

Sec. 26-04-020. Definitions.

D. "D" Terms.

1. **Damage to a protected tree.** Significant injury to the root system or other parts of a tree including burning, application of toxic substances, damaging through contact with equipment or machinery or compacting the soil within the dripline, changing the natural grade, interfering with the normal water requirements of the tree, trenching or excavating within the dripline, or removing more than one-third of the live wood.
- 1.5. **Day Care Center.** See Section 26-28-080 for definition and development standards.
2. **Decision Maker.** The ~~planning~~ director, the design review committee, the ~~board of zoning adjustments~~ zoning administrator, the planning commission, or the board of supervisors, as appropriate.
3. **Density Bonus.** A density increase allowed pursuant to Section 26.89.050 (density bonus programs) over the otherwise maximum allowable residential density permitted in the applicable zoning district. (See "residential density.")
4. **Density Bonus Unit.** A dwelling unit allowed in a project by the County in addition to base units pursuant to Section 26.89.050 (density bonus programs).
5. **Department.** The Sonoma County Permit and Resource Management Department.
6. **Designated Stream.** A river or stream mapped or identified in the Open Space and Resource Conservation Element of the general plan, or in an adopted area plan or specific plan or other adopted stream protection standards, guidelines, or mitigation measures.
7. **Development Fee.** The impact fees established by the board of supervisors for development including, but not limited to, special area development fees, countywide traffic development fee, parkland dedication fee and affordable housing in-lieu fee. Development fee does not include fees established by special districts or school districts.
8. **Development Incentive.** See "Incentive."
9. **Development Permit.** A discretionary permit or approval including, but not limited to; subdivisions, use permits, precise development plans, lot line adjustments, variances, design review and zoning permits. Ministerial ~~building~~ permits not accompanied by any other type of discretionary review or approval are exempt from this definition.
10. **Development Standard.** For purposes of Article 89 (affordable housing program requirements and incentives), a site or construction standard or condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.
11. **Diameter At Breast Height (Dbh).** The average diameter of a standing live tree measured outside the bark, at breast height, a point four and one-half feet (1.37m) above the average ground level. For trees that are multi-stemmed at this height, diameter at breast height shall be calculated by measuring each stem individually and combining the results. Diameter at breast height may be calculated by measuring the circumference of a tree at breast height and dividing by 3.14.
12. **Director.** The Sonoma County Permit and Resource Management Director or the director's designee.
13. **Disabled Household.** A household with at least one (1) person who has a physical, developmental, or mental impairment that substantially limits one (1) or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working (Source: 24 CFR Part 8, Sec. 8.3).

14. **Discretionary Approval.** Action by the county by which individual judgement is used as a basis to approve or deny an application.
- 14.5. **Dispatch Facility.** See Section 26-30-040 for definition and development standards.
15. **Distributed Energy System or Facility.** A small-scale electricity generation system or facility that is interconnected to the distribution network. Distributed energy systems primarily serve on-site uses, while distributed energy generation facilities generate power for both on- and off-site power needs.
16. **District.** See "zoning district."
17. **Drip Line.** The area identified by extending a vertical line from the outermost portion of the limb canopy to the ground with its axis parallel to the trunk.
18. **Dwelling Group.** A group of two (2) or more detached or semi-detached, one (1) family duplex or multiple dwellings situated upon a permanent foundation, occupying a parcel of land having any yard, court or area in common.
19. **Dwelling Unit.** See "Residential - dwelling unit."

Z. "Z" Terms.

1. **Zoning Database.** The official zoning map of Sonoma County identifying the zoning districts and combining districts that apply to properties in unincorporated Sonoma County.
2. **Zoning District.** A portion of the County within which certain uses of land and buildings are specified and within which certain yards and other open areas are required and certain height limits are established for buildings, all as set forth and specified in this chapter.
3. **Zoning Ordinance.** Chapter 26 of the Sonoma County Code.
4. **Zoning Permit.** A document issued by the Planning Division, typically permitting a parcel of land to be used for a prescribed purpose. See also "permit."
5. **Zoning Administrator.** The zoning administrator or acting zoning administrator, as provided in Sec. 2-79 of this code.

Sec. 26-18-260. Winery definitions and standards.

- A. **Purpose.** This Section 26-18-260 provides a greater level of detail for the desired character of development in areas zoned LIA - Land Intensive Agriculture, LEA - Land Extensive Agriculture, and DA - Diverse Agriculture. For the areas zoned LIA, LEA, and DA, this Section 26-18-260 identifies procedures and criteria applicable to new or modified use permit applications for winery visitor serving activities and winery events. The Standards in this division shall be referred to as "Winery Definitions and Standards."
- B. **Applicable Areas.** The provisions of this section apply to parcels zoned LIA - Land Intensive Agriculture, LEA - Land Extensive Agriculture, and DA - Diverse Agriculture. For split-zoned parcels, the provisions of this section apply to the portion of the parcel zoned for any of the agricultural zoning districts listed above.
- C. **Local Advisory Guidelines.** Citizen advisory councils/commissions established by the Board of Supervisors review projects subject to this section in accordance with their adopted local advisory guidelines, and make advisory recommendations to the Permit and Resource Management Department, Board of Zoning Adjustments, Planning Commission, and Board of Supervisors - applicable decision maker.
- D. **Terms and phrases used in this section are defined as follows:**
 1. Restaurant is a retail business selling ready-to-eat food for consumption on or off the premises, as defined by Section 26-26-140 of the Zoning Code.

2. Winery means an agricultural processing facility that converts fruit into wine. Wineries may include crush areas, production rooms, case goods and barrel storage, tank rooms, warehouses, bottling lines, laboratories, administrative offices, tasting rooms, event space, commercial kitchen, and catering kitchen.
3. Winery Events means events held at wineries and tasting rooms for the purpose of promoting and marketing agricultural products grown or processed in the County, and which exceed the permanent infrastructure capacity of the site and are outside the regular business hours for tasting rooms. Winery events are secondary and incidental to agricultural production activities occurring onsite and/or in the area and are consistent with General Plan Policy AR-6d. There are two (2) types of winery events: Agricultural Promotional Events and Industry-Wide Events.
4. Agricultural Promotional Events beyond defined activities during standard daily operations that are directly related to public education, sales and promotion of agricultural products to consumers, including but not limited to: winemaker lunches, dinners, release parties, and wine club parties and similar events.
5. Industry-Wide Events are promotional activities sponsored by a recognized wine industry association that may involve multiple wineries and/or tasting rooms. Industry-wide events are held within a specified geographic area, during regular tasting room hours, and may last up to three (3) consecutive days.
6. Wine Trade Partners means distributors, wine trade buyers, restaurant owners and their representatives, winery or tasting room owner(s), winery employees, and tasting room employees.
7. Winery Visitor Serving Activities means visitor serving activities that are part of standard daily winery and wine tasting room operations. Standard daily operations do not include events or use of overflow parking. There are two (2) types of winery visitor-serving activities: Sales Activities and Wine Trade Activities.
8. Sales Activities are wine tasting, food and wine pairing, tours, seminars and other hospitality related activities that support the promotion of wine sales, excluding winery events. Sales Activities occur during the approved tasting room hours of operation specified in the use permit.
9. Wine Trade Activities are by-invitation meetings, seminars, employee harvest parties and similar activities, excluding events. Wine Trade Activities are attended only by wine trade partners and are not advertised to the consumer. Wine Trade Activities are intended to be low impact activities with a prohibition on outdoor amplified sound after 5:00 p.m.

E. Operating Standards.

1. Winery Visitor Serving Activities. Winery visitor serving activities are considered part of normal winery and tasting room business operations. All winery visitor serving activities must be consistent with the hours of operation, maximum number of guests allowed, building occupancy limits, and operational requirements specified in the use permit.
2. Winery Events. Winery events must be consistent with the hours of operation, maximum number of event days, maximum number of guests allowed, building occupancy limits, and operational requirements specified in the use permit.
3. Sizing of winery visitor serving activities and winery events, and maximum number of event days is based upon a variety of factors specific to the site and surrounding uses, including, but not limited to, septic capacity, available water supply, emergency access, availability of on-site parking, noise attenuation, increased risk of harm to people or property as a result of hazards, and the potential for negative cumulative effects related to noise, traffic, and water supplies.
4. Hours of Operation. The maximum hours of operation for winery visitor serving activities and winery events are specified below, unless further limited by the use permit.

- a. Tasting Rooms. Regular business hours for tasting rooms are 10:00 a.m.—5:00 p.m.
 - b. Winery Visitor Serving Activities. The maximum hours of operation for winery visitor-serving activities are specified below by activity type.
 - (1) Sales Activities: 10:00 a.m.—5:00 p.m.
 - (2) Wine Trade Activities: 8:00 a.m.—10:00 p.m.
 - c. Winery Events. The maximum hours of operation for events are specified below by event type.
 - (1) Agricultural Promotional Events may occur during the hours of 10:00 a.m.—10:00 p.m., with all cleanup occurring no later than between 9:30 p.m.—10:00 p.m.
 - (2) Industry-wide Events may occur during the hours of 10:00 a.m.—5:00 p.m.
- 5. Wineries and tasting rooms shall not be rented out to third parties for events.
- 6. On-Site Parking. The following on-site parking is required for wineries and tasting rooms:
 - a. One (1) parking space per two and one-half (2.5) guests and one (1) space per employee. The parking standard may be reduced in accordance with Article 86, Parking Regulations, Section 26-86-010(i).
 - b. Use of on-site unimproved overflow parking areas or shuttling may be allowed to accommodate winery events, if specified in the use permit.
 - c. Overflow parking and shuttling shall not be used to accommodate parking for winery visitor serving activities.
 - d. No parking is permitted along any public or private roadways or on shared vineyard roads.
- 7. Food Service. Food service is allowed as specified below.
 - a. All food service must be designed to promote and enhance marketing of wine. Food service shall be secondary and incidental to agricultural production, wine sales and education.
 - b. Operating the food service area as a restaurant, café, delicatessen or any food service offering cooked-to-order food is prohibited.
 - c. Food and wine pairings featuring local foods and food products is allowed in conjunction with winery visitor serving activities and winery events.
 - d. Prepared meals featuring local foods and food products is allowed in conjunction with wine trade activities and winery events.
 - e. Retail sales of pre-packaged food in conjunction with wine tasting is allowed subject to the following limitations:
 - (1) Retail sale of pre-packaged food featuring local foods and food products is allowed during the regular business hours identified in the use permit.
 - (2) Retail sale of pre-packaged food is allowed for on-site consumption only. Outdoor seating areas may be allowed for use as outdoor picnic areas.
 - (3) Indoor seating area or table service in conjunction with retail sales of pre-packaged food is prohibited.
 - (4) Off-site signs advertising retail sales of pre-packaged food are prohibited.
- 8. Traffic Management. Traffic management and parking plans are required to address the maximum number of people visiting during winery visitor serving activities and winery events. For events exceeding one hundred (100) participants and for events that require use of overflow parking, the traffic management plan shall include the following:

- a. Provisions for event coordination to avoid local traffic delays.
 - b. Parking attendants for each day of the event.
 - c. A shuttle plan, if shuttling is requested, to support each day of the event. A convenient and secure "park and ride" area must be provided.
 - d. A plan for on-site parking requirements and queuing of traffic.
 - e. Enforcement of the on-street parking restrictions.
 - f. Subsequent changes to the approved Traffic Management Plan shall be submitted in advance to the Permit and Resource Management Department.
9. Noise Attenuation Setbacks. Noise is attenuated by distance from the noise source. To ensure compliance with the Sonoma County General Plan Noise Element thresholds for maximum allowable exterior noise exposure levels, winery visitor serving activities and winery events shall meet the required setbacks provided in -Table 18-2- below:

Table 18-2: Required Noise Attenuation Setbacks

Noise generating land use	Setback measured from the exterior property line of any adjacent noise sensitive land use
Parking lots	450 feet
Outdoor areas involving groups of people or non-amplified music (i.e. acoustic)	625 feet
Outdoor areas involving amplified music, or loud instruments such as brass instruments, horns, or drums	1,600 feet

Exceptions to the setbacks listed in -Table 18-2- above may be allowed when a project-specific noise study prepared in accordance with the Permit and Resource Management Department Guidelines for the Preparation of Noise Analysis determines the project will comply with the Sonoma County General Plan Noise Element due to intervening structures or natural features, available open land on noise sensitive parcels, or by incorporating noise mitigation measures.

Sec. 26-64-050. Design review approval.

- (a) All plans for land divisions or development projects shall be reviewed and approved, conditionally approved, or denied by the planning director on the basis of compliance with the provisions of this article. Where a use permit is required and following design review approval, development plans shall be reviewed and acted upon by the ~~board of zoning adjustments/~~ zoning administrator or planning commission, as applicable. Where a local citizen's committee has been recognized by the board of supervisors, development plans shall be submitted to such committee for review and advisory recommendation prior to action by the planning director.
- (b) For purposes of this section, "development project" means construction, alteration, or modification of a residential, commercial, or industrial structure or appurtenant structure, except as follows. Agricultural uses and structures, including agricultural employee housing and farm family dwellings, are exempt from design review under this section to the extent consistent with the agricultural resources and open space elements of the Sonoma County general plan or other sections of this chapter.
- (c) Nothing in this section is intended to trigger the requirements of the California Environmental Quality Act beyond what would exist in the absence of this section.

Sec. 26-84-010. General sign provisions.

- (a) The provisions established by this section shall apply to signs in all base zoning districts. Signs shall further be regulated by additional provisions which may be set forth in other sections of this chapter. In addition, policies and criteria of the general plan, and any applicable specific or area plan, or local area development guidelines shall supersede the standards herein.
- (b) Any sign or advertising structure for which no regulations or provision in such ordinance stands applicable may be considered by the ~~board of zoning adjustments~~ zoning administrator under the normal procedures and determinations of the use permit process, and ~~the board~~ the zoning administrator shall approve or deny such applications in harmony and spirit with the purpose and intent of these regulations.
- (c) No person shall erect any sign regulated by this chapter without first obtaining the written consent of the property owner(s) upon which such sign is located and filing such written consent with the planning department.
- (d) No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines that prescribed by the laws of the state of California or rules and regulations duly promulgated by agencies thereof.
- (e) Prohibited Signs. All signs not expressly permitted in Section 26-84-030 or exempt in this section are prohibited. Prohibited signs include, but are not limited to the following:
 - (1) Signs in the form of banners, pennants, promotional flags and similar contrivances;
 - (2) Signs that consist of, or include, any moving part of any flashing, blinking, animated, fluctuating or otherwise intermittent light;
 - (3) Illuminated signs of such brightness as to create hazardous or annoying glare viewed by the general public;
 - (4) Signs so located as to prevent free ingress and egress from any door, window or fire escape;
 - (5) Signs erected at or near intersections in such a manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device;
 - (6) Signs attached to trees and poles with the exception of campaign and political signs permitted in accordance with Section 26-84-030 and those placed by governmental agencies for public information purposes.
- (f) Exempt Signs. The provisions of this chapter shall not apply to the following signs, nor shall the area of such signs be included in the area of signs permitted for any site or use.
 - (1) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
 - (2) Signs of public utility companies indicating danger or which serve as an aide to public safety or which show the location of underground facilities or of public telephones;
 - (3) Signs located in the interior of any building or within the enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.

Article 86. Parking Regulations.

Sec. 26-86-010. Required parking.

All uses permitted in Chapter 26 of the Sonoma County Code shall provide on-site parking according to the following formulas.

Use	Parking Spaces
(a) Bicycle Parking	
All commercial, industrial and institutional uses permitted by this chapter	1 bicycle parking space per 5 spaces of required automobile parking
(b) Residential (except as otherwise specified by this chapter)	
One single-family dwelling	1 covered space
One duplex	2 covered spaces
One triplex	3 covered spaces
Single mobile homes	1 covered space/unit
Travel trailer parks	1 space/10 coach sites
Condominiums and planned unit developments	1 covered space/unit plus 1 uncovered guest space/unit
Multi-family projects	1 covered parking space plus ½ uncovered guest parking space for each dwelling unit. An additional ½ parking space shall be provided for each dwelling unit having more than 2 bedrooms.
Micro-apartments	1 space per unit
Affordable housing projects provided pursuant to Section 26.89.050 (Density bonus programs)	1 space for each studio or 1-bedroom unit; 2 spaces for each 2- or more bedroom unit
Cottage Housing Developments	1 reserved space per unit, and 1 guest parking space for every 3 units or portion thereof.
SRO facilities	1 space for every 2 SRO rooms, plus 1 space for the management unit or office and 1 space for each employee, if any, on maximum shift.
Homeless shelters	1 space for every 6 beds, plus 1 space for the management unit or office and 1 space for each employee, if any, on maximum shift.
Home occupations	1 parking space, in addition to that required by the residential use of the property.
Live/work units	1 parking space, in addition to that required by the residential use of the property. An additional parking space shall be provided for each non-resident employee.
Work/live units	2 spaces/unit (need not be covered)
Senior mobile home parks	1 space per unit PLUS 1 guest parking space for every 3 mobile homes in accordance with Section 26-88-100 (Mobile home parks).
Family mobile home parks	2 spaces per unit PLUS 1 guest parking space for every 3 mobile homes in accordance with Section 26-88-100 (Mobile home parks).
(c) Medical offices, clinics, hospitals and other facilities	
Dental and medical clinics	1 space/200 sq. ft. of floor area whichever is greater
Veterinary hospitals and offices	1 space/250 sq. ft. floor area
Major medical facilities; hospitals	1 space/250 sq. ft. floor area
Group care facilities and resocialization facilities	2 covered spaces

Medical cannabis dispensary	2 spaces, including at least 1 van-accessible space; plus 1 additional space for every 200 square feet of gross floor area, plus 1 additional space for each employee on maximum shift; but in no case less than 5 off-street parking spaces
(d) Schools, colleges, universities	
Kindergarten and nursery schools and day care centers	1 space/employee PLUS 1 space/10 children
Elementary and junior high schools	1 space/employee PLUS 1 space/8 students
Senior high schools	1 space/employee PLUS 1 space/6 students
Colleges, universities and institutions of higher learning; business and professional schools and colleges; music and dancing schools	1 space/employee PLUS 1 space/3 students
Large family daycare	At least 3 spaces which may include spaces provided to fulfill residential parking requirements and on-street parking so long as it directly abuts the site.
(e) Places of public assembly	
Auditoriums, community centers	1 space/4 seats or 1 space/75 sq. ft. floor area, whichever is greater
Libraries, museums, art galleries	1 space/300 sq. ft. floor area
Sports arenas, stadiums	1 space/4 seats
Dance halls	1 space/50 sq. ft. floor area
Theaters	1 space/4 seats
Private clubs and lodges	1 space/100 sq. ft. floor area
Churches, chapels	1 space/4 seats or 1 space/75 sq. ft. floor area, whichever is greater
Mortuaries, crematoriums and columbariums	1 space/4 seats in sanctuary
(f) Recreational facilities	
Gymnasiums	1 space/4 fixed seats
Skating rinks	1 space/100 sq. ft. floor area
Bowling alleys	5 spaces/alley
Golf courses	7 spaces/hole
Golf driving ranges	1 space/tee
Miniature golf courses	2 spaces/hole
Billiard and/or pool parlors	2 spaces/table
Swimming pools - public, private and commercial	1 space/100 sq. ft. pool area
Baseball parks	1 space/4 seats
Commercial stables and riding academies	1 space/3 horses
Auto race tracks, horse race tracks	1 space/4 seats
(g) Commercial facilities, offices	
General retail, except as otherwise specified	1 space/200 sq. ft. floor area
Offices including all county offices, except as otherwise specified	1 space/250 sq. ft. floor area with a minimum of 4 spaces
Stores selling furniture and major appliances only	1 space per 500 sq. ft. area
Hotels, motels and similar lodging	1 space/unit plus 1 space for manager
Bed and breakfast inns	1 space/guest room PLUS 2 spaces for the resident family
Motor vehicle sales	1 space/500 sq. ft. floor area or 1 space/2000 sq. ft. of outdoor sales area, with a minimum of 4 spaces
Auto repair shops, body and fender shops	1 space/400 sq. ft. floor area
Self-serve laundries and dry cleaners	1 space/3 washing machines
Self-serve auto washes	2 spaces/stall
Barber shops, beauty and styling	3 spaces/barber or salons stylist, with a minimum of 4 spaces
Health studios	1 space/100 sq. ft. floor area

Contractor's storage yards	1 space/3000 sq. ft. lot area
Nurseries, retail	1 space/2000 sq. ft. site area PLUS 1 15' × 30' loading space/acre
Feed yards, fuel yards, material yards	1 space/2000 sq. ft. site area PLUS 1 15' × 30' loading space/acre
Banks	1 space/250 sq. ft. floor area PLUS 5 tandem land spaces/teller or teller station
Savings and loan and other financial institutions, title companies	1 space/250 sq. ft. floor area
Shopping centers	1 space/200 sq. ft. floor area
Cabinet, plumbing, heating, electrical shops	1 space/500 sq. ft. floor area
General business and professional offices	1 space/250 sq. ft. floor area, with a minimum of 4 spaces
Antique shops, second hand sales	1 space/200 sq. ft. floor area,
Restaurants	1 space/60 sq. ft. dining area
Outdoor markets, flea markets, etc.	1 space/200 sq. ft. sales area, with a minimum of 4 spaces
All uses permitted in the MP (Industrial Park) District	1 space/2000 sq. ft. gross building floor area for warehousing 1 space/250 sq. ft. gross building floor area for office space for buildings having 15,000 square feet or less of office space 1 space/275 sq. ft. gross building floor area of office space for buildings having more than 15,000 sq. ft. of office space 1 space/500 sq. ft. of area devoted to manufacturing

- (f) A portion of the above required parking spaces shall be provided for disabled persons consistent with state and federal law.
- (g) Vehicular and bicycle parking requirements for all uses not specifically enumerated herein shall be determined by the board of zoning adjustments zoning administrator or the planning commission.
- (h) In most cases where mixed uses are proposed, the required parking for the use with the most restrictive parking standard may be utilized to meet the above standards; provided, that the applicant can demonstrate the effectiveness of the parking plan in relation to the proposed uses, and provided that future changes in the use of the property are subject to review by the decision-making body so as to maintain the effectiveness of such plan. Otherwise, each proposed use shall be required to meet its applicable parking standard.
- (i) The above parking standards may be reduced when it has been satisfactorily demonstrated to the planning director or applicable decision-making body that fewer spaces will adequately serve the specific use or that the applicant has encouraged transit opportunities through one (1) or more of the following:
 - (1) Participation in a comprehensive travel demand management (TDM) program including, but not limited to, provision of flex-time, carpooling, and transit passes such that VMT generated by the project is reduced;
 - (2) Provision of transit stops and/or turnouts developed in cooperation with and approved by Sonoma County Transit;
 - (3) Provision of amenities for bicyclists, bus riders, carpoolers and pedestrians beyond those required by this section.
- (j) The parking standards may be increased when it is determined that employee parking substantially reduces the number of spaces needed for customer use.

- (k) The director may waive the requirement for parking to be covered, subject to administrative design review in accordance with Article 82, only where consistent with the neighborhood character and where either:
 - (1) topographic conditions and/or small lot size make the provision of covered parking infeasible; or
 - (2) the parking area will be visually screened from adjacent lots and from the common roadway(s) serving the property.
- (l) An exception to the required parking may be made in cases of re-use of existing buildings located within urban service areas or unincorporated communities where it can be demonstrated to the satisfaction of the decisionmaker that the provision of parking meeting the above requirements is not feasible, and the use is of the same or less intensity than the previous use.
- (m) The parking required may be reduced by up to twenty percent (20%) of total required spaces when it has been satisfactorily demonstrated to the planning director or applicable decision-making body that:
 - (1) adequate parking for the projected use is provided such that the public health and safety is not compromised; and
 - (2) that such design provides greater sustainability through the incorporation of amenities to encourage alternative modes of transportation and VMT reduction to offset GHG emissions from vehicle trips; and/or
 - (3) that the reductions are required in order to implement Low Impact Development (LID) parking lot design, including onsite retention and treatment of stormwater.

Examples include the provision of covered secured bike parking or bike lockers, showers and changing areas for employees, vegetated swales, and connections to Class I facilities. The parking required may be reduced by ten percent (10%) when at least ten percent (10%) of the total spaces are provided as covered by solar panels. These reductions may be combined but the total reduction in the required number of parking spaces may not exceed twenty percent (20%).

- (n) The decision maker may increase the allowable percentage of compact spaces to not more than fifty percent (50%) of the total number of required spaces when the increase is needed to facilitate the provision of solar panels, EV charging stations, LID provisions, covered bike parking, connecting trails and the like.
- (o) For the purpose of establishing minimum dimensions for parking spaces, a solar covering shall not cause the "covered parking space requirements" to be triggered in an existing parking lot in order that solar panels may be installed over existing spaces. For new parking areas, dimensions for parking spaces to be covered by solar panels shall be of adequate width to allow doors to open freely.
- (p) Notwithstanding, the allowable modifications to required parking spaces and dimensions outlined above do not apply to accessible spaces otherwise required by Code.

Article 88. General Exceptions and Special Use Standards.

Sec. 26-88-010.- General use provisions and exceptions.

The use regulations specified in this chapter shall be subject to the following general provisions and exceptions:

- (a) **Public Transmission and Utility Lines.** Public utility, transmission and distribution lines, both overhead and underground, shall be permitted in all districts without limitation as to height and without the necessity of obtaining a use permit; provided, that the routes of all proposed transmission lines shall be submitted to the planning commission for review and recommendation prior to acquisition of rights of way therefore or application to the public utilities commission.
- (b) **Natural Resource Development.** The development of natural resources as used within this chapter shall not be construed to mean the drilling of wells or other development or improvements made for the

production of water for domestic or irrigation purposes by a person or persons not engaged in the business of furnishing or developing water.

- (c) **Manufactured Home Storage.** Manufactured homes for which zoning clearance for residential use has not been issued and which are in excess of eight feet (8') in width and thirty feet (30') in length may not be stored on any lot in any district other than in the C3, M1 M2 and M3 districts in compliance with adopted regulations for such land use.
- (d) **Christmas Tree Sales.** Christmas tree sales may be permitted in the C, and M districts with a zoning permit provided, that the zoning permit is limited to a period not to exceed one month.
- (e) **Landfill Operations.** Zoning permits may be issued for landfill operations utilizing imported material in any district only when the project review and advisory committee director is satisfied that there has been prior compliance with Article 1, Chapter 22; Chapter 7; Article 7, Chapter 11 all other applicable provisions of the Sonoma County Code and Chapter 70 of the Uniform Building Code, or similar superseding agency this code and governing law, and that the filling will not be detrimental to neighboring property.
- (f) **Entertainment Establishments.** No dance hall, road house, night club, commercial club or any establishment where liquor is served, or commercial place of amusement or recreation, or any place where entertainers are provided, whether as social companions or otherwise, shall be established in any district closer than two hundred feet (200') to the boundary of any residential district unless a use permit is first secured in each case.

No adult entertainment establishment shall be established except in the C3 (general commercial) district and except subject to the following limitations:

- (1) A minimum of one thousand feet (1,000') from any other adult entertainment business;
 - (2) A minimum of one thousand feet (1,000') from any residential zoning district.
- (g) **Minor Land Use Alterations; Grading within Waterways.** Use permit procedures for minor land use alterations and additions or for grading and excavation within a waterway which is also exempt from Section 26A-3a(i) of the county surface mining ordinance may be waived when it is demonstrated to the satisfaction of the planning director that the addition/alteration will not be detrimental to the health, safety or welfare of adjacent land uses or properties or when such alterations are required by another public agency.
 - (h) **Multifamily, Commercial and Industrial Uses within Cities' General Plan Boundaries.** The board of supervisors finds and determines that cities have a special and important concern with respect to multifamily (fourplex or larger), commercial and industrial uses that might be established in unincorporated portions of the county that lie within the boundaries of the various city general plans. It is possible that cities will annex at least some of such property in the future. When annexed, the development then existing on such property should be consistent with the particular city's development plan for the area. The procedure established in this section is intended to protect the integrity of city general plans and to permit development that is consistent with the most appropriate development plan for the area involved.

When multifamily (fourplex or larger), commercial or industrial uses are permitted uses under the applicable zoning district regulations, no zoning permit or building permit for any of such uses shall be approved unless:

- (1) The planning director sends a written notice to the affected city stating "The Sonoma County Planning Department will issue a zoning permit for a (use) on this property if written appeal is not received within twenty (20) days from the date of this notice;" and
- (2) The affected city does not file a written appeal with the planning director requesting a hearing before the board of zoning adjustments planning commission within ten (10) days from the date notice is sent. In the event that the affected city does file a written appeal requesting a hearing

before the ~~board of zoning adjustments~~ planning commission within the required time period, the ~~board of zoning adjustments~~ planning commission shall hold a hearing and the decision of the ~~board of zoning adjustments~~ planning commission shall be based on whether the use requested by the application will be consistent with the various elements and objectives of the general plan and will promote the public health, safety, comfort, convenience and general welfare. Notice shall be given in the manner set forth in Section 26-92-050(a). If an appeal is taken to the board of supervisors, the board's decision shall be governed by the same standard.

This subsection shall apply only if both of the following conditions are met:

- (i) The property is within an existing city public sewer service area as shown on the map attached to the ordinance codified in this chapter and on file in the public works department, or within an area projected to be served by public sewers by the Sonoma County local agency formation commission or within the area designated on those certain maps submitted by cities as growth areas and adopted from time to time by the board of supervisors entitled "City-County Permit Referral Maps;"
 - (ii) The existing zoning and city general plan are not identical.
- (i) Outdoor Vendors. Outdoor vendors are authorized subject to the following standards:
 - (1) All sales will take place at least twenty feet (20') from the nearest property line, but in no case shall such sales take place within twenty feet (20') from the edge of any road right-of-way.
 - (2) Parking shall be designated for a minimum of three automobiles, located at least twenty feet (20') off the public right-of-way or twenty feet (20') from the front property line with no automobile maneuvering permitted in the public right-of-way. The use permit may require additional parking, depending on the nature of the sales proposed.
 - (3) No freestanding signs shall be allowed. Two attached signs shall be permitted no larger than sixteen (16) square feet each in area and not located within twenty feet (20') of the public right-of-way.
 - (4) The outdoor sales shall not be conducted in a manner so as to cause a traffic hazard to passing motorists due to poor visibility and/or inadequate sign distance for safe ingress and egress.
 - (5) The area designated for outdoor vendor activities, excluding parking, shall not be greater than five hundred (500) square feet unless the ~~board of zoning adjustments~~ zoning administrator finds that a larger area so designated will not be detrimental to the health, safety or general welfare of persons residing or working the area.
 - (6) The use permit shall remain in effect for a maximum of one (1) year, after which approval of a new use permit will be required to continue. The planning director or designee may issue the second and subsequent use permit without a public hearing based upon evidence submitted by the applicant that the operation was conducted in compliance with the conditions and provision of the previous use permit. Uses not authorized by a valid use permit will be subject to abatement proceedings.
 - (7) All applicable permits from other county departments shall be obtained prior to operating the outdoor vendor business on the premises.
- (j) Open Space Easements. The board of supervisors may require, on appeal or otherwise, and the planning commission ~~or board of zoning adjustments~~ may recommend, as a condition of approval of a development application, the dedication of an open space easement on all or a portion of the property to be developed. Applications for development shall include, but not be limited to, applications for general plan amendments, specific plan amendments, rezonings, major and minor subdivisions, use permits or precise development plans. Prior to requiring an open space easement or an offer of easement pursuant to this section, the board or commission shall make one of the findings set forth in subsections (j)(1) through (3) in addition to making the findings set forth in subsections (j)(4) and (5).

- (1) The area which is to be the subject of the open space easement is characterized by great natural scenic beauty; or
- (2) The existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development; or
- (3) The existing openness, natural condition or present state of use, if retained, would maintain or enhance the conservation of natural or scenic resources;
- (4) The imposition of the open space easement bears a reasonable relationship to the public welfare;
- (5) The acquisition of the scenic/open space easement is consistent with the general plan.

Open space easements exacted pursuant to this section may, at the discretion of the board or commission include, but not be limited to, any of the following:

- (i) A provision that the subject property shall be used only for those purposes which will maintain the existing open and scenic character of the property;
- (ii) A prohibition on the placing or erecting or causing the placement or erection of any new building, structure or vehicle intended for human occupancy or commercial purposes at the site;
- (iii) A prohibition of any act which will materially change the general topography or the natural form of the subject property;
- (iv) A prohibition on the division of the subject property into two or more parcels under separate ownership by sale, gift, lease or otherwise except such divisions necessary for public acquisition;
- (v) A reservation of rights to the grantors for all uses not inconsistent with the restrictions specifically enumerated in subsections (i) through (iv), inclusive including the right to prohibit entry thereon by unauthorized persons;
- (vi) A reservation of rights to the grantor to develop water sources, including springs, and to lay, construct, repair and replace pipes and conduits for the transportation of water;
- (vii) A reservation of rights to the grantors to manage the land and its resources in a manner consistent with accepted principles of conservation practice;
- (viii) A reservation of rights to the grantor to use and develop the subject property from time to time for agricultural purposes.

Open space easements exacted pursuant to this section shall run with the land and shall continue until such time as the board of supervisors, at its discretion, abandons the county's right to the easement or, if the easement so provides, the easement expires in accordance with its terms.

Nothing contained in this section shall be construed to limit the authority of the county to exact, as an alternative, open space easements in accordance with the provisions of Government Code Section 51070 et seq. (Ord. No. 3606).

- (k) Employee Housing Act compliance. Notwithstanding any other provision in this chapter, no discretionary approval shall be required under this chapter for employee housing, as defined in Cal. Health and Safety Code § 17008, that is deemed an agricultural land use for the purpose of Cal. Health and Safety Code § 17021.6. If any provision in this chapter conflicts with a mandate of the Employee Housing Act (Cal. Health and Safety Code Div. 13, Pt. 1,) as it relates to employee housing, the mandatory provision of the Employee Housing Act shall prevail. All citations in this section are to the identified statute or its successor statute as applicable.
- (l) Seasonal farmworker housing shall meet the following standards:

- (1) Seasonal farmworker housing shall be located on parcels of one and one-half (1.5) acres or more having an agricultural or resources and rural development General Plan land use designation. Such parcels shall be owned by the applicant. If less than ten (10) acres, such parcels shall be located within one (1) mile of a minimum of twenty (20) contiguous acres of land cultivated and either owned or long term leased by the applicant.
- (2) Seasonal farmworker housing shall be located on parcels having direct access to a publicly maintained road. If a private road is to provide such access, the applicant shall file with the planning department a written agreement signed by all of the property owners entitled to use such road acknowledging and agreeing to the road's use as access for the seasonal farmworker housing.
- (3) Seasonal farmworker housing located on parcels of less than ten (10) acres shall house no more than nineteen (19) workers, including a caretaker, at any time unless a use permit is first obtained.
- (4) Seasonal farmworker housing and support structures shall be set back a minimum of fifty-five feet (55') from the center line of any roadway, sixty feet (60') from any other property line, forty feet (40') from any other structure, and forty feet (40') from watering troughs, feed troughs and accessory buildings. Seasonal farmworker housing and support structures shall also be set back seventy-five feet (75') from barns, pens or similar quarters of livestock or poultry. These setbacks may be reduced if a use permit is first obtained.
- (5) Seasonal farmworker housing shall have off-street parking provided at a ratio of one (1) space per four (4) persons housed. The parking does not need to be covered or paved, but may not be located within any scenic corridor setback unless a use permit is first obtained. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.
- (6) Seasonal farmworker housing may be either one (1) or two (2) story structures.
- (7) Seasonal farmworker housing shall be occupied no more than one hundred eighty (180) days in any calendar year. The director of permit and resource management department may restrict the occupancy of seasonal farmworker housing to one hundred thirty-seven (137) days between July 1st and November 15th in any calendar year for health and safety reasons.
- (8) Seasonal farmworker housing having accommodations for at least six (6) workers may have a single caretaker unit per parcel occupied year-round, provided that the property meets the criteria for an agricultural employee housing unit, there are no other permanent residences on the property, and a zoning permit for the caretaker unit is obtained.
- (9) Seasonal farmworker housing shall not be located within any floodway.
- (10) Seasonal farmworker housing located within the one hundred (100) year flood elevation shall have the structure of the finished floor of the living quarters above the one hundred (100) year flood level, but may have a storage area below the living quarters.
- (11) Seasonal farmworker housing located within the one hundred (100) year flood elevation shall have its septic tank and disposal field at least one hundred feet (100') removed from the ten (10) year flood elevation unless otherwise authorized by the director of environmental health.
- (12) Seasonal farmworker housing shall be maintained in such a manner so as not to constitute a zoning violation or a health and safety hazard.
- (13) Prior to the issuance of a building permit for seasonal farmworker housing, the applicant shall place on file with the planning department an affidavit that the seasonal farmworker housing will be used to house persons employed for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, acknowledging and agreeing that park and traffic mitigation fees for the seasonal farmworker housing shall be waived unless and until the housing units are no longer used to house persons employed for agricultural purposes and

further acknowledging and agreeing that in the event the housing units are converted to some other use, the park and traffic mitigation fees existent at the time of conversion shall be immediately due and payable and the housing units shall be either removed or, if the new use is otherwise permitted, brought into compliance with the provisions of this code and state laws in effect at the time of conversion.

- (m) See Section 26-88-015, tree protection ordinance.
- (n) Area Design Review Committees. Where development is proposed on parcels which are subject to area design review committees which have been created by resolution of the board of supervisors, the following shall apply.
 - (1) Prior to issuance of a building permit, the development plan will be reviewed and approved, conditionally approved, or denied by the planning director on the basis of site planning as it relates to designated open space or design policies of adopted general, specific or area plans or other such design criteria as may have been adopted by the board of supervisors.
 - (2) Concurrent with the submittal of the development plan to the planning director, the owner shall submit the advisory recommendation of approval, conditional approval or denial of the local design review committee with jurisdiction over the parcel.
 - (3) The planning director shall consider the advisory recommendation of the local design review committee but shall not be bound by it.
 - (4) ~~Decisions~~Discretionary decisions of the planning director approving, conditionally approving or denying a building permit pursuant to this section are appealable in accordance with Section 26-92-040.
- (o) Year-Round and Extended Seasonal Farmworker Housing. Year-round and extended seasonal farmworker housing shall meet the following standards:
 - (1) Year-round and extended seasonal farmworker housing shall be located on parcels of ten (10) or more acres having an agricultural General Plan land use designation for an agricultural employee housing unit. Year-round and extended seasonal farmworker housing may also be located on a parcel of ten (10) acres or more having a resources and rural development General Plan land use designation, provided the parcel is under Williamson Act contract or subject to a conservation easement or agricultural easement .

Notwithstanding the above, year-round and extended seasonal farmworker housing may be located on a parcel five (5) acres or less pursuant to Government Code Section 51230.2, when such farmworker housing otherwise meets the provisions of this subsection and the standards of the underlying zoning district. Such parcels shall be owned or leased by the applicant, unless the parcel is being subdivided pursuant to Government Code Section 51230.2 in which case it shall be owned by a public entity, or by a qualified non-profit agency.
 - (2) Year-round and extended seasonal farmworker housing shall be located on parcels having direct access to a publicly maintained road. If a private road is to provide such access, the applicant shall file with the planning department a written agreement signed by all of the property owners entitled to use such road acknowledging and agreeing to the road's use as access for the seasonal farmworker housing
 - (3) Year-round and extended seasonal farmworker housing located on any parcel shall house no more than thirty-eight (38) workers at any time, unless a use permit is first obtained.
 - (4) Year-round and extended seasonal farmworker housing and support structures shall be set back a minimum of fifty-five feet (55') from the centerline of any roadway, sixty feet (60') from any other property line, forty feet (40') from any other structure, and forty feet (40') from watering troughs, feed troughs, and accessory buildings. Year-round and extended seasonal farmworker housing and support structures shall also be set back seventy-five feet (75') from barns, pens or

similar quarters of livestock or poultry. On parcels adjacent to a residential zoning district, year-round and extended seasonal housing shall be set back a minimum of five hundred feet (500') from the property line adjacent to the residential zoning district. These setbacks may be reduced if a use permit is first obtained.

- (5) Year-round and extended seasonal farmworker housing shall have off-street parking provided at the ration of one (1) space per four (4) persons housed. The parking does not need to be covered, but may not be located within a scenic corridor setback unless a use permit is first obtained. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.
 - (6) Year-round and extended seasonal farmworker housing may be either one (1) or two (2) story structures.
 - (7) Year-round and extended seasonal farmworker housing shall not be located within any floodway.
 - (8) Year-round and extended seasonal farmworker housing located within the one hundred (100) year flood elevation shall have the structure of the finished floor of the living quarters above the one hundred (100) year flood level, but may have a storage area below the living quarters.
 - (9) Year-round and extended seasonal farmworker housing located within the one hundred (100) year flood elevation shall have its septic tank and disposal field at least one hundred feet (100') removed from the ten (10) year flood elevation unless otherwise authorized by the director of environmental health.
 - (10) Year-round and extended seasonal farmworker housing shall be maintained in such a manner so as not to constitute a zoning violation or a health and safety hazard.
 - (11) Prior to the issuance of a building permit for year-round and extended seasonal farmworker housing, the applicant shall place on file with the planning department an affidavit that the year-round and extended seasonal farmworker housing will be used to house persons employed for agricultural purposes. Further a covenant shall be recorded, in a form satisfactory to county counsel, acknowledging and agreeing that park and traffic mitigation fees for the year-round and extended seasonal farmworker housing shall be waived unless and until the housing units are no longer used to house persons employed for agricultural purposes and further acknowledging and agreeing that in the event the housing units are converted to some other use the park and traffic mitigation fees existent at the time of conversion shall be immediately due and payable and the housing units shall be either removed or, if the new use is otherwise permitted, brought into compliance with the provisions of this code and state laws in effect at the time of conversion.
- (p) Residential use of a travel trailer, recreational vehicle, manufactured home, or other transportable housing unit as defined and allowed in the California Building Code shall meet the following standards:
- (1) Parcel shall be at least six thousand (6,000) square feet in size.
 - (2) One (1) or more temporary units may be allowed per parcel subject to the requirements of this subsection.
 - (3) The temporary unit shall meet zoning setback requirements, scenic resource (SR) requirements, existing building envelope restrictions, and, where applicable, have approval from board or specific plan designated design review committees.
 - (4) The temporary unit shall not be considered a separate residential unit for the purpose of density or calculating development impact fees (sewer system, park and traffic fees, etc.).
 - (5) The temporary unit shall have an approved connection to the existing or expanded septic system or sanitary sewer system. The unit shall also have an approved connection to the existing well or a public water system. The temporary unit shall have an approved electrical and/or gas source per the model California Residential Code. If a connection to an existing septic or sewer system is

not feasible, then a contract for hold and haul services for domestic waste may be substituted for connection to an existing septic or sewer system, where the hauler is in compliance with all state law requirements, including holding a valid registration issued by the California Department of Toxic Substances Control for the transport of hazardous wastes.

- (6) Prior to the renewal of a permit for a temporary unit allowed under this subsection. The applicant must submit an application at least thirty (30) days prior to expiration of the term of the issued temporary permit. Applicants for renewal who provided a hold and haul contract in lieu of connection to on site septic or sewer systems on the previous term must provide proof of unbroken service from the servicing contractor as well as a contract for the new permit term.
- (7) Within sixty (60) days of cessation of the residential use described in this subsection, all occupancy of the unit shall cease, and the temporary unit shall be disconnected from all utilities and/or sewage disposal systems. For temporary units allowed during the construction of a single family dwelling or accessory dwelling unit, this requirement shall be a condition of final occupancy on the building permit for new construction.
- (8) Following required disconnection of utility service, the temporary unit may only remain on the property if such storage is permitted under Chapter 26 and all other applicable laws.
- (9) A travel trailer, recreational vehicle, manufactured home, or transportable housing unit used as temporary housing under this section shall not be allowed on any lot with health and safety hazards, as determined in the discretion of the director.
- (10) The following standards shall apply to the use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit for residential use is allowed in one (1) of the following conditions:
 - i. During the construction or major remodel/addition of a single family dwelling. A building permit for the proposed construction must be ready for issuance.
 - ii. Prior to the application of a building permit for, or during the construction of an Accessory Dwelling Unit as allowed by the primary and combining zoning districts and as defined in Section 26-88-060. These temporary units are not allowed in the Z Accessory Dwelling Unit Exclusion combining districts. Water supply must be demonstrated pursuant to Section 7-12 of this code.
 - iii. An administrative permit for the residential use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit shall be obtained. Such permits shall expire one (1) year from the date of issuance. Application for a temporary permit, or renewal of a temporary permit, shall be accompanied by a written statement, signed by the applicant under penalty of perjury, that the use will conform to the standards set forth in this subsection.
- (11) The following standards shall apply to the use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit as a caregiver unit:
 - i. Use of a travel trailer, recreational vehicle, manufactured home, or transportable housing unit as a caregiver unit shall be limited to residential use by an ill, convalescent or otherwise disabled friend or relative needing care from the occupant of the primary residence, or a friend or relative providing necessary care for an ill, convalescent or otherwise disabled occupant of a permitted permanent residential unit on site. The need for care shall be documented by a letter from a physician.
 - ii. An administrative permit for residential use of a travel trailer, transportable housing unit, or recreational vehicle shall be obtained. Such permits shall expire one (1) year from the date of issuance. Permits may be renewed annually. Permit and renewal applications shall be accompanied by a written statement, signed by the applicant under penalty of perjury,

that the use will conform to the standards set forth in this subsection. Renewal applications shall be submitted prior to permit expiration and shall include an updated letter from a physician.

- iii. The number of caregiver units is limited to one (1) per legally established primary dwelling unit.
- iv. The temporary caregiver unit shall not be rented, let or leased.
- v. No more than two (2) people may occupy the travel trailer or recreational vehicle.

Article 92. Administrative and Public Hearing Procedures.

Sec. 26-92-040. Hearings—Appeals of administrative decisions—Questions on permitted uses.

- (a) Except as provided in Section 1-7.3 of this code ~~and subsection (d) of this section 26-92-040~~, the ~~board of zoning adjustments~~ zoning administrator or the planning commission, as appropriate, after notice ~~as provided in~~ compliance with this chapter and state law, shall hear and decide on applications for use permits, applications for variances, and ~~appeals from any order, requirement, permit, decision or determination made by any administrative official of the county in connection with the administration of any other discretionary development permit under~~ this chapter for which a public hearing is required by law.
- (b) Except as otherwise provided in this chapter, Any any interested person may appeal any ~~discretionary administrative~~ order, requirement, permit, or determination made pursuant to this chapter by the ~~planning director~~ or any other administrative official of the county ~~pursuant to this chapter~~. For purposes of this subsection, the zoning administrator is not an administrative official of the county. Appeals pursuant to this subsection shall be to the ~~board of zoning adjustments or the planning commission, as appropriate~~. An appeal shall be filed in writing with the planning director within ten (10) days after the decision that is the subject of the appeal; provided, however, that the county may still revoke any erroneously issued permit or entitlement even after the expiration of the ten-day appeal period. The appeal shall specifically state the basis for the appeal and shall be accompanied by the required filing fee. Nothing in this section shall be construed to limit appeal rights under Public Resources Code section 21151, or to limit appeal rights under other applicable state law or this code.
- (c) In case of uncertainties by the ~~permit and resource management~~ department as to whether certain uses are permitted in certain districts, the department may refer such questions to the ~~board of zoning adjustments~~ zoning administrator or planning commission, as appropriate, for decision.
- (d) Notwithstanding subsection (b), an appeal pursuant to Government Code § 65943(c) shall be filed with the director, in writing, within 10 calendar days after the date of the application was determined to be incomplete. The appeal shall state each specific basis for the appeal and be accompanied by the required appeals fee. Appeals under this subsection shall be to the planning commission, which shall make its written determination no later than 60 calendar days after the director receives a timely appeal. The planning commission's determination shall be final and not subject to further appeal.

- ~~(d) The planning director may waive the requirement for a public hearing and approve, conditionally approve, or deny use permit applications that meet one or more of the following criteria, provided, that subsequent to public noticing procedures pursuant to section 26-92-050, no timely, written, and signed requests for public hearing are received. If the application does not meet any of the following criteria, or if a timely, written, and signed request for public hearing is received, the item shall be noticed for a hearing before the board of zoning adjustments and the board of zoning adjustments may approve, conditionally approve, or deny the application as otherwise provided in this section:~~
- ~~(i) Off-site impacts to adjacent properties would be insignificant because of the location of the site, large parcel sizes in the vicinity, or proposed siting of the use relative to neighboring residences.~~
 - ~~(ii) The project either qualifies for a CEQA exemption or Negative Declaration/Mitigated Negative Declaration.~~
 - ~~(iii) Due to the site's location, the provision of water and wastewater disposal can be accommodated with no significant impact to the environment or surrounding properties.~~
 - ~~(iv) The project involves a minor expansion on a site that has no active enforcement action.~~
 - ~~(v) There is no evidence that the project would be controversial, detrimental to properties or residents in the vicinity, or contribute incrementally to any significant environmental impact in the local region.~~

Sec. 26-92-050. Same—Notice.

- (a) At least ten (10) days' notice of all hearings required by Sections 26-92-040 and 26-92-160 shall be given by the planning director through the United States mails with postage prepaid to all persons shown on the last equalized assessment roll as assessed of parcels of real property within three hundred feet (300') of the parcel wherein the subject use is located or is to be located or by publication in a newspaper of general circulation and posting in at least three (3) places on or near the property which is the subject of the hearing; ~~provided, however, that in the event of an appeal from an administrative determination by any official of the county of Sonoma in connection with the administration of this chapter, the planning director need only notice the time and place of the hearing to the appellant and applicant in manner he deems just and equitable.~~
- (b) At least ten (10) days notice of all hearings required by Section 26-96-020 shall be given by the planning director in accordance with all applicable laws.

Sec. 26-92-060. Concurrent processing of related applications.

Where a development project requires multiple approvals from different decision making bodies authorized to act under this chapter and Chapter 25 or 26C of the Sonoma County Code, notwithstanding anything else contained in this chapter and Chapter 25 or 26C to the contrary, the following administrative rules shall be applied to achieve concurrent processing of related applications:

- (a) The Sonoma County planning commission ~~shall may~~, at the same meeting that it acts upon an application within its jurisdiction, act on a related application which would otherwise be decided by the ~~board of zoning adjustments~~ zoning administrator, provided that all required public notice was given and the proposed action is stated on the meeting agenda.

- (b) All applications made pursuant to Chapter 25 of ~~the Sonoma County this Code code~~ which are accompanied by an application for a rezoning, specific plan amendment, ~~or general plan amendment, development agreement or any other legislative action under this chapter,~~ shall be heard by the planning commission together with any additional related actions governed by this chapter; ~~T~~the planning commission shall make its recommendations to the board of supervisors regarding the legislative actions in connection with such rezoning or plan amendment and shall also provide recommendations to the board regarding all related applications heard by the commission and, after considering such recommendation, the board of supervisors shall be the decision-making body for all such related applications.
- (c) Where the board of supervisors takes original jurisdiction over an application made pursuant to Chapter 25 it may, at the same time, assume direct jurisdiction over a related approval required pursuant to this chapter, except in those cases where state law requires the planning commission to hear and make a recommendation on such related approval.
- (d) Applications for extensions or modifications of development projects originally approved pursuant to this section may be acted upon by any decision making body which would otherwise have jurisdiction over the type of extension or modification which is sought.

Sec. 26-92-065. Joint meetings.

For any project subject to a hearing limit under Government Code § 65905.5, the director is authorized to schedule joint meetings of the design review committee or the county landmarks commission, with the zoning administrator or the planning commission as applicable, when the director determines that doing so is feasible and best serves the public interest. ach entity shall provide notice of any joint meeting, and all applicable notice and hearing requirements shall be met. An action of the director to facilitate a joint meeting, consistent with this section, is not subject to appeal under section 26-92-040. For purposes of this section, “hearing” is defined as provided in Government Code § 65905.5.

Sec. 26-92-070. Use permits—Issuance generally.

Use permits may be issued by the ~~board of zoning adjustments~~ zoning administrator or planning commission for any of the uses for which such permits are required by this chapter, except that only the planning commission has jurisdiction in the PC district.

Sec. 26-92-080. Same—Findings ~~of the board of zoning adjustments~~—Conditions.

- (a) In order to grant any use permit, the written findings of the ~~board of zoning adjustments~~ zoning administrator or planning commission as decision maker shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or to the general welfare of the area, and any additional findings as may be required by this code for the particular use.

The ~~board of zoning adjustments~~ decision maker may designate such conditions in accordance with the use permit, as it deems necessary to secure the purposes of this chapter and may require such guarantees and evidence that such conditions are being or will be complied with.

- (b) Subject to the right of appeal as provided in this chapter, the decision of the ~~board of zoning adjustments~~decision maker shall be final ten (10) days after the ~~board of zoning adjustments~~decision maker renders its decision.
- (c) ~~Written findings shall be made in connection with applications for minimarts in which beer or wine is proposed to be sold. The findings shall be based on substantial evidence in view of the whole record to justify the decision of the board.~~

Sec. 26-92-090. Mobile home park conversion, closure or cessation of use.

In order to grant a use permit to allow the conversion of a mobile home park to an alternate land use, or the closure or cessation of use of the land as a rental mobile home park, the following findings shall be made by the ~~board of zoning adjustments~~zoning administrator or /planning commission:

- (a) Finding required by Section 26-92-050(a);
- (b) The conversion of the rental mobile home park to an alternate land use is consistent with the county's general plan, and either:
 - (1) Adequate replacement rental housing in other mobile home parks is available for displaced mobile home park tenants and any adverse impacts of the conversion, closure or cessation of use on the ability of displaced mobile home park tenants to find adequate rental housing in a mobile home park have been mitigated, or
 - (2) There exists land which is presently zoned and approved for development which will allow replacement housing for displaced mobile home park tenants;
- (c) A relocation plan has been submitted which mitigates the adverse impacts of the displacement of low-and moderate-income individuals or households for a reasonable transition period and mitigates the adverse impacts of long-term displacement.
- (d) An adequate impact report has been prepared and filed pursuant to Government Code, Sections 65863.7 and 66427.4 and Civil Code Section 798 et seq.

This section shall not apply to a resident-initiated conversion to resident ownership that is approved under Government Code Section 66428.1.

Sec. 26-92-100. Variances generally.

- (a) Whenever, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings which are unique to the subject property alone, where the strict application of this chapter is bound to deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification, a variance may be granted. Justification for such a variance shall be based solely on comparative information describing the disparities between the subject property and surrounding properties and the burden of demonstrating that the above requirements are met shall be the responsibility of the applicant.
- (b) The decision maker for a variance shall be the zoning administrator, or the planning commission upon referral by the zoning administrator. At the conclusion of the public hearing, the ~~board of zoning adjustments~~decision maker shall make written findings of fact showing whether or not the requirements of subsection (a) of this section apply to the variance sought. As a part of such findings, the ~~board~~decision maker shall set forth such conditions, if any, as are necessary to obtain

compliance with the provision of such subsection. Following the aforesaid hearings, the ~~board of zoning adjustments~~decision maker shall make its determination on the matter within sixty (60) days after the hearing is closed. Failure of the ~~board of zoning adjustments~~decision maker to ~~reach a decision~~decide on the matter within sixty (60) days after the hearing is closed shall constitute a denial of the request ~~by the Board~~.

Sec. 26-92-110. When decision ~~of board of zoning adjustments to be~~ final.

Subject to ~~the a~~ right of appeal ~~as provided in~~under this chapter, the decision of the ~~board of zoning adjustments zoning administrator or planning commission~~ shall be final ten (10) days after the ~~board of zoning adjustments~~decision maker renders its decision.

Sec. 26-92-120. Revocation generally.

- (a) Whenever, in the opinion of the ~~planning~~ director or of the ~~board of zoning adjustments zoning administrator~~ a condition of any permit issued pursuant to this chapter has been violated, or ~~that the~~ use constitutes a nuisance, the ~~planning~~ director shall cause a hearing to be held before the ~~board of zoning adjustments~~planning commission on the matter of the revocation or modification of such permit. The hearing shall be noticed in accordance with this chapter and shall require the owner to appear at the noticed time and place and show cause why such permit should not be revoked or modified.
- (b) If, after the hearing, the ~~board of zoning adjustments~~planning commission finds that there has been or will be a substantial failure to fulfill one or more of the conditions of the permit or that exercise of the use constitutes a nuisance, the board may either revoke the permit or modify it in such a manner as to secure the goals of Section 26-92-080.

Sec. 26-92-130. ~~Revocation for failure to use or for abandonment of use.~~ Expiration when tentative map expires.

~~—In any case where a zoning permit, use permit, design review approval or variance permit has not been used within two (2) years after the date of the granting thereof or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided, however, that upon written request by the applicant and payment of applicable fees prior to the expiration of the two-year period, the permit approval may be extended for not more than one (1) year by the planning director subject to public notice and opportunity for hearing before the authority which granted the original permit.~~

- (a) A use permit that is approved in conjunction with approval of a tentative subdivision map shall expire if the tentative map, or any extension of the tentative map, expires.
- (a)(b) A public hearing must be held before the zoning administrator or planning commission, as applicable, to determine that a permit or other approval is expired, revoked and void under this section.

Sec. 26-92-135. Application expiration due to inactivity.

An application under this chapter expires if it remains inactive for a continuous period of one year or incomplete for a period of six months from the date it was last determined to be incomplete. Inactive means the applicant has not submitted information requested by the department or that fees due on the application remain unpaid. An incomplete application includes one that has unpaid invoices. The

director must send notice that the application will expire to the address on file for the applicant. The applicant has 30 days from the notice date to submit all requested information and past due fees to reactivate the application. The application automatically expires 30 days after the notification if the requested information and past due fees are not submitted in full. The planning director may extend this 30-day time period when warranted, including but not limited to (1) to correct an error by the department, (2) when a legal action prevents the project from being completed within the allowed year time frame, or (3) in the interest of public health and safety. The planning director's decision regarding the limitation period is final. An expired permit application may be resubmitted as a new application, subject to payment of new application fees and any outstanding balance on the expired permit application.

Sec. 26-92-140. Revocation—Notice.

Notice of hearings held under Sections 26-92-120 and 26-92-130 must comply with the following:

- (a) At least ten (10) days' written notice must be given by the ~~of all hearings required by Sections 26-92-120 and 26-92-130 shall be given by the planning~~ director through the United States mails to the owners of the property that is the subject of the permit; and-
- (b) Notice must be given in accordance with Section 26-92-050(a).

The ~~planning~~ director may give such additional notice as he deems necessary to secure a fair hearing.

Sec. 26-92-160. Appeals to the board of supervisors.

- (a) Except as otherwise provided in this chapter, aAny interested person may appeal any decision made by the ~~zoning administrator board of zoning adjustments~~ or the planning commission pursuant to this chapter to the board of supervisors. An appeal shall be filed in writing with the planning director within ten (10) days after the decision that is the subject of the appeal. The appeal shall specifically state the basis for the appeal and shall be accompanied by the required filing fee. The board of supervisors shall set a date for public hearing and cause notice to be given as provided in this chapter. The board of supervisors shall render its decision within ninety (90) days after the public hearing is first opened. In the event that the board of supervisors fails to act within the ninety (90)-day period, the decision of the ~~board of zoning adjustments~~zoning administrator or planning commission shall be deemed to be upheld. The ninety (90)-day time limit established by this subsection may be extended, with the consent of the board of supervisors, by any individual or entity having a fee or leasehold interest in the property subject to the appeal.
- (b) The filing of an appeal pursuant to this section shall operate as a stay on issuance, modification, or revocation, as the case may be, of any permit with respect to which the appeal is taken. The action shall be stayed until the board of supervisors has entered its decision.
- (c) Any appeal filed pursuant to this section may be withdrawn where the appellant requests such withdrawal and the board of supervisors consents.

Sec. 26-92-170. Application for zoning permits, use permits, variances and appeals.

Applications for zoning permits, use permits, variances and appeals for use permits and variances shall be in writing on forms prescribed by the ~~board of zoning adjustments~~director and shall be accompanied by such plans and data as are necessary to determine compliance with this chapter. If a use permit application, variance permit application, or mobile home zoning permit application is denied by the ~~board of zoning adjustments~~zoning administrator, planning commission or board of supervisors,

reapplication for the same use cannot be made within one (1) year of the denial unless the application is denied "without prejudice."

Sec. 26-92-180. Fees for zoning permits, use permits, variances, appeals and design review.

- (a) Every person making an application for zoning permits, variances, design review, rezoning, appeals, general plan amendments and specific plan amendments, or other related procedures, shall pay a processing fee prescribed by resolution of the board of supervisors.
- (b) Permit fees may be waived or refunded by the Sonoma County board of supervisors, ~~board of zoning adjustments~~ or planning commission upon a showing of good cause. No application fee will be required from the county of Sonoma or any other public agency whose directors are the Sonoma County board of supervisors acting as directors of the public agency.

Sec. 26-92-230. Same—Abatement of outdoor advertising structures and signs.

- (a) If any outdoor advertising structure, sign or appurtenant sign is erected, constructed or maintained in any district contrary to the provisions of this chapter, the ~~board of zoning adjustments~~ zoning administrator shall set a time and place for hearing and serve upon the owner of the structure, and the owner of the real property upon which it is situated, an order to show cause why the zoning administrator ~~board of zoning adjustments~~ should not cause the structure to be summarily abated and removed from the real property. For purpose of this chapter, such owner of record shall be deemed to be the owner as shown by the last equalized assessment roll of the county, and the address of such owner of record shall be deemed to be that as disclosed by the assessment roll. Such order to show cause shall be served upon the owner of record of the real property and upon the owner of the structure by registered or certified mail at least thirty (30) days before the date of the hearing. If the address of the owner of such structure is unknown, the order to show cause shall be deemed to be the owner as shown by the last equalized assessment roll of the county, and the address of such owner of record shall be deemed to be that as disclosed by the assessment roll. Such order to show cause shall be served upon the owner of record of the real property and upon the owner of such structure is unknown, the order to show cause shall be mailed to him in care of the real property. A copy of the order to show cause shall also be posted on the real property on or near the outdoor advertising structure, sign or appurtenant sign.
- (b) If, after hearing, the zoning administrator ~~board of zoning adjustments~~ determines that the outdoor advertising structures, signs or appurtenant sign should be summarily abated, it may order the road commissioner to remove the same and store it in the nearest county corporation yard. Thereafter, the owner of the structure may claim the same upon payment of the expenses of the road commissioner in connection with such removal. If such outdoor advertising structure; sign or appurtenant sign is not reclaimed within a period of six (6) months, the road commissioner may make such disposition thereof as he deems proper.

Sec. 26-94-080. Outdoor advertising structures and signs.

All outdoor advertising structures, outdoor advertising signs, appurtenant signs and directional signs existing on or prior to December 5, 1957, or the effective date of a change in land use classification, whichever is later, which do not conform to the provisions of this chapter relating to the district in which such outdoor advertising structures, outdoor advertising signs, appurtenant signs and directional signs are located shall be considered nonconforming uses. Subject to the limitations set forth in the State

Outdoor Advertising Act, such nonconforming uses shall be removed without compensation within thirty (30) days after the expiration of the amortization period set forth in Business and Professions Code Sections 5412.1 and 5412.2. The amortization period for signs which may be amortized pursuant to Sections 5412.1 and 5412.3 shall commence after the adoption of the ordinance codified in this chapter and the giving of notice to the affected property owner. Wherever, by reason of the spacing limitations of this chapter, a greater number of outdoor advertising structures, outdoor advertising signs, appurtenant signs or directional signs exist in the R, LIA, LEA and DA districts than this chapter permits, the ~~board of zoning adjustments~~zoning administrator shall determine the date of establishment of each such outdoor advertising structure, outdoor advertising sign, appurtenant sign or directional sign and determine which such signs are nonconforming and subject to amortization pursuant to Business and Professions Code Sections 5412.1 and 5412.3. Outdoor advertising signs and structures that were defined as general service boards and granted a use permit prior to the adoption of this ordinance shall become a nonconforming use, if they do not meet the provisos of this chapter.