z (Accessory Dwelling Unit Exclusion Combining District) VOH (Valley Oak Habitat Combining District) Zoning District(s) to the AR (Agriculture and Residential) B6 (3-acres per dwelling unit density) VOH (Valley Oak Habitat Combining District) Zoning District(s) for 4.02-Acres located at 19651 7th Street East, Sonoma CA, APN 127-291-037. File No. PLP23-0010. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the OZD of the County as shown on Sectional District Map No. _____.

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

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

In regular session of the Board of Supervisors of the County of Sonoma, passed and adopted this _____ day of _____, 2025, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Hopkins: Hermosillo: Rabbitt: Coursey: Gore:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Christina Rivera,
Clerk of the Board of Supervisors