

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE IN SECTION 26-02-110 OF THE SONOMA COUNTY CODE, TO RECLASSIFY CERTAIN REAL PROPERTY FROM THE LIA B6 20 Z, F1 RC50/25 RC100/50 SR ZONING DISTRICTS TO THE LIA B6 20, F1 RC50/25 RC100/50 SR ZONING DISTRICTS FOR 3.41 ACRES LOCATED AT 2150 W. DRY CREEK ROAD; APN 089-190-034

The Board of Supervisors of the County of Sonoma, State of California, on recommendation of the Planning Commission, 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 proposal to remove the Z Combining District is 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, the 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, 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. Removal of the Z Combining District is consistent with the Land Intensive Agriculture land use designation and will not significantly alter any of the potential uses that are allowed by the base zoning of the site.

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 the parcel. Accessory dwelling units are allowed in the LIA Zoning District (Sec. 26-06-030, Allowed land uses). The 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 parcel meets this standard. This parcel does 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 primarily within a Class 1 major groundwater basin. The applicant provided a dry-weather well yield test confirming there is sufficient groundwater to serve the site, including the existing residence and future ADU.

- b. Adequate wastewater disposal is available. The parcel and the development facilitated by the project would be served by a septic system with sufficient capacity to serve a primary and accessory dwelling.
- 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. While the parcel is located in a high fire hazard severity zone as shown on Permit Sonoma’s hazards mapping tool, the site is not within a State Responsibility Area. The site is within a Local Responsibility Area, and the County Fire Marshal has determined that the establishment of an accessory dwelling unit would not create a significant fire hazard or substantially increase the fire risk due to topography, access, or vegetation. Future building permits would be subject to applicable building and fire construction standards.

Section IV. The Official Zoning Database (OZD) of the County, adopted by reference in Section 26-02-110 of the Sonoma County Code, is hereby amended to reclassify the following real property from LIA B6 20 Z, F1 RC50/25 RC100/50 SR zoning districts; and shall be reclassified LIA B6 20, F1 RC50/25 RC100/50 SR zoning districts, for 3.41 acres located at 2150 W. Dry Creek Road; APN 089-190-034 File No. ZCE21-0012. The Director of the Permit and Resource Management Department is directed to reflect this amendment in the OZD of the County.

Section V. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or 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 X day of X, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Rabbitt:	Coursey:	Gore:	Hopkins:
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:

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Clerk of the Board of Supervisors