

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 AR, B6 3, Z, VOH ZONING DISTRICTS TO THE AR, B6 3, VOH ZONING DISTRICTS AND APPROVE A CERTIFICATE OF MODIFICATION FOR 3.02 ACRES LOCATED AT 19675 7TH ST E, SONOMA; APN 127-291-036

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

Section I. The Board of Supervisors finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 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, 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 make an accessory dwelling unit a permitted use 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. Rezoning this site, expanding the building envelope and modify the parcel map to allow an accessory dwelling unit is consistent with the Agriculture and Residential land use designation and will not alter the uses that are permitted by the base zoning district.

Section III. The Board of Supervisors finds that adoption of this ordinance is consistent with Chapter 26 of the Sonoma County Code. Removal of the Z Combining District would allow for an accessory dwelling unit on the parcel. Accessory dwelling units are allowed in the AR (Agricultural and Residential) Zoning District. 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 within the Sonoma Valley groundwater basin, which is designated as high priority groundwater basin by the California Department of Water Resources. The adopted Sonoma Valley Groundwater Sustainability

Plan has documented a groundwater depression and declining groundwater levels in the immediate vicinity of the project site, suggesting the local aquifer is in a condition of overdraft. For this reason, Permit Sonoma's staff geologist requested a report demonstrating that the project will result in zero net increase in groundwater extraction. The applicant provided a report demonstrating to the satisfaction of the staff geologist, that removal of existing vineyard would yield no net increase in groundwater use on the subject parcel, and that sufficient water is available to serve a future accessory dwelling unit.

- b) The parcel and the development facilitated by the project would be served by a septic system and would be subject to meet county wastewater requirements.
- c) The project site is located in a low-density residential area where the addition of an accessory dwelling unit would not create traffic hazards or increase the burden on the surrounding residential roadways.
- d) The parcel is not located in an area with elevated fire hazard and is located nearly ½ mile from the closest area with a moderate fire hazard designation.

Section IV. The following findings are made for approval of the Certificate of Modification, as required by Chapter 25 of County Code and Government Code Section 66469:

- a) There are changes in circumstances which make any or all of the conditions of such map no longer appropriate or necessary. The prohibition on accessory dwelling units was originally imposed in this subdivision to prevent the property from exceeding the maximum residential density permitted by general plan. At the time it was imposed, an accessory dwelling was considered as distinct residential dwelling unit which would exceed the allowable density on the parcel had it been permitted. Changes in state law since that time however now clarify that an accessory dwelling unit may not be considered additional density and should instead be treated as an accessory use to the primary dwelling.
- b) The proposed modifications do not impose any additional burden on the present fee owner of the property. The proposed modifications are being requested by the current owners of the property to provide relief from current restrictions.
- c) The modifications do not alter any right, title or interest in the real property reflected on the recorded map.
- d) The map as modified, conforms to all the provisions of the Subdivision Map Act and local implementing ordinances (Section 66472.1 of the Subdivision Map Act and Section 25-13.8 of the Sonoma County Subdivision Ordinance).

Section V. The Official Zoning Database (OZD) of the County, adopted by reference in Section 26-02-110 of the Sonoma County Code, is hereby amended to reclassify the following real property from AR (Agricultural and Residential District), B6 3 (Density limit of one dwelling unit per 3 acres), Z (Accessory Dwelling Unit Exclusion Combining District), VOH (Valley Oak Habitat Combining District); and shall be reclassified as AR (Agricultural and Residential District), B6 3 (Density limit of one dwelling unit per 3 acres), VOH (Valley Oak Habitat Combining District); for 3.02 acres located at 19675 7th St E, Sonoma; APN 127-291-036; File No. PLP22-0009. The

Director of the Permit and Resource Management Department is directed to reflect this amendment in the OZD of the County as shown on Sectional District Map No. [REDACTED].

Section VI. 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 VII. 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, introduced on the 6th day of June, 2023, and finally passed and adopted this 6th day of June, 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:

Christina Rivera,
Clerk of the Board of Supervisors