



permit
SONOMA

County of Sonoma
Permit & Resource Management Department

**PLANNING COMMISSION /
BOARD OF ZONING ADJUSTMENTS APPEAL FORM**

PJR-021

To: Board of Supervisors
County of Sonoma, State of California

File No.: ORD-019-0011

Appeal is hereby made by Rita O'Flynn

Mailing Address 17529 Graystone Pl

City / State / Zip Guerneville, CA 95446

Phone: 415-260-7608

Email: rita_august@msn.com

The Sonoma County ☒ Planning Commission / ☐ Board of Zoning Adjustments on
(date) 1 December 2022

☐ approved / ☒ denied a request by Rita O'Flynn

for legalization of non-conforming public use

Located at 17448 River Lane, Guerneville, CA 95446

APN 071-220-068

Zoning: R1

Supervisory District: 5

This appeal is made pursuant to Sonoma County Code Chapter Section 26-92-160 for the following specific reasons:

See attached.

Appellant Signature Rita O'Flynn

Date: 12/12/22

DO NOT WRITE BELOW THIS LINE - TO BE COMPLETED BY PERMIT SONOMA STAFF

This appeal was filed with Permit Sonoma on this date 1 December 2022
receipt of which is hereby acknowledged.

Permit Sonoma Staff Signature _____

1. Background

In 2014, the Russian River Recreation and Parks District (RRRPD) was awarded a matching, tax-payer funded \$35K grant from the Sonoma County Agricultural and Open Space District (SCAOD) to purchase 17448 River Lane, Guerneville, CA (subject parcel) from the Sweetwater Springs Water District (SWSWD).

The **grant from SCAOD calls for permanent, public access to the Russian River** via the subject property, which is not river front.

The **subject parcel is in a:**

- **Riparian Corridor** per Permit Sonoma
- **Biotic Habitat Resource Area** due to the Occurrence of Special Species (Plants) per the Sonoma County General Plan, Open Space and Conservation Element Map
- **Critical Habitat Zone** per the US Department of Fish and Wildlife

The **Russian River** is classified as “**Impaired**” by the US Environmental Protection Agency.

The **0.6 acre subject parcel has been zoned R1 (single, residential) for over 60 years** per Sonoma County Ordinance 698, adopted in 1961.

In 2019, **RRRPD applied for a permit for non-conforming use**. Such use is based on Sonoma County Zoning Code Sec. 26-94-010. - Continuance. *“The **lawful use of land existing on the effective date of the ordinance** codified in this chapter although such use does not conform to the regulations specified by this chapter for the district in which such land is located, **may be continued but shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of said ordinance, and that if any use ceases, the subsequent use of such land shall be in conformance with the regulations specified by this chapter for the district in which such land is located.**”*

Errors in RRRPD Application

The application for non-conforming use contained numerous errors and omissions including, but not limited to:

- A preliminary Ordinary Highwater Mark (OHWM) from the California State Lands Commission that was not intended for public use as a means of claiming public access to adjacent riverfront parcels under the Public Trust Act. A subsequent OHWM determination by CSLC established the OHWM to be much lower, and subject property does not access Russian River.
- A land survey from Hogan Land Services that extended the legal property line of the subject parcel to the low water mark of the Russian River, more than doubling the size of the subject parcel and making the subject parcel riverfront.
- An aerial map showing a different trail to the Russian River from the subject parcel than the one currently used (note: this trail may be on 17444 River Lane).

Permit Application History

The RRRPD's application for non-conforming use was initially approved by Permit Sonoma in an Order of Determination (OOD) in July of 2021. This OOD was voided by Permit Sonoma following material objections raised by the appellants. On 3 December 2021, Permit Sonoma issued another OOD, which was essentially unchanged from the previous OOD.

The **appellants appealed** the December 2021 OOD on numerous grounds including:

- **Error in applying Sonoma County Ordinance 230 (adopted in 1945) for legal, non-conforming use.**
- **Failure to adequately document legal, historic use.**
- **Cessation of Use**
- **The creation of permanence of non-conforming use**
- **Taking under the Article 5 and 14 of the US Constitution.**
- **Environmental and Fire Safety Concerns**

The appeal was denied on 1 December 2022. With this appeal to the Board of Supervisors appellants exercise their right to pursue administrative remedy prior to proceeding with legal action, should we wish to do so.

Grounds for appeal are as follows.

2. Permit Sonoma Erred in its Application of Ordinance 230

Permit Sonoma's justification for legal non-conforming use was based on **17448 River Lane** being **zoned "unclassified"** prior to 1961, as provided in the following excerpt from their December OOD:

- ***"Before adoption of Ordinance 698 in 1961, Ordinance 230, adopted in 1945, controlled."***
- ***Under Ordinance 230, Section 7.1 classified unincorporated areas of the County, other than those that were specifically zoned by Ordinance 230, as "U"-Unclassified District.***
- ***"Per Section 12.2(a) of Ordinance 230 the U district allowed uses PERMITTED within any A, K, R, R-R, C or H-1 districts."***
- ***"Per Section 14.1(b) of Ordinance 230, public uses were allowed as permitted uses within the A-Agriculture District."***

However:

- The **only zoning map with an A** designation of the subject parcel provided by Permit Sonoma in response to a Public Records Request for all available zoning maps of Vacation Beach **was drawn in 1976, 15 years after the adoption of prohibitive zoning (Ordinance 698).**
- Permit Sonoma repeatedly makes reference to the **type of use at the subject property as "recreation" in its OOD and Staff Report** in response to the appeal to the Planning Commission.
- With 17448 River Lane **zoned "Unclassified" prior to 1961** per Permit Sonoma, the **application of the requirements under K (recreational) would seem a better fit for public or quasi public use, such as a public trail** or "passive recreation" than A (agricultural).
- Ordinance 230, 15 **REGULATIONS FOR "K" DISTRICTS (RECREATIONAL DISTRICTS),**
 - Section 15.2 **USES PERMITTED, SUBJECT TO SECURING A USE PERMIT IN EACH CASE.**

- a. Quasi-public and public uses.

Common sense dictates that if a **K (Recreational District) zoned property would need a permit for public recreational use, then a U zoned property would also need a permit for similar use.**

It is clear then, under 230 and prior to 1961, a permit would have been required for “Legal” recreational use at the subject property. Without such a permit, approval of non-conforming use under Sec. 26-94-010, which requires “Legal” use prior to prohibitory zoning, cannot be granted.

3. Historic Use of the Subject Property is Not Established

Once legal use has been established, historic use of the subject parcel for recreational purposes must also be established to qualify for non-conforming use under Ordinance 26-94-010.

RRRPD relies on the statements, not affidavits, of 16 parties in support of historic use of the subject parcel.

However:

- Almost half of the statements only document personal use after 1961.
- Many of the photos do not prove access to the Russian River via the subject parcel.
- Many of the photos cannot be specifically identified as to being of the Russian River along the Vacation Beach sub-division or even of the Russian River itself.
- Postcards provided, document use of:
 - The riverfront in a different town.
 - Access from parcels other than the subject parcel.
 - Trails other than the current trail.

Therefore, historic use of the subject property for recreational purposes is:

- minimal
- questionable
- incorrect as to location
- insufficient to support historic use as required for non-conforming use under Section 26-94-010
- not likely to survive the standards of evidence under the law as historic use of the subject parcel

4. Required Continuous Use is Not Established

Under 26-94-010. - Continuance. “...if any use ceases, the subsequent use of such land shall be in conformance with the regulations specified by this chapter for the district in which such land is located.”

Permit Sonoma has been provided with evidence that the subject parcel has been **posted as “Private Property” with “No Trespassing”** by the current property owners **for several years**. This is **evidence of cessation of any type of authorized public use** and:

“No vested right to violate an ordinance may be acquired by continued violations.” (Acker v Baldwin) 18 Cal.2d 341

Even if Permit Sonoma survives legal challenge to legal, historic permit requirements, **non-conforming use cannot be granted** under 26-94-010 **because of the cessation of previous use.**

5. Permanence Excludes Non-Conforming Use

The tax-payer funded grant from the Sonoma Open Space District will be used for **PUBLIC** access to the Russian River in **PERPETUITY**. **Signage/promotion are a requirement of the grant.**

In siding with Permit Sonoma in **Sabek v. Sonoma County**, when Permit Sonoma denied a non-conforming use permit, the Cal. Appellant Court stated:

- ***Any change in the premises which tends to give permanency to, or expands the nonconforming use would not be consistent with this purpose.*** (Dienelt v. County of Monterey (1952) [113 Cal. App. 2d 128](#), 131 [247 P.2d 925].)
- ***And "a type of business distortive of the zoning plans [which] adds permanency to a nonconforming use which the intent of the ordinance seeks to [190 Cal. App. 3d 168] eliminate" is of course forbidden.*** (Paramount rock Co. v. County of San Diego, supra, 180 Cal.App.2d at p. 231.).

In granting non-conforming recreational use at the subject property, Permit Sonoma will provide **permanence of non-conforming use**; this will most likely **not survive legal challenge**.

6. Environment Must Take Priority

As noted above, the subject property is in an environmentally vulnerable location. Despite numerous requests to the current owners to provide lavatories and trash facilities, they have failed to do so. Non-conforming use doesn't hold the subject property owners to any current zoning requirements regarding human waste, such as number and type of lavatory, or to the environmental protections under the Sonoma County General Plan.

Additionally, a 2002 permit to remove a well from the subject property remains "Open" on Permit Sonoma's website. A photo provided to Permit Sonoma documenting a well discharge pipe still in existence as late as 2015 may be evidence that the well itself is still underground. The environmental impact of aging, underground infrastructure on the watershed and the river is unknown.

Under these conditions, for it to be said, with certainty, that there will be no environmental impact by granting non-conforming use simply isn't a believable statement. A discretionary/conditional use permit will open the door to much needed environmental considerations/oversight.

7. Fire Safety Must be a Priority

Access to the subject property is from Neely Road (which "dead ends" 9 months of the year) to either Orchard (a dead end street) or River Lane (also a dead end street); this poses serious challenges should the need for evacuation arise.

A non-conforming use permit avoids the assessment of parking availability and fires safe roads that would be required under a discretionary/conditional use permit. This should exclude a non-conforming use permit at the subject parcel.

8. Inequitable Application of Permit Sonoma's Requirements

While non-conforming use for a public recreational facility was facilitated for RRRPD, the same cannot be said for the Patterson Point Preserve. The Preserve was created by a group of local property owners to legalize long standing public use of a river access. Among the many things required, were a conditional use permit, traffic and parking assessments, and an extensive conservation plan.

The appellants too were subject to requirements from Permit Sonoma far exceeding those of RRRPD, before we could begin the restoration of the riparian corridor which has been seriously contaminated and degraded by those trespassing from the subject property. Permit Sonoma required we get a full conservation plan as well as an approval or findings of "no adverse effect" from:

- The Native American Indian Heritage Association
- The Army Corps of Engineers
- California Fish and Wildlife
- The North Coast Regional Water Board

This was required before Permit Sonoma would even consider our plans, which we had to submit to the Environmental Division for approval. Permit Sonoma should be promoting restoration by private landowners and the use of the subject parcel as an unregulated public beach is incompatible with attempts to restore the riparian corridor.

Further inequity is demonstrated by the requirement for many property owners in Monte Rio to upgrade their septic systems to comply with the North Coast Regional Waterboard's Total Daily Maximum Load Plan to reduce human waste bacterial pathogens. This will cost those homeowners tens of thousands to achieve. In the meantime, the current property owner, the Sweetwater Springs Water District allows human waste to be introduced into the river and watershed without interference from Permit Sonoma or the Waterboard.

9. Politics has No Place in Regulatory Decisions

The bar for land use shouldn't be lower for a government agency than a private party. The involvement of the offices of California State Senator, Mike McGuire; California State Assembly, Ed Sheffield; and local County Supervisor, Lynda Hopkins in this matter, including private meetings with regulatory bodies such as the California State Lands Commission and phone/email campaigns to push this project certainly gives the appearance of political influence.

It is likely that, if historic and current zoning requirements were correctly followed for the subject parcel, the application for non-conforming use would have been denied.

10. Issues with the Planning Commission Hearing

With this appeal we raise several issues with the Planning Commission of 1 December 2022:

- Permit Sonoma presented a plat map overlaid on an aerial map at the public meeting. Permit Sonoma is aware that the plat map is inaccurate as to adjacent properties including:
 - My property stopping well before the low watermark of the river while my legal deed and a recorded survey clearly show a boundary to the low watermark.
 - Extension of 17444 River Lane (property owned by RRRPD) within my property.

The presentation of this plat map is misrepresentative of property boundary lines and leaves the public with the impression that they have legal access onto and over neighbors' private property. This misrepresentation may constitute taking under the 5th and 14th amendments of the US Constitution.

- There were considerable zoning issues involved in approving non-conforming use and that this matter should have been heard by a joint meeting of the Planning Commission and Board of Zoning Adjustments. A commissioner who voted for denying the appeal stated that a zoning change should be implemented.
- A commissioner met with the head of a group advocating for public use at this location for approximately 20 minutes. We were not afforded equal time or an opportunity to find out what was discussed.

11. No One is Harmed by Denial of Non-Conforming Use

As Permit Sonoma did in *Sabek v. Sonoma County*, RRRPD can be advised to apply for a conditional use permit to achieve everything it wants while assuring public safety and environmental protections are in place.

Furthermore, RRRPD already provides public Russian River access serving the Vacation Beach subdivision; the Vacation Beach Dam access, which is less than 0.5 miles from the subject property. Additionally, there is another RRRPD public access to the Russian River at Cozy Cove, less than a mile from the subject property. Guerneville Park, Johnson's Beach, and Dubrava/Lok also offer public access to the river.


12. Conclusion

The Board of Supervisors has sufficient grounds to overrule the denial of the appeal of legal non-conforming use at the subject property and should do so.

Permit Sonoma should advise RRRPD to apply for all necessary permits, zoning changes, and amendments to the Sonoma County General Plan to assure a public access that protects the environment and the safety of local residents.

Attachments/Supportive Documentation: See separate file.

Modified Scope of the Order of Determination

- The Order of Determination has been modified to **exclude use of adjacent, privately-owned parcels by the public, INCLUDING 17444 River Lane**, the riverfront parcel to the west of 17448 River Lane; this is **consistent with the CSLC's corrected OHWM**.
 - Approval is for the “public” **trail** within the confines of **17448 River Lane** only; **this parcel does not provide access to the Russian River itself**.
- 


Operational Ordinance for Non-Conforming Use

Sec. 26-94-010. - Continuance. The **lawful** use of land **existing on the effective date of the ordinance codified in this chapter** although such use does not conform to the regulations specified by this chapter for the district in which such land is located, may be continued but shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of said ordinance, and that **if any use ceases, the subsequent use of such land shall be in conformance with the regulations specified by this chapter for the district in which such land is located.**

**Lawful
Historic
Continuous/Ongoing**



Permit Sonoma Basis of Appeal Denial: Legal Use

- *“Before adoption of Ordinance 698 in 1961, **Ordinance 230, adopted in 1945, controlled.**”*
 - *Under Ordinance 230, Section 7.1 classified unincorporated areas of the County, **other than those that were specifically zoned by Ordinance 230, as “U”-Unclassified District.***
 - *“Per Section 12.2(a) of Ordinance 230 the **U district allowed uses PERMITTED** within any A, K, R, R-R, C or H-1 districts.”*
 - *“Per Section 14.1(b) of Ordinance 230, public uses were allowed as permitted uses within the A-Agriculture District.”*
- 

Appellant Response

- The only **zoning map with an A-2** designation provided in response to a Public Records Request for all available zoning maps of Vacation Beach **was drawn in 1976.**
- With 17448 River Lane zoned **“Unclassified” prior to 1961**, the application of the requirements under **K (recreational)** would seem a **better fit for** public or quasi public use, such as **a public trail** or “passive recreation”.
- Ordinance **230, 15 REGULATIONS FOR "K" DISTRICTS (RECREATIONAL DISTRICTS)**,
 - Section 15.2 USES PERMITTED, **SUBJECT TO SECURING A USE PERMIT IN EACH CASE.**
 - a. **Quasi-public and public uses.**

It's unlikely that a K zoned property would need a permit for public use but, a U zoned property would not need a permit for the same use.



Permit Sonoma Basis of Appeal Denial: Historic Use

Permit Sonoma States:

- ***“Credible”** evidence in the form of **16 public affidavits** were submitted with the application regarding the historic use of the property for a public trail commencing on the public right-of-way and continuing through the boundary of the property since **at least the 1950’s, which pre-dates 1961 zoning.***

Appellant Response

GILFETHER FAMILY PHOTOS

– Vacation Beach Homeowner (Orchard Ave / River Lane)

Lark Photo Vacation Beach Postcard – 1944

(to Frank & Mary, 1st Generation, from 2nd Generation with 3rd Generation "kiddos")



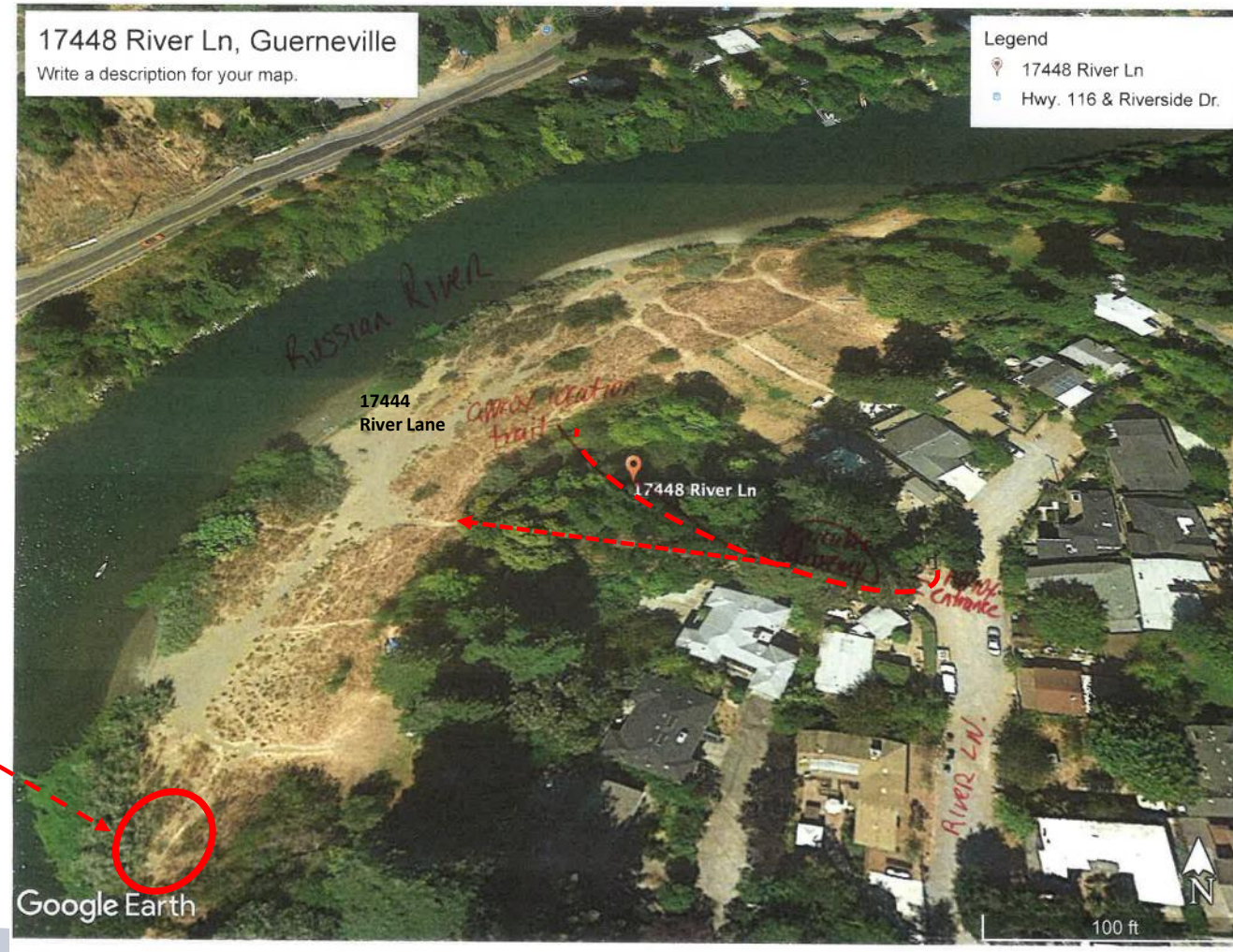
River Lane

Path down to the
River c.1944

Appellant Response

Topical view of 17448 River Lane provided by RRRPD in the application for non-conforming use.

Remnant of Pathway used by Gilfether



Permit Sonoma Basis of Appeal Denial: Ongoing Use

- *“The legal nonconforming use of the property...has not ceased in operation for a continuous period of one year.”*

Appellant Response

Private Property, No Trespassing signage posted, and Parking Lot closed for at least **2 years years**.



Access trail is officially closed. Ongoing use is either by permission (guest rather than public use) or trespassing.

Sec. 26-94-010. - Continuance. ...if any use ceases, the subsequent use of such land shall be in conformance with the regulations specified by this chapter for the district in which such land is located.

“No vested right to violate an ordinance may be acquired by continued violations.” (Acker v Baldwin) 18 Cal.2d 341

Permit Sonoma is Creating “Permanence”

- A tax-payer funded grant from the Sonoma Open Space District will be used for **PUBLIC** access to the Russian River in PERPETUITY. **Signage/promotion are a requirement of the grant.**
- Permit Sonoma is creating “permanent, non-conforming use”.



Appellant Response

In siding with Permit Sonoma in Sabek v. Sonoma County, the Cal. Appellant Court stated:

- *Any change in the premises which tends to give permanency to, or expands the nonconforming use would not be consistent with this purpose."* (Dienelt v. County of Monterey (1952) 113 Cal. App. 2d 128, 131 [247 P.2d 925].)
- *And "a type of business distortive of the zoning plans [which] adds permanency to a nonconforming use which the intent of the ordinance seeks to [190 Cal. App. 3d 168] eliminate" is of course forbidden.* (Paramount rock Co. v. County of San Diego, *supra*, 180 Cal.App.2d at p. 231.).

Permit Sonoma is Creating a Public Nuisance

River Front below 17448 River Lane



Appellant Response

Press Democrat, The (Santa Rosa, CA)

July 4, 2020

Fourth of July revelers crowd Sonoma County beaches, Russian River **excerpt**

Robinson said his park staff spent time there Saturday citing for parking violations, issuing 50 administrative citations in support of CHP and Sonoma County sheriff's deputies working the area.

"We upped our staff for the weekend and they did a fantastic job dealing with numerous issues, and really, it was just a constant stream of visitors that wanted access to the river. And the river was the main focal point, I think."

The Mother's Beach area, which has a portable toilet and a parking lot accommodating fewer than 20 vehicles, has proved to be a particular sore point for neighbors, though the entire area is subject to extremes of illegal parking, as beachgoers jam into any spot along the roadway they can find, whether marked "no parking" or not.

Many residents of River Drive, which runs near Mother's Beach, choose to leave on holiday weekends or lock themselves inside.

Bill McKinley, who stayed home, said he blamed the county's decision to turn a neighborhood beach into a public park for the neighborhood's misery.

Permit Sonoma is Downplaying Environmental Issues

- Environmentally vulnerable location.
- No restrooms or trash facilities.
- Fires/Camping/Evacuation
- Open permit for well removal
 - Well discharge pipe still on property in 2015




Summary

Requirements under **Sec. 26-94-010** have not been met:


- Per 230 (effective 1945), **a permit was required** for public/quasi public uses at unclassified districts such as recreational uses (K-District).
- Use of a public trail at 17448 River Lane **prior to 1945 has not been established.**
- 17448 River Lane has been posted as “**Private Property/No Trespassing** for **more than 1 year.**
- **Permanence** of non-conforming use **is prohibited by case law.**

Environmental protection and fires safety needs to be foremost in decisions on how to proceed.



Conclusion

A use permit will achieve all that the applicants are trying to achieve (see Sabek v Sonoma County):

- Create compliant, conforming use.
 - Protect this environmentally vulnerable location.
 - Assure that all safety measures regarding fire prevention and evacuation have been met.
- 
- A decorative wavy line in a light blue-grey color spans the width of the slide at the bottom.



Sonoma County Planning Commission STAFF REPORT

FILE: ORD19-0011
DATE: December 1, 2022
TIME: At or after 1:05pm
STAFF: Marina Herrera, Project Planner

SUMMARY

Property Owner: Sweetwater Springs Water District
Applicant: Russian River Recreation & Park District
Address: 17448 River Lane, Guerneville
Supervisory District(s): Fifth
APN: 071-220-068
Description: Appeal of Legal Non-Conforming Use Determination (12/3/2021) of the subject property's historic use as a public trail extending over the parcel.
CEQA Review: The appeal and nonconforming use determination do not meet definition of a project under State CEQA Guidelines Section 15060(c). Alternatively, this would be exempt under CEQA Guidelines Sections 15301 (existing facilities) and 15061(b)(3) (common sense exemption).
General Plan Land Use: Urban Residential (UR)
Specific/Area Plan Land Use: Local Guidelines 116 Corridor, Russian River Redevelopment Guidelines
Ordinance Reference: Article 94, Section 26-94-010, Legal Non-Conforming Uses
Zoning: Low Density Residential (R1), B6 1 DU (1 dwelling unit per 1 acre), Floodway (F1), Floodplain (F2), Local Guidelines 116 Corridor (LG/116), Riparian Corridor (50 foot structural setbacks, 50 foot agricultural setbacks), Valley Oak Habitat (VOH)



RECOMMENDATION

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission deny the appeal and uphold Permit Sonoma's determination that a legal nonconforming use exists on the property located at 17448, River Lane, Guerneville ("the Property"), with clarification that this determination establishes a nonconforming use on the subject Property only.

EXECUTIVE SUMMARY

This report represents an appeal of an Ordinance Determination of the Legal Non-Conforming Use of the Property's historic use as a public trail. Staff issued the Legal Non-Conforming Use Determination in accordance with Sonoma County Code Chapter 26 Article 94 (Nonconforming uses) on December 3, 2021, finding that credible evidence supported recognizing a nonconforming use on the Property as a public access point to the Russian River. A timely appeal of staff's determination was filed by Rita O'Flynn, on December 13, 2021.

On November 25, 2019, the Russian River Recreation and Park District filed an Ordinance Determination (File No. ORD19-0011) requesting a legal nonconforming use determination of the subject property's historic use as a public access point to the Russian River, specifically to an area locally known as Vacation Beach. The current use of the property is substantially unchanged and no new development, uses, or structures are proposed. Permit Sonoma determined the pertinent documents, including 16 public affidavits submitted with ORD19-0011, on file with Permit Sonoma, and available historic zoning maps, collectively substantiate the historic use of the property as a public access point to the Russian River.

The appeal and subsequent amendments to the appeal, cite several concerns including: inadequate public notice to adjacent property owners, incompatibility with the General Plan and the Russian River Development Plan, and non-compliance with CEQA, among other concerns, which are disclosed and addressed below.

PROJECT SITE AND CONTEXT

Historic Zoning:

Ordinance 230, adopted in 1945, established zoning districts in the County. Pursuant to Ordinance 230, unincorporated areas in the County that were not zoned under one of the zoning districts established in the Ordinance were designated as "U" Districts. Per Sections 12.2(a) and 14.1(b) of Ordinance 230, public uses were allowed in the U District. Ordinance 230, did not include the subject property in any of the specific zones created by the Ordinance, meaning that the U District applied to the Property and public uses were allowed on the property. Therefore, the public's use of the Property as a public trail did not violate the zoning designation established in 1945 and was a legally established use in compliance with zoning at that time.

In 1961 Sonoma County Ordinance 698 re-zoned the Property as R1-Single-Family Residential. A Use Permit is required to authorize public access trails in the R1 zoning district. The Property has been zoned for R1 since 1961. Therefore, the public's use of the Property does not conform with the current R1 zoning designation and can continue only if the use is determined to constitute a legal nonconforming use that predates the R1 zoning or if a use permit application is submitted and approved.

Ownership Changes



Sweetwater Springs Water District currently owns the subject property located at 17448 River Lane, Guerneville and previously operated a groundwater well on site. The well is no longer in operation. Credible evidence submitted to Permit Sonoma confirms the public currently uses a trail on the subject property and has done so continuously since the 1950's or earlier, to access Vacation Beach. The Russian River Recreation and Park District intends to purchase the lot and maintain it as a public access point to the Russian River in perpetuity.

The subject Property was created by Vacation Beach Subdivision No. 3 recorded on June 3, 1936, Sonoma County Records Book 50, Page 38-40, Block A, Lot 1. The tract of land subdivided by Vacation Beach Subdivision No. 3 was previously owned by A. Genelly and was owned by the Genelly family since the early 1900's until the property was transferred to Citizens Utility in 1953. The subject parcel provides unimproved pedestrian trail access to and includes a portion of a beach located on the Russian River, commonly known as Vacation Beach. Vacation Beach encompasses the following neighboring parcels, APN: 071-220-067, 071-220-018, 071-220-019, and 071-220-020. Specifically APN: 071-220-067 is located between the subject parcel, APN: 071-220-068, and the Russian River corridor (Attachment 4).

Ownership transfer of the subject parcel has occurred twice since parcel creation, from 1) Genelly to Citizens Utility and from 2) Citizens Utility to Sweetwater Springs Water District (DN 1992-0041217). Included in application submittals were a total of sixteen public affidavits from people who have historically used the subject property for river access dating back to at least 1950. Affidavits submitted are significant in staff's determination as they are written statements of facts to be used as evidence, voluntarily made by the public regarding the historic use of the property.

Summary of Affidavits

Affidavit submitted by Herbert A. Genelly Jr. indicates that the property was used as an access point to Vacation Beach by the public during his family's ownership of the property from the early 1900's to 1953. Affidavit submitted by Xenia Zabelin a resident of the vacation beach subdivision since 1951 further substantiates the generational and continuation of use of Vacation Beach since the beginning of her residency in 1951 and continuing at least through 2019 when she submitted her affidavit. Affidavit submitted by Jack Bushgen, a former employee of Citizens Utility, who began his employment with the utility company in 1988, confirms that the subject property was used as an access point to the Russian River since at least 1988. Affidavit submitted by Ed Fortner, the General Manager of Sweetwater Springs Water District (property owner) states that to the Water District's knowledge the subject property has been used as a river access point since the District's acquisition of the property in 1992. Table 1 below lists all 16 public affidavits submitted with the application on file with Permit Sonoma.

Table 1. Affidavits submitted to Permit Sonoma

Affidavit Name & Date	Affiliation	Year Cited*
Herbert A Genelly Jr.	Previously owned (until 1953) & Family of original Subdivision	Early 1900's
Richard Deering (8/9/2019)	Russian River Resident since 1966	1940's
Nick Mironov (10/4/2019)	Vacation Beach user	1950
Vera Mironov (10/7/2019)	Vacation Beach user	1950
Katherine Meyer (10/2/2019)	Vacation Beach user	±1950



Affidavit Name & Date	Affiliation	Year Cited*
Xenia Zabelin (10/3/2019)	Resident of the Vacation Beach Subdivision as of 1951 Generational use of Vacation Beach	1951
Laura Clemens (11/14/2019)	Generational use of Vacation Beach	1955
Laura Giffether (9/15/2019)	Family owned property in Vacation Beach Subdivision 17754 Orchard Avenue since the 1930's Generational use of Vacation Beach	Over 50 years ±1969
Margaret Dodderer (9/29/2019)	Generational use of Vacation Beach	Over 60 years ±1959
Vic Teshin (11/14/2019)	Vacation Beach user	1955
Jack Bushgen	Citizens Utility (previous property owner) employee	1988
Ed Fortner	Sweet Water Springs Water District (current property owner)	1992
Hans Bruhner (11/11/2019)	Property owner within the Vacation Beach Subdivision as of 2003	2003
John Harreld (10/4/2019)	Property owner and full time resident of Guerneville	2004
Howard & Suarez (9/12/2019)	Property owners within the Vacation Beach Subdivision since 2014	2014
Angelina Lavroushin (10/21/2019)	Generational use of Vacation Beach	Not specified.

*Years cited for the use extend to November 2019, the time of application submittal unless otherwise specified

Area Context and Surrounding Land Uses

The subject parcel is located in the Vacation Beach Subdivision in Guerneville located east of the Russian River corridor. The Vacation Beach subdivision is a residential subdivision comprised of single-family residences.

Direction	Land Uses
North	Low Density Residential (R1) Single Family Residence
South	Low Density Residential (R1) Single Family Residence
East	Low Density Residential (R1) Single Family Residence
West	Low Density Residential (R1) Vacation Beach Parcel (APN 071-220-067)

Project History



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org



The table below summarizes key project milestones and events.

Date	Project Event/Milestone
11/25/2019	Application Submittal
12/23/2019	Complete for Processing
7/12/2021	Letter of Determination
7/20/2021	July 12, 2021 Determination Redacted
12/3/2022	Letter of Determination Issued
12/13/2022	Appeal Filed
11/21/2022	Notice of Planning Commission Hearing

ANALYSIS

General Plan Consistency

The Urban Residential Land Use category is applied to land planned for a full range of urban services to support residential development. This land use accommodates a variety of housing types and is applied to high, medium and low density residential areas

Zoning Consistency

The subject site is zoned Low-Density Residential (R1 B6 1) with a one unit per acre density, and designated with the following combining districts: Floodway (F1), Floodplain (F2), Riparian Corridor (RC50/50, 50' setback development/50' agriculture) and Valley Oak Habitat (VOH). No new structures or land uses are proposed with this request for a legal nonconforming use determination of the subject property's historic use as an access point to Vacation Beach on the Russian River.

Riparian Corridor Combining Zone, Article 65

The purpose of the Riparian Corridor combining zone is to protect and enhance Riparian Corridors and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. The project parcels Riparian Corridor designation requires a 50 foot structural setback and 50 foot agricultural setback as measured from the top of the higher bank as required by Section 26-65-010. This legal non-conforming use determination does not propose any new structures, land uses, or development onsite.

Floodway/Floodplain Combining Zone, Article 56 & 58

The Floodway (F1) combining zone is applied to properties located within the floodway as shown on the most recent FEMA maps. The Floodplain (F2) combining zone applies to properties located within the one hundred year flood hazard as shown on the most recent FEMA maps. This legal non-conforming determination does not propose any new structures, land uses, or development onsite

Valley Oak Habitat Combining Zone, Article 67

The Valley Oak Habitat (VOH) combining zone is intended to protect and enhance valley oaks and valley oak woodlands and to implement provisions of the General Plan Resource Conservation Element. This legal non-conforming determination does not propose to remove any Valley Oak trees.



Nonconforming Uses, Article 94:

The purpose of Article 94 of the Zoning Code is to recognize the legality of present land use that do not conform to current zoning regulations, but did conform to zoning regulations and were legal uses at the time the use commenced. The complete section of Article 94 has been included as Attachment 8.

Section 26-94-010 of the Zoning Regulations defines nonconforming uses as:

“The lawful use of land existing on the effective date of the ordinance codified in this chapter although such use does not conform to the regulations specified by this chapter for the district in which such land is located, may be continued but shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of said ordinance...”

The use determination was analyzed under Article 94, Legal-Non Conforming uses. The application documents, including affidavits submitted by the public and available historic zoning maps, collectively substantiate the historic use of the subject parcel as a passive recreation area and that the use has not ceased or been closed for more than a year.

Environmental Analysis

This legal nonconforming use Determination is not subject to the California Environmental Quality Act (“CEQA”). According to Section 15060(c) of the CEQA Guidelines, an activity is not subject to CEQA if any of the following conditions apply:

- (1) The activity does not involve the exercise of discretionary powers by a public agency;
- (2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or
- (3) The activity is not a project as defined in Section 15378.

The legal nonconforming use determination does not involve the exercise of discretionary powers. Staff has no authority to impose conditions on nonconforming use determinations and has to approve these determinations if the facts presented meet the requirements outlined in Section 26-94-010 of the Zoning Regulations. In this case, staff conducted a ministerial determination that the requirements in Section 26-94-010 and affirmed the nonconforming use. Therefore, no discretionary powers were used, and the determination is not subject to CEQA according to CEQA Guidelines Section 15060(c)(1).

Additionally, the nonconforming use determination is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. The determination does not authorize any alterations to land, modifications to the existing use, or new land uses. Therefore, the determination will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not subject to CEQA according to CEQA Guidelines Section 15060(c)(2). Therefore, under either section 15060(c)(1) or 15060(c)(2), the nonconforming use determination is not subject to CEQA.

Staff has determined that even if this determination were subject to CEQA, the determination would be categorically exempt from CEQA under Sections 15301, Existing Facilities, and 15061, Common Sense Exemption, of the CEQA Guidelines. According to Section 15301, the operation of existing facilities “involving negligible or no expansion of use” are exempt from CEQA. Since at least the 1940’s, the subject property has been continuously used as a public facility - namely as a trail providing public access to the Russian River. There



will be no expansion of use as part of the determination because the determination will only recognize the existing use. Therefore, this determination qualifies for the exemption for Existing Facilities.

According to Section 15061(b)(3) “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The determination does not propose any structures, new uses, or development. The determination only recognizes an existing land use. Therefore, it can be seen with certainty that there is no possibility that the determination will have a significant effect on the environment and the Common Sense exemption applies. Therefore, even if the determination is subject to CEQA, the determination is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 and 15061.

Concerns Raised by the Appellant:

1. Use of Faulty Incorrect Source Documents:

The appellant claims that the applicant submitted faulty/incorrect documents including but not limited to, a survey showing an incorrect Ordinary High Water Mark and incorrect parcel measurements.

Staff Response

Staff’s findings made in the legal nonconforming use determination are based on Permit Sonoma’s historical zoning records and the public affidavits submitted by the applicant on behalf of members of the public. Staff’s findings are not based on the Ordinary High Water Mark and whether the Record of Survey filed by the applicant depicts the highwater mark accurately or not, has no bearing on the issue of whether the nonconforming use of a public trail on the Property exists.

A series of Ordinary High Water Mark determinations have been issued on behalf of the subject property by the California State Lands Commission. According to SD2014-08-13.7 dated March 7, 2017, State Land Commission surveyors completed a field survey at Vacation Beach (comprising APNs: 071-220-018, 071-220-019, 071-220-020, 071-220-067 and 071-220-068) on July 26, 2016 with a follow up field survey dated August 29, 2016. Based on this field survey data, Commission staff determined that the high water mark is located at Elevation 27.35, NAVD 88. On September 25, 2020 the State Lands Commission issued a letter (SD2014-08-13.7) referencing a memorandum submitted from interested parties which provided additional information on an ordinary high water mark determination done by a third party Biologist (Prunuske Chatham, Inc.) for the Guerneville River Park - an unrelated project located an approximate 1.5 miles upstream. According to the September 25, 2020 letter, the high water mark is now shown as the shoreline between an Elevation of 17.8 and 20.7 feet, NAVD88. Staff is including this information as statement of fact as it pertains to the application; however, information by the State Lands Commission was not a basis of findings for approval of this Ordinance Determination.

Furthermore, a Record of Survey is a Surveyor’s opinion of the survey at that period of time. The County Surveyor’s review of a record of survey is limited to confirming compliance with technical requirements set by the California Professional Land Surveyors’ Act (Cal. Bus. & Prof. Code § 8766.) If the County Surveyor’s examination determines the survey complies with the technical requirements, the County Surveyor must file the survey with the County Recorder’s Office (Cal. Bus. & Prof. Code § 8767.) After examining a record of survey, the County Surveyor must file every record of survey submitted to their office with the County Recorder’s Office. (Cal. Bus. & Prof. Code § 8762.) If there are conflicting records

of survey, the surveyors who produced the surveys may resolve the dispute informally. Otherwise, only a judge has authority to determine which record of survey controls.

The Planning Commission does not have authority to determine whether the Property's boundary lines are accurately reflected in the record of survey submitted by the applicant or in the record of survey submitted by the appellant. Regardless, the Commission has sufficient evidence to determine whether the nonconforming use of a public trail exists on the Property.

2. Incomplete References from Source Documents

The appellant contends that the following statement in the Staff's Ordinance Determination is incomplete:

"The legal description for the subject parcel conveyed in Quitclaim Deed, Document Number 1992-0041217 (which references the subject parcel as Parcel 50), indicates the subject parcel's boundary extends to the low-water mark." (Page 2, Permit Sonoma Ordinance Determination letter dated December 3, 2021)."

Staff Response

Staff included this statement as background information and staff was not interpreting the deed as the information in the deed speaks for itself and is included in Attachment 5. However, Permit Sonoma's non-conforming use determination was not dependent or reliant on the legal description of the property. Rather Permit Sonoma's determination was based on historical zoning records and the public affidavits submitted by the applicant on behalf of members of the public.

3. Inadequate Notification of and/or Approval by Regulatory Stakeholders, including, Army Corps of Engineers, Native American Heritage Commission, California Fish and Wildlife and The North Coast Regional Water Quality Board.

Staff Response

Staff's Ordinance Determination does not propose any new structures, new land uses, or physical changes to the property. Approval from the Army Corps and North Coast Regional Water Quality Board is not required because the determination will not result in any discharge of dredge or fill material into the Russian River. Referral to the Native American Heritage Commission is not required because the determination does not authorize any land disturbance or excavation, thus no harm to cultural resources, if any are buried on the subject property, will occur. Approval from Fish and Wildlife is not needed because the determination will not result in any of the following: diverting or obstructing the flow of the Russian River, changing the bed/bank of the river, using material from the river, disposing of material into the river, or harming any protected species or critical habitat.

4. Inadequate Notification of Adjacent Property Owners

Staff Response

Legal Noticing was circulated on behalf of this Public Hearing as required by Section 26-92-050 of the Zoning Code.

5. Legal Non-Conforming Application is Incompatible with the General Plan and Russian River Development Plan

The appellant contends that the legal non-conforming use would require an amendment to the General Plan and Russian River Development Plan.

Staff Response

Legal non-conforming uses are lawful uses of land which do not conform to the current General Plan, specific area plans, or zoning regulations, but conformed to regulations that existed when the use began. A determination of a Legal Non-Conforming use does not require an amendment to the General Plan, specific area plan, or a zoning change on the subject parcel. Furthermore, the Development Guidelines for HWY 116 and the Russian River re-development plan pertain to development only. There is no development associated with the trail or beach access.

6. Disposal of Human Waste in accordance with the Clean Water Act

The appellant contends that because the Russian River is classified as an impaired river under the Clean Water Act, the North Coastal Regional Water Control Board has sewage management requirements under its Total Daily Maximum Load. Therefore, the appellant contends that a septic system developed in compliance with TDML is needed prior to Permit Sonoma's consideration of this application.

Staff Response

Staff's Ordinance Determination does not involve the approval for any new structures including a septic system, new land uses, or changes to the property. Thus, there will be no discharge of dredge or fill onto the Russian River and approval from the Regional Water Control Board is not necessary.

7. Misrepresentation of the proximity of the subject property to waterways

The appellant contends that the applicant's representation of the subject property being 100+ feet to the Russian River is incorrect due to its Riparian Corridor combining zone designation and the lack of representation of a neighborhood storm water culvert traversing the subject property.

Staff Response

The proximity of the Property to the Russian River is not relevant to the issue of whether a nonconforming use of a public trail exists on the Property. The determination will not authorize any modifications to storm water culverts traversing the Property, if any exist.

8. Riparian Corridor and Biotic Habitat Combining Zone

The appellant contends that the classification of the subject property as a Riparian Corridor and Biotic Resource Zone should require a survey of native and non-native species before proceeding with the application. Furthermore, the appellant contends that at a minimum a vegetation plan should accompany the application.

Staff Response

The Property is not subject to the Biotic Habitat Combining Zone. The legal nonconforming use on the Property predates the Riparian Corridor Combining zone and therefore does not have to comply with this zoning regulation. If future changes to the property are proposed, such as vegetation removal, the landowner would be required to obtain County and regulatory agency permit approvals.

9. Fire

The appellant contends that fire safety information should be included in the application.

Staff Response

The Property will continue to be served by the Russian River Fire Protection District. The Nonconforming Use Determination does not involve the approval of any new structures, land uses, or changes to the property.

10. Density, Parking, Access

The appellant contends that an independent study should be performed in regards to density parking and access.

Staff Response

The applicant does not propose any new structures, new land uses, or changes to the Property. Any future signage or development proposals would be subject to County and regulatory agency permit approvals.

11. Affidavits

The appellant contends that no verified affidavits have been submitted with the application.

Staff Response

16 public affidavits substantiating the use are summarized in Table 1 above and are included as Attachment 6.

12. Letters in Support of the Application

The appellant contends that the subject property is mistaken for historical access to the Russian River.

Staff Response

The public affidavits included in the application substantiate the use of the Property as a public trail, and are included as Attachment 6.

13. Prior Zoning Prohibits Public Uses

The appellant contends that R1 zoning of the Property occurred prior to 1961, as reflected in a zoning map attached to the appellant's third appeal amendment, and public uses are therefore prohibited.

Staff Response

The Property was not zoned as R1 until 1961. Between 1945 and 1961 the Property was zoned as Unclassified District, which allowed public uses. The zoning map referenced by the appellant is not from 1928, that number refers to the Index Map identification. The zoning map is from the late 1960s/early 1970s.

14. Regulatory Taking

The appellant contends the inclusion of private property in the nonconforming use determination constitutes a regulatory taking.

Staff Response

The nonconforming use determination on the Property does not authorize any uses on neighboring parcels. If the applicant desires a legal non-conforming determination on any neighboring parcels they would have to apply separately for that.

15. Information Regarding Expansion

The appellant contends that additional information regarding the likely expansion of use/density is needed.

Staff Response

The nonconforming use determination requests the Commission affirm the current use. A request for a legal nonconforming use determination by definition, is not a request to expand existing use nor is it a request to permit a new use.

16. Ordinances Cited

The appellant contends that ordinances cited in the nonconforming use determination do not support a legal nonconforming use.

Staff Response

Reformatting of the Zoning Code has resulted in changes to citations. The December 3, 2021, determination cited Sections 26-06-020 and 26-02-140 in error.

Section 26-06-020(e) referenced the allowed use of a park with securing of a Use Permit. Section 26-08-030 is the correct citation.

Section 26-02-140 previously defined public use/facility as the following; *means a use operated exclusively by a public body, to serve the public health, safety or general welfare, including uses such as public schools and universities, parks, playgrounds, hospitals and administrative and service facilities.* Since the re-formatting of the zoning code a definition is no longer codified for public use/facility. Section 26-22-110 now provides a definition for Parks and Playgrounds.

Nevertheless, Permit Sonoma recognizes that in general, public uses would include for example, parks, bikeways, open space areas, picnic areas and public trails, among other uses. Notwithstanding, the applicant has requested a non-conforming use determination under Article 94 such that the legality of

the use is based on the time the use commenced. The current understanding of public uses and parks were provided as background information in the legal non-conforming use determination.

17. Noncompliance with Current Ordinances

The appellant contends that current ordinances do not support a legal nonconforming use because a use permit is required prior to establishing a public use in a R1 zone.

Staff Response

A legal nonconforming use is established by showing the use conformed to regulations in place at the time the use began. As indicated above, zoning allowed public uses on the Property when the subject use began.

NEIGHBORHOOD/PUBLIC COMMENTS

Public comment, letters of support and a petition from residents of the Vacation Beach subdivision have been included as Attachment 7. Comment regarding the application has been received by the appellant during duration of project processing, documents and communication with the appellant have been included as Attachment 3.

RECOMMENDATION

Staff Recommendation

The Permit Resource and Management Department (Permit Sonoma) recommends that the Planning Commission deny the appeal, uphold Permit Sonoma's determination that a nonconforming use exists on the Property, and clarify the nonconforming use affirmed is of a public trail commencing on the public right-of-way and extending through the northwest boundary of the Property based on the following findings:

1. The subject parcel was originally designated a "U" District by County Ordinance 230 in 1945. Public uses were allowed by Ordinance 230 in the U district. Therefore, the public's use of the Property as a public trail was a legal use in compliance with the original zoning designation of the Property.
2. County Ordinance 698 changed the zoning designation of the Property to R1-Single-Family Residential in 1961. The R1 District requires a Use Permit for the creation of a new public access trail.
3. Sonoma County Code Chapter 26 Article 94 establishes a County-wide procedure to recognize the validity of land uses that do not conform with current zoning but that were lawful uses when they commenced.
4. Credible evidence in the form of 16 public affidavits were included in the application submittal regarding the historic use of the Property for a public trail on the Property since the 1950's, which pre-dates 1961 zoning. Therefore, this historic use is considered pre- legal non-conforming, according to Sonoma County Code Chapter 26 Article 94. – Nonconforming Uses.
5. The current use of the Property is substantially unchanged from the date it commenced and has not ceased for a continuous period of one year.

ATTACHMENTS

1. Draft Resolution
2. Ordinance Determination issued December 3, 2021
3. Appeal Letter dated December 13, 2021, including subsequent Amendments and Documentation
4. Aerial Map
5. Application Submittals
6. Affidavits
7. Public Comment
8. Article 94, Legal Non-Conforming Code Section



December 3, 2021

SENT VIA EMAIL

Russian River Recreation & Park District
PO Box 195
Guerneville, CA 95446

Sweetwater Springs Water District
PO Box 48
Guerneville, CA 95446

Re: File No.: ORD19-0011
Address: 17448 River Lane, Guerneville
APNs: 071-220-068

Dear Russian River Recreation and Park District,

On 25 December 2019, the Russian River Recreation and Park District filed an Ordinance Determination (ORD19-0011) requesting a legal non-conforming determination of the subject property's historic use as a public access point to the Russian River. The Russian River Recreation and Park District intends to purchase and maintain the lot as a public access point to the Russian River in perpetuity.

The subject site is zoned Low-Density Residential (R1 B6 1) with a one unit per acre density, and designated with the following combining districts: Floodway (F1), Floodplain (F2), Riparian Corridor (RC50/50, 50' setback development/50' agriculture) and Valley Oak Habitat (VOH). The Low-Density Residential base zone allows for parks and similar uses with a Use Permit pursuant to Section 26-20-20(e) of the Zoning Code. Section 26-02-140 of the Zoning Code does define park or trails. The proposed use of a beach access and trail is similar to a 'park' use in that trails and access points to a beach and/or the Russian River and/or a park are both reasonably used for recreation and therefore considered similar in nature. Additionally, the Riparian Corridor combining zone, Section 26-65-040(L) allows for certain activities and uses within the streamside conservation area. Those certain uses include, 'Bikeways, trails, and parks on publicly owned land or public use easements or on private lands subject to a zoning permit. Therefore, the Riparian Corridor combining zone does not preclude public trail access to the Russian River on the subject property. Additionally, this legal non-conforming determination would not include any new structures or development onsite, therefore the presence of the Floodway and Floodplain combining zones do not preclude the public access trail to the Russian River.

Sonoma County Code Article 94 (Non-Conforming Uses) Section 26-94-010, discusses the limitations on non-conforming uses and states:

The lawful use of land existing on the effective date of the ordinance codified in this chapter although such use does not conform to the regulations specified by this chapter for the district in which such land is located, may be continued but shall not be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of said ordinance, and that if any use ceases, the subsequent use of such land shall be in conformance with the regulations specified by this chapter for the district in which such land is located provided that:

- (a) *A legal nonconforming use may be replaced by a use of the same or less intensity upon obtaining a use permit or a use permit waiver;*



- (b) Pursuant to policy LU-1f of the general plan, a legal nonconforming use may be expanded one time not to exceed ten percent (10%) of the total existing floor area for any structures subject to lot coverage and setback requirements and to all other applicable requirements of the this code, and provided that such structures are not located within a designated redevelopment project area;*
- (c) A legal nonconforming use consisting of a mobile home may be replaced with a newer and larger mobile home in the same location, subject to Article 82.*

The application documents, specifically affidavits submitted by the public, substantiate the historic use of the subject parcel as a 'passive recreation area' and that the use has not ceased or been closed for more than a year.

The subject parcel provides trail access to and includes a portion of a beach located on the Russian River, widely known as Vacation Beach. Vacation Beach encompasses the following neighboring parcels, APN: 071-220-067, 071-220-018, 071-220-019, and 071-220-020; specifically APN: 071-220-067 is located between the parcel in question, APN: 071-220-068, and the Russian River corridor. The subject parcel was created by Vacation Beach Subdivision No. 3 recorded on June 3, 1936, Sonoma County Records Book 50, Page 38-40, Block A, Lot 1. The tract of land subdivided by Vacation Beach Subdivision No. 3 was previously owned by A. Genelly, and was held in Genelly family ownership since the early 1900's until the property was transferred to Citizens Utility in 1953. Affidavit submitted by Herbert A. Genelly substantiates that the subject property has been historically used as a point of access for recreation to the Russian River.

Ownership transfer of the subject property has occurred twice since parcel creation, from 1) Genelly to Citizens Utility and from 2) Citizens Utility to Sweetwater Springs Water District (DN 1992-0041217). Included in application submittals were a total of fifteen public affidavits of those who have historically used the subject property for river access, which further authenticates the fact the site has been used as such dating back to at least 1950. Affidavits submitted are significant in staff's determination as they are written statements of facts to be used as evidence, voluntarily made by the public regarding the historic use of the property. Affidavit submitted by Herbert A. Genelly Jr. indicates that the property was used as an access point to Vacation Beach by the public during his family's ownership of the property from the early 1900's to 1953. Affidavit submitted by Xenia Zabelin a resident of the vacation beach subdivision since 1951 further substantiates the generational and continuation of use of Vacation Beach since the beginning of her residency in 1951. Affidavit submitted by Jack Bushgen, a former employee of Citizens Utility, who began his employment with the utility company in 1988, confirms that the subject property was used as an access point to the Russian River since at least 1988. Affidavit submitted by Ed Fortner, the General Manager of Sweetwater Springs Water District (property owner) states that to the Water District's knowledge the subject property has been used as a river access point since the District's acquisition of the property in 1992. A further summary of all public affidavits submitted is included below.

The legal description for the subject parcel conveyed in Quitclaim Deed, Document Number 1992-0041217 (which references the subject parcel as Parcel 50), indicates the subject parcel's boundary extends to the low-water mark.

Permit Sonoma has determined the pertinent documents submitted with ORD19-0011, on file with Permit Sonoma, and available historic zoning maps, collectively substantiate the historic use of the property as a public access point to the Russian River. Our determination is based on the following findings:



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermitSonoma.org



1. The first zoning designation of the property was R1-Single-Family Residential in 1961 per Sonoma County Ordinance 698, which would have required a Use Permit for the creation of a public access trail. Prior to 1961, Ordinance 230 adopted in 1945, Section 7.1 classified unincorporated areas of the County not included under the terms of Ordinance 230 as U-Unclassified District. Per Section 12.2(a) of Ordinance 230 the U district allowed uses permitted within any A, K, R, R-R, C or H-1 districts. Per Section 14.1(b) of Ordinance 230, public uses were allowed as permitted uses within the A-Agriculture District. Therefore, prior to 1961 the use of the subject parcel as a 'passive recreation area' would not have required a Use Permit.
2. Credible evidence in the form of affidavits, further summarized below, were included in the application submittal regarding the historic use of the property for a publically accessed 'passive recreation area' since the 1950's, which pre-dates 1961 zoning. Therefore, this historic use is considered pre-code and legal non-conforming, according to Sonoma County Code Chapter 26 Article 94. – Nonconforming Uses.

<i>Affidavit Name & Date</i>	<i>Affiliation</i>	<i>Date Range</i>
Herbert A Genelly Jr.	Previously owned (until 1953) & Family of original Subdivision	Early 1900's
Richard Deering (8/9/2019)	Russian River Resident since 1966	1940's
Nick Mironov (10/4/2019)	Vacation Beach user	1950
Vera Mironov (10/7/2019)	Vacation Beach user	1950
Katherine Meyer (10/2/2019)	Vacation Beach user	±1950
Xenia Zabelin (10/3/2019)	Resident of the Vacation Beach Subdivision as of 1951 Generational use of Vacation Beach	1951
Laura Clemens (11/14/2019)	Generational use of Vacation Beach	1955
Laura Gilfether (9/15/2019)	Family owned property in Vacation Beach Subdivision 17754 Orchard Avenue since the 1930's Generational use of Vacation Beach	Over 50 years ±1969
Margaret Dodderer (9/29/2019)	Generational use of Vacation Beach	Over 60 years ±1959
Vic Teshin (11/14/2019)	Vacation Beach user	1955
Jack Bushgen	Citizens Utility (previous property owner) employee	1988
Ed Fortner	Sweet Water Springs Water District (current property owner)	1992
Hans Bruhner (11/11/2019)	Property owner within the Vacation Beach Subdivision as of 2003	2003

John Harreld (10/4/2019)	Property owner and full time resident of Guerneville	2004
Howard & Suarez (9/12/2019)	Property owners within the Vacation Beach Subdivision since 2014	2014
Angelina Lavroushin (10/21/2019)	Generational use of Vacation Beach	Not specified.

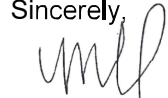
3. The current use of the property is substantially unchanged.
4. The use of the property is subject to Sonoma County Code Chapter 26 Article 94. – Nonconforming uses.

This legal nonconforming use determination does not grant approval of any permits, including but not limited to design review, building, well & septic, or grading permits. In addition, approvals from agencies outside of Permit Sonoma may be required. Additionally, in accordance with Sonoma County Code Chapter 26 Article 94, this legal nonconforming use determination does not allow future expansion of the use.

This decision may be appealed in writing, along with an appeal fee, within 10 (ten) calendar days of the date of this letter.

If you have any questions or need further information, please contact the project planner, Marina Herrera at Marina.Herrera@sonoma-county.org or by phone at 707-565-2397.

Sincerely,



Marina Herrera
Permit Sonoma

ec:



Sonoma County Permit and Resource Management Department
2550 Ventura Avenue Santa Rosa CA 95403-2859 (707) 565-1900
www.PermiTSonoma.org



Resolution Number

County of Sonoma
Santa Rosa, California

December 1, 2022
ORD19-0011 Marina Herrera

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
SONOMA, STATE OF CALIFORNIA, DENYING THE APPEAL
AND UPHOLDING PERMIT SONOMA'S LEGAL NON-
CONFORMING USE DETERMINATION FOR THE USE OF THE
PROPERTY AS A PUBLIC TRAIL, FOR THE PROPERTY
LOCATED AT 17448 RIVER LANE, GUERNEVILLE, APN 071-
220-068.

WHEREAS, the applicant, Russian River Recreation and Park District, filed a legal nonconforming use application with the Sonoma County Permit and Resource Management Department for a legal non-conforming determination for the use of the property as a public access point to the Russian River, Vacation Beach located at 17448 River Lane, Guerneville; APN 071-220-068; Zoned R1 (Low Density Residential) B6 1 (1 dwelling unit per acre) F1 (Floodway), F2 (Floodplain), LG/116 (Local Guidelines 116 Corridor), RC50/50 (Riparian Corridor 50 foot structural setbacks, 50 foot agricultural setbacks), VOH (Valley Oak Habitat); Supervisorial District No 5; and

WHEREAS, Permit Sonoma found that credible evidence substantiated the public's use of the property as a public access point to the Russian River has existed since at least the 1950s and was a permitted use by the zoning regulations in place at the time the use began, and therefore issued a nonconforming use determination on December 3, 2021; and

WHEREAS, on December 13, 2021, Rita O'Flynn appealed the nonconforming use determination pursuant to County Code Sec. 26-92-040 ("Appeal"), raising concerns related to Sonoma County Code consistency, use of faulty source documents, non-compliance with CEQA, and inadequate public noticing and neighborhood compatibility issues; and

WHEREAS, Rita O'Flynn submitted appeal amendments on July 28, 2022, September 13, 2022, October 26, 2022, and November 14, 2022, raising additional concerns about the accuracy of a record of survey, the scope of the nonconforming use determination, consistency with the County's General Plan, and historic zoning of the property; and

WHEREAS, in accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on December 1, 2022, at which time all interested persons were given an opportunity to speak and be heard;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. Credible evidence in the form of 16 public affidavits were submitted with the application regarding the historic use of the property for a public trail commencing on the public right-of-way and continuing through the boundary of the property since at least the

1950's, which pre-dates 1961 zoning. Therefore, this historic use, which was lawful at the time the use began is considered a legal non-conforming use, as provided by Sonoma County Code Chapter 26, Article 94, Nonconforming Uses.

2. The first zoning designation of the property was R1-Single-Family Residential in 1961 per Sonoma County Ordinance 698, which would have required a Use Permit for the creation of a public trail. Before adoption of Ordinance 698 in 1961, Ordinance 230, adopted in 1945, controlled. Under Ordinance 230, Section 7.1 classified unincorporated areas of the County, other than those that were specifically zoned by Ordinance 230, as "U"-Unclassified District. Per Section 12.2(a) of Ordinance 230 the U district allowed uses permitted within any A, K, R, R-R, C or H-1 districts. Per Section 14.1(b) of Ordinance 230, public uses were allowed as permitted uses within the A-Agriculture District. In general, public uses would include for example, parks, bikeways, open space areas, picnic areas and public trails, among other uses. Therefore, prior to 1961 and at least as of 1945, the use of the subject parcel as a 'passive recreation area' would not have required a Use Permit.
3. The legal nonconforming use of the property has not been enlarged or extended and has not ceased in operation for a continuous period of one year.
4. The use of the property is subject to Sonoma County Code Chapter 26 Article 94. – Nonconforming uses.

The Planning Commission has reviewed the appeal, subsequent appeal amendments, and all related documents submitted by the appellant, in addition to all submissions made by the applicant. After consideration of all documents and evidence submitted in writing and orally during the public hearing, the Commission finds that the appellant's arguments are not persuasive for the following reasons: a nonconforming use does not have to conform to existing zoning regulations; the determination of a legal nonconforming use is not subject to CEQA and if it were, the determination would be exempt from CEQA; permits/approvals from other agencies are not required; public noticing complied with the requirements in the County Code; the issue of high-water mark is irrelevant; the evidence submitted supports the public's legal nonconforming use of this property as a public trail; and no development or new uses are authorized by this determination.

BE IT FURTHER RESOLVED that the appeal is denied, and the Commission affirms that a legal nonconforming use exists on the property.

BE IT FURTHER RESOLVED that the December 3, 2021, Legal Non-Conforming Use Determination is modified to delete references to beach access because the issue of property boundaries and whether this property extends to the river has no bearing on whether a nonconforming use exists on the property and is an issue outside the purview of the Commission. Therefore, the Commission affirms a legal nonconforming use of a public trail commencing on the public right-of-way and continuing through the northwest boundary of the property exists.

BE IT FURTHER RESOLVED that the Commission finds that denial of the appeal and upholding the Legal Non-Conforming Use Determination, as modified, is not a "project" under the definition set forth in CEQA Guidelines section 15060(c), and is therefore not subject to CEQA. This determination is not a project because it does not involve any discretionary approvals and will not cause any reasonably foreseeable impacts on the environment because no development or new uses are authorized. Even if the determination were a "project", it would

be categorically exempt under CEQA Guidelines section 15301 because the determination involves “negligible or no expansion of use” of an existing public trail. The determination would also be exempt from CEQA pursuant to Guidelines section 15061(b)(3), as it can be seen with certainty that the determination will have no significant impact on the environment, because the determination does not authorize any development or new uses.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board’s decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Planning Commission’s action shall be final on the 11th day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner _____, who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner
Commissioner
Commissioner
Commissioner
Commissioner

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.

ORDINANCE NO. 230

AN ORDINANCE OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A ZONING PLAN, BEING A PRECISED SECTION OF THE LAND USE PLAN UNIT OF THE MASTER PLAN AND AN OFFICIAL PLAN OF SAID COUNTY: SPECIFYING THE PURPOSES AND EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID COUNTY: SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS: ESTABLISHING CERTAIN HEIGHT LIMITS WITHIN SAID DISTRICTS: REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS: PROVIDING REGULATIONS FOR THE LOCATION, ERECTION, CONSTRUCTION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS, INCLUDING THE REQUIREMENT THAT CERTAIN PERMITS SHALL BE SECURED FOR CERTAIN OF SUCH BUILDINGS, STRUCTURES AND IMPROVEMENTS AND FOR THE USE THEREOF AND OF LAND: REQUIRING CERTAIN FEES: DEFINING THE TERMS USED HEREIN: SPECIFYING THE PROCEDURE FOR THE AMENDMENT THEREOF: AND PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS THEREOF.

* * * *

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

SECTION 1. ADOPTION OF ZONING PLAN.

- 1.1 There is hereby adopted a Zoning Plan for the County of Sonoma, State of California, said Zoning Plan being a Districting Plan as provided by law.

SECTION 2. PURPOSE OF ADOPTION OF ZONING PLAN.

- 2.1 Said Zoning Plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes, to-wit:
 - a. To assist in providing a definite plan of development for the County, and to guide, control and regulate the future growth of the County in accordance with said plan.
 - b. To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, and other areas within the County and to assure the orderly and beneficial development of such areas.
 - c. To obviate the menace to the public safety resulting from the location of buildings, and the uses

thereof and of land, adjacent to highways which are a part of the Streets and Highways Plan of the Master Plan of the County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said highways.

SECTION 3. NATURE OF ZONING PLAN.

- 3.1 Said Zoning Plan consists of the establishment of various districts within the unincorporated territory of said County within various of which it shall be lawful, and within various of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or buildings and/or within which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings and consisting further, of appropriate regulations to be enforced in such districts, all as set forth in this Ordinance.
- 3.2 Provisions of this Ordinance shall apply also to all cities, counties, districts, and State and Federal Government or any agency of such governmental units.

SECTION 4. DISTRICTS.

- 4.1 The districts established by this Ordinance are as follows:
 - "U" Districts-- All of the unincorporated territory of the County not included in any other districts.
 - "H-1" Districts--Highway Frontage Districts.
 - "A" Districts--Agricultural Districts.
 - "K" Districts--Recreational Districts.
 - "R-R" Districts--Rural Residential Districts.
 - "R-1" Districts--One Family Residence Districts.
 - "R-2" Districts--Two Family Residence Districts.
 - "R-3" Districts--Garden Apartment Districts.
 - "R-4" Districts--Intensive Multiple Residence and Professional Office Districts.
 - "C-1" Districts--Neighborhood Business Districts.
 - "C-2" Districts--Retail Business Districts.
 - "C-3" Districts--General Commercial Districts.
 - "M-1" Districts--Light Industrial Districts.
 - "M-2" Districts--Heavy Industrial Districts.
 - "P-C" Districts--Planned Community Districts.
 - "S" Districts--Study Districts.

SECTION 5. COMBINING REGULATIONS.

- 5.1 In addition to the foregoing districts certain combining regulations are established as set forth in this Ordinance, and combining regulations being as follows:

"B-1" First Building Site Area Regulations.
"B-2" Second Building Site Area Regulations.
"B-3" Third Building Site Area Regulations.
"B-4" Fourth Building Site Area Regulations.
"B-5" Special Building Site Area Regulations.
"P" Parking Districts.
"R-A" Residential Agricultural Districts.

SECTION 6. ESTABLISHMENT OF DISTRICTS.

- 6.1 The "U" Districts are hereby established and the designations, locations and boundaries thereof are set forth and indicated in Section 7 of this Ordinance.
- 6.2 The other districts hereinabove indicated in Sections 4 and 5 are hereby established or may be established by progressive amendments to this Ordinance. The designations, locations and boundaries thereof are or may be set forth and indicated in Section 8, 8.1, 8.2 and other sections of this Ordinance, each of which other section is designated by the numeral 8 followed by a decimal point and numeral or numerals, and which consist of index maps to various sectional district maps; and Section 9, 9.1, 9.2 and other sections of this Ordinance, each of which other section is designated by the numeral 9 followed by a decimal point and numeral or numerals, and which section consist of sectional district maps which show the designations, locations and boundaries of certain of said districts, Said maps and all notations, references, data and other information shown thereon are hereby made a part of this Ordinance, or may be made a part of this Ordinance by the progressive amendment thereto.

Where uncertainty exists as to the boundaries of any of the aforementioned districts as described aforesaid or as shown on said sectional district maps, the Board of Supervisors upon written application or upon its own motion, shall determine the boundaries of such district.

- 6.4 Except as hereinafter otherwise provided: No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.
- 6.5 No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

- 6.6 No building shall be erected, nor shall any existing building be altered, enlarged, or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations hereinafter designated for the district in which such building or open space is located.
- 6.7 No yard or other open space provided about any building for the purpose of complying with provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

SECTION 7. "U" DISTRICTS.

- 7.1 All the unincorporated territory of the County which is not included under the terms of this Ordinance in any other district is hereby designated and classified as constituting "U" Districts.

SECTION 8. INDEX MAPS.

- 8.1 Index maps shall consist of a series of maps which shall be an index to sectional district maps which show the Zoning Plan, being parts of this Ordinance under provisions of Section 6 and herein designated maps 8.1, 8.2, 8.3, etc.

SECTION 9. SECTIONAL DISTRICT MAPS.

- 9.1 Sectional District maps shall consist of a series of maps which show the Zoning Plan, being parts of this Ordinance under provisions of Section 6 and hereinafter designated maps 9.1, 9.2, 9.3, etc.

SECTION 10. DEFINITIONS.

- 10.1 For the purpose of this Ordinance certain terms used herein are defined as follows:
- 10.2 All words used in the present tense shall include the future tenses; all words in the plural number shall include the singular, and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot", the word "building" includes the word "structure", and the word "shall" is mandatory and not directory. The word "County" as used herein shall mean the County of Sonoma, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of Sonoma, State of California; the words "Planning Commission" shall mean the County Planning Commission of the County of Sonoma, State of California, and the words, "County Boundary" shall mean the boundary of the County of Sonoma, State of California, or the boundary of any incorporated municipality within said County.
- 10.3 "ALLEY". Any public thoroughfare which affords only a secondary means of access to abutting property.
- 10.3a "APARTMENT BUILDING". Any structure containing more than two dwelling units.
- 10.4 "AUTOMOBILE COURT OR MOTEL". A group of 2 or more detached or semi-detached buildings containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith which group is designed and used primarily for the accommodation of transient automobile travelers.
- 10.5 "AUTOMOBILE WRECKING YARD". (see Junk Yard).
- 10.6 "AGRICULTURAL PROCESSING PLANTS". Establishments designed and/or used solely for commercial packing or canning of agricultural products.
- 10.7 "BOARDING HOUSE". A dwelling other than a hotel where lodging and meals for three (3) or more persons is provided for compensation.
- 10.8 "BUILDING". Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or chattel.
- 10.9 "BUILDING, ACCESSORY". A subordinate building, the use of which is incidental to that of the main building on the same lot and/or building site.
- 10.10 "BUILDING, MAIN". A building in which is conducted the principal use of the lot and/or building site on which it is situated.

- 10.11 "BUILDING SITE". A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory building, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this Ordinance and having its principal frontage on a street, road, highway, or waterway. A building site shall not include easements or roadways for ingress or egress to any parcels of land.
- 10.12 "BUSINESS, RETAIL". The retail sale of any article, substance, or commodity for profit or livelihood, conducted within a building but not including the sale of lumber or other building materials or the sale of used or secondhand goods or materials of any kind.
- 10.13 "BUSINESS, WHOLESALE". The wholesale handling of any article, substance or commodity for the profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity and not including the processing or manufacture of any product or substance.
- 10.14 "CARPORT". An accessible and usable covered space not two or more sides, for the storage of automobiles. Such structure to be located on the lot so as to meet all requirements of this Ordinance for accessory buildings, or if made a part of the main building it shall meet all the requirements of this Ordinance for the main building.
- 10.15 "CATTLE FEED YARD". Corrals or holding areas for the sole purpose of holding or feeding cattle for market and not incidental to a farm or ranch.
- 10.16 "COMBINING DISTRICT". Any District in which the general district regulations are combined with "-P" or "-B" for the purpose of adding additional special regulations, i.e., "C-1" combined with "P-" (C-1-P) adds the additional requirement of off-street parking. "R-1" combined with "-B" (R-1-B) changes area and yard requirements.
- 10.16a "CONTRACTOR'S YARD" Any land or building used primarily for the storage of equipment, vehicles, machinery new or used, building material, paints, pipe or electrical components used by the owner or occupant of the premises in the conduct of any building trades or craft.
- 10.17 "DISTRICT". A portion of the County within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this Ordinance.

- 10.18 "DOMESTIC ANIMALS". Means animals normally maintained in a home as pets.
- 10.19 "DWELLING, ONE SINGLE FAMILY". Shall mean a permanent building designated or used exclusively as a residence in its entirety for or used to house not more than one family including all necessary employees of such family other than a tent, a mobile home, camp car or similar use.
- 10.20 "DWELLING, TWO FAMILY OR DUPLEX". A single building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each such family.
- 10.21 "DWELLING, THREE FAMILY OR TRIPLEX OR APARTMENT HOUSE". A building or portion thereof used and designed as a residence for three (3) or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts.
- 10.22 "DWELLING GROUPS". A group of 2 or more detached or semi-detached, 1-family, 2-family, or multiple dwellings occupying a parcel of land, in one ownership and having any yard or court in common, but not including automobile courts.
- 10.22a "DWELLING UNIT". Shall mean any building or portion thereof designated or used exclusively as the residence or sleeping room or quarters with kitchen facilities for one or more persons other than a tent, a mobile home, camp car or similar use.
- 10.23 "FAMILY". One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, or sorority house. A family shall be deemed to include necessary servants.
- 10.24 "GARAGE". An accessible and usable covered space of not less than 10x20 feet for storage of automobiles, such garage to be so located on the lot so as to meet the requirements of this Ordinance for an accessory building.
- 10.25 "GARAGE SPACE". An accessible and usable space of not less than eight (8) feet by twenty (20) feet for the parking of automobiles off the street, such space to be so located on the lot so as to meet the requirements of this Ordinance for an accessory building.
- 10.25a "GARDEN APARTMENTS". An apartment building with a minimum of 1,500 square feet of building site area per dwelling unit together with outdoor living or recreation space with planting and landscaping.

- 10.26 "GUEST HOUSE". Detached living quarters of a permanent type of construction and without kitchen or cooking facilities and not to be leased or rented separately from the main dwelling.
- 10.27 "HEIGHT OF BUILDINGS". The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the top-most point of the roof.
- 10.28 "HOG FARMS - COMMERCIAL". The keeping of more than twelve (12) swine on the premises.

- 10.29 "HOME OCCUPATION". Any use customarily conducted entirely within a dwelling and carried on exclusively by the inhabitants thereof; and which is merely incidental to the residential use of the dwelling and does not change the residential character or appearance of the dwelling.
- 10.30 "HOTEL". Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied or which are occupied by six (6) or more individuals for compensation whether the compensation for hire be paid directly or indirectly.
- 10.31 "INDUSTRY OR MANUFACTURING". Means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.
- 10.32 "JUNK YARD". The use of more than 100 square feet of the area of any land or lot or the use of any portion of that half of any land or lot which half adjoins any public or private street or road for the storage of junk, including scrap metals, salvage or other scrap materials or for the dismantling or wrecking of automobiles or other vehicles, or machinery whether for sale or storage.
- 10.32a "KENNELS". Means any lot or premises on which five (5) or more dogs or cats at least four(4) months of age are kept, boarded or trained, whether in special buildings or run-ways or not, other than those dogs used in herding of farm animals incidental to agricultural uses on the premises.
- 10.33 "LIVESTOCK". Means animals maintained as a source of food or clothing, including bovine and equine animals.
- 10.34 "LOT". Means a parcel of land abutting on at least one street or alley.
- 10.34a "LOT COVERAGE". Shall mean that portion of a lot surface covered by all buildings and/or structures.
- 10.35 "LOT OF RECORD". Means a lot that is designated upon a map showing the lot, block and tract as indicated on the final map, as such map is filed in the County Recorder's Office, or as a lot shown on a recorded--record of survey map.
- 10.36 "LOT, CORNER". Means a lot, two or more adjacent sides of which abut upon a dedicated public street.
- 10.36a "LOT, KEY". Means an interior lot adjacent to a corner lot, the side line of which is contiguous with the rear lot line of the corner lot.
- 10.37 "LOT, FRONT". The narrowest dimension of a lot fronting on a street.

- 10.37a "LOT WIDTH". Lot width means the least distance between the side lot lines, measured at points midway between the front and rear lot lines. In the case of triangular lots, or lots that are bounded by more than four straight lines, or that have curvilinear side lines, the Planning Director shall determine the lot width.
- 10.38 "NON-CONFORMING USE". A use that does not conform to the regulations for the district in which it is situated.
- 10.39 "OUTDOOR ADVERTISING SIGN OR STRUCTURE". Any card, cloth, paper, metal, painted, wooden or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever, except directional signs. The term 'placed' as used in the definitions of 'outdoor advertising sign' and 'outdoor advertising structure' shall include erecting, constructing, maintaining, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.
- 10.39a "DIRECTIONAL SIGNS". Any sign or structure erected or maintained for the purpose of furnishing direction to uses which are designated to accommodate tourists or other travelers, or a use which is of general public interest. Such directional signs must indicate a point of change in travel, and shall not exceed thirty-two (32) square feet in area.
- 10.39b "APPURTENANT SIGNS". Any sign or structure which is located on the same premises as the use, product, or services which it advertises.
- 10.40 "PARKING SPACES". Usable off-street area with independent access, not included within established front-yard setback, at least 9' x 20' for diagonal or perpendicular vehicle parking, or at least 8' x 22' for parallel vehicular parking.
- 10.41 "PUBLIC GARAGE". Any premises, except those herein defined as a private or storage garage, used for the storage and/or care of motor vehicles, or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.
- 10.42 "PROFESSIONAL OFFICES". Buildings, structures or establishments for the purpose of establishing or maintaining offices for doctors, attorneys, registered engineers or architects, licensed surveyors, accountants, real estate offices, but not including barbers, beauty parlors, cosmetologists, or other service establishments.

- 10.42a "PUBLIC USE". A use operated exclusively by a public body, said use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, hospitals, and administrative and service facilities.
- 10.42b "QUASI-PUBLIC USE". A use operated by a private non-profit educational, religious, recreational, charitable, or medical institution; said use having the purpose primarily of serving the general public, and including uses such as churches, private schools and universities, community, youth and senior citizen recreational facilities, private hospitals, and the like.
- 10.43 "REST HOMES". Buildings used primarily for the housing and care of the aged, children, or convalescents.

- 10.44 "ROOMING OR BOARDING HOUSE". A dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation.
- 10.45 "SIDE AND FRONT ON CORNER LOTS". For the purpose of this Ordinance the narrowest dimension of a corner lot facing a street is the front, and the longest dimension facing the intersecting street is the side, irrespective of the direction in which the dwelling faces.
- 10.46 "STABLE, PRIVATE". Housing for horses owned and used by the occupant of the residence and not for hire or rental or commercial boarding of horses.
- 10.47 "STREET". A public or private thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined herein.
- 10.48 "STREET LINE". The boundary between a street and property.
- 10.49 "STRUCTURE". Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- 10.50 "STRUCTURE ALTERATIONS". Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- 10.50a "TRAILER COACH---MOBILE HOME". A mobile home means a vehicle defined as a mobile home under the provisions of Division XIII, Part 2 of the Health and Safety Code of the State of California.
- 10.50b "CAMP CAR". A camp car is a vehicle defined as a camp car under the provisions of Division XIII, Part 2 of the Health and Safety Code of the State of California.
- 10.51 "TRAILER COURT, TRAILER PARK". Shall mean a space, area, or building designed, equipped, or maintained for the parking or storing of two (2) or more trailers, or other mobile units being used as living or sleeping quarters for humans.
- 10.51a "TRUCK OR EQUIPMENT TERMINAL OR DEPOT". Is a space, area or buildings designed, equipped or maintained for the parking or storage of two (2) or more trucks, vehicles or equipment other than private automobiles, or farm vehicles or equipment used incidental to the agricultural use on the premises.
- 10.52 "USE". The purpose for which land or premises of a building thereon is designated, arranged, or intended or for which it is or may be occupied or maintained.
- 10.53 "USE, ACCESSORY". A use incidental and accessory to the principal use of a lot or building located on the same lot.

- 10.54 "YARD". An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in Section 39.
- 10.55 "YARD, FRONT". A yard extending across the front of the lot between the inner side yard lines and measured from the front line of the lot to the nearest line of the building; provided that if any building line or official plan line has been established for the street upon which the lot faces, then such measurement shall be taken from such building line or official plan line to the nearest line of the building.
- 10.56 "YARD, REAR". A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building.
- 10.57 "YARD, SIDE". A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.
- 10.58 "FREEWAY". Any freeway, expressway or limited access highway, as those terms are defined by the Street and Highway Code of the State of California.
- 10.59 "SCENIC HIGHWAY". Any highway, or portion of highway, which after notice and hearing by the Planning Commission and this Board of Supervisors, as provided in this Ordinance, has been declared to be a scenic highway by Resolution of this Board of Supervisors.
- 10.60 "BUSINESS AREA". That portion of a highway and property contiguous thereto (a) upon one side of which highway, for a distance of 600 feet, fifty per cent or more of the contiguous property fronting thereon is occupied by a permanent business use, or uses, or (b) upon both sides of which highway, collectively, for a distance of 300 feet, fifty per cent or more of the contiguous property fronting thereon is so occupied. A business area may be longer than the distance specified in this section if the above ratio of land in use for business to the length of the highway exists.

SECTION 12. REGULATIONS FOR "U" DISTRICTS (UNCLASSIFIED DISTRICTS).

12.1 The following regulations shall apply in all "U" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

12.2 USES PERMITTED:

- a. All uses permitted in any "A", "K", "R", "R-R", "C" or "H-1" District, or any other use not listed in Section 12.3 below.
- b. All uses permitted in the "M" Districts subject to compliance with adopted performance standards and not listed in Section 12.3.
- c. Appurtenant signs attached to the main building and one detached appurtenant sign.

12.3 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:

- a. All uses requiring a use permit in any "M" District, and not listed in Section 12.2.
- b. Planing, lumber, plywood mills, and log ponds, airport or landing strips for aircraft of any kind; outdoor theaters, auto race tracks and commercial amusement enterprises of a similar nature; commercial excavation of earth or building material. Junk, salvage or wrecking yards, the development of natural resources, cattle feed yards, animal sales yards, fertilizer plants or yards, commercial hog farms and agricultural processing plants.
- c. Outdoor advertising structures, directional signs and additional detached appurtenant signs.

12.4 MAXIMUM BUILDING HEIGHT LIMIT:

Fifty (50) feet provided additional height may be permitted if a Use Permit is first secured in each case.

12.5 BUILDING SITE REQUIRED:

Not less than six thousand (6000) square feet in area except when combined with any "B" District.

12.6 MINIMUM LOT WIDTH:

Sixty (60) feet.

SECTION 13. REGULATIONS FOR THE "H-1" DISTRICTS (HIGHWAY FRONTAGE DISTRICTS).

The following regulations shall apply in all "H-1" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

13.1 USES PERMITTED.

- a. One family dwellings and duplexes.
- b. Multiple family dwellings, garden apartments and dwelling groups.
- c. Motels, hotels, and lodging facilities.
- d. Automobile service stations for the sale of gasolines, oils and new accessories only.
- e. Cafes, nightclubs, restaurants, drive-in restaurants, antique shops, souvenir and gift shops.
- f. Crop and tree farming and truck gardening.
- g. Accessory uses and buildings, appurtenant to any permitted use.
- h. Appurtenant signs, one attached to the main building and one detached sign.

13.2 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:

- a. Auto repair shops when accessory to automobile service stations, excluding body and fender shops and truck service and repair garages.
- b. Bowling alleys, mortuaries, theaters and sports arenas inside a building.
- c. Veterinarian offices and small animal hospitals including short term boarding and incidental care such as trimming and bathing, all conducted within a completely enclosed sound proof building.
- d. Golf driving ranges, pitch and putt courses, golf courses.
- e. Offices and office buildings.
- f. Trailer parks.
- g. Outdoor advertising signs, directional signs and additional detached appurtenant signs.

13.3 BUILDING HEIGHT LIMIT:

Thirty-five (35) feet, provided that additional height may be permitted if a use permit is first secured.

13.4 BUILDING SITE AREA REQUIRED:

Six thousand (6000) square feet except where additional land is required in a "B" District, but not less than 1500 square feet of land for each dwelling unit in a garden apartment, or garden apartment group, and not less than 3,000 square feet for each dwelling unit in a duplex or duplex group, and not less than 6,000 square feet for each dwelling unit of single family in a dwelling group provided, however, that resorts, motels, hotels and trailer parks shall occupy an area not less than five (5) acres.

13.5 MINIMUM LOT WIDTH:

Sixty (60) feet.

13.6 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED:

Sixty (60) per cent.

13.7 MINIMUM YARDS REQUIRED:

a. Front Yard Required: Thirty (30) feet and in no case less than fifty (50) feet from the center line of all roads and streets, except as may be otherwise indicated on the Districting Maps.

b. Side Yard Required: Five (5) feet. The provisions of Section 39.4 shall be also applied.

c. Rear Yard Required: Twenty (20) feet.

d. Special Yard Requirements for Dwelling Groups:

The provisions of Section 19.8 apply.

13.8 PARKING REQUIRED:

a. Off-street parking on the building site shall be required in "H-1" Districts according to the following formula.

1. Retail stores, one (1) parking space for each one hundred and fifty (150) square feet of store area and one (1) 15'x30' loading space for each 10,000 square feet of store area.

2. Office buildings, one (1) parking space for each three hundred (300) square feet of floor area or four (4) parking spaces, whichever is greater.

3. Restaurants, one (1) parking space for each sixty (60) square feet of dining area, or seating area.

4. Places of public assembly, including churches, one (1) parking space for each six (6) seats.

5. Theaters, one (1) parking space for each six (6) seats.
 6. Clinics, one (1) parking space for each three hundred (300) square feet of floor area plus one (1) additional space for each doctor and staff member.
 7. Residential uses:
 - (a) One (1) parking space for each single family dwelling.
 - (b) Three (3) parking spaces for each two (2) units in a duplex, duplex group, garden apartment or multiple dwelling groups or trailer park.
 8. Boarding and rooming houses, one (1) parking space for each two (2) guest rooms.
 9. Hotels, motels, one (1) parking space for each unit.
 10. All other uses permitted but not enumerated in this section shall furnish parking as required by the Planning Commission.
- b. Design and location of all off-street parking lots shall be approved by the Planning Commission.

SECTION 14. REGULATIONS FOR "A" DISTRICTS (AGRICULTURAL DISTRICTS).

The following regulations shall apply in all "A" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

14.1 USES PERMITTED:

- a. All residential uses.
- b. Churches, schools, public utility structures, public and quasi-public uses.
- c. Country clubs and golf courses with standard length fairways.
- d. All agricultural uses including quarters for farm labor employed on the premises, except those listed in Section 14.2.
- e. Appurtenant signs attached to the main building, plus one detached appurtenant sign.

14.2 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:

- a. Retail sales and service establishments but not including any manufacturing establishments.
- b. Commercial hog raising, cattle feed yards, fertilizer plants or yards, animal sales yards, agricultural processing plants and dog kennels.
- c. Trailer parks, motels and hotels, boarding homes and rest homes to accommodate more than six (6) guests.
- d. Commercial excavation of earth or building materials; the development of natural resources with appurtenant structures.
- e. Airports, landing strips or copter ports.
- f. Outdoor advertising structures, directional signs and additional appurtenant signs.
- g. Cemeteries, mausoleums, crematoriums, columbariums.
- h. Signs appurtenant to any of the uses listed in Section 14.2.
- i. Accessory buildings and uses incidental to any of the above.

14.3 BUILDING HEIGHT LIMIT:

Thirty-five (35) feet, provided that additional height may be permitted if a use permit is first secured.

14.4 BUILDING SITE AREA REQUIRED:

Six thousand (6000) square feet, except where combined with any "B" District, but not less than fifteen hundred (1500) square feet of land for each dwelling unit in any garden apartment group, and not less than three thousand (3000) square feet for each dwelling unit in a duplex or duplex group, and not less than six thousand (6000) square feet for each dwelling unit in a single family dwelling group.

14.5 MINIMUM LOT WIDTH:

Sixty (60) feet.

14.6 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED.

Thirty-five (35) per cent.

14.7 MINIMUM YARDS REQUIRED:

- a. Front Yard Required: Twenty (20) feet except where combined with any "B" District and in no case shall the setback be less than fifty (50) feet from the center line of all roads and streets, except as may be otherwise indicated on the Districting Maps.
- b. Side Yard Required: Minimum five (5) feet. The provisions of Section 39.4(9) apply.
- c. Rear Yard Required: Twenty (20) feet.
- d. Special yards and Distances between Buildings Required: Accessory buildings used as guest houses or as barns, stables or farm outbuildings shall be not less than fifty (50) feet from the front property line nor less than thirty (30) feet from any dwelling unit on the property or adjacent property.
- e. Special yards required for multiple residential and dwelling groups shall be provided in accordance with the provisions of Section 19.8.

14.8 PARKING REQUIRED:

Garage space and parking space.

- a. Not less than one (1) off-street parking space for each single family dwelling.
- b. Not less than three(3) off-street parking spaces for each two (2) dwelling units in any garden apartment or dwelling group.
- c. Any other use shall provide parking in accordance with the standards in the "P" (Parking District Regulations).

SECTION 15. REGULATIONS FOR "K" DISTRICTS (RECREATIONAL DISTRICTS).

The following regulations shall apply in all "K" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

15.1 USES PERMITTED

- a. One family dwellings and duplexes.
- b. Multiple family dwellings, Garden Apartments and dwelling groups.
- c. Rooming or boarding houses, and rest homes not to exceed 6 guests.
- d. Crop and tree farming and truck gardening.
- e. Accessory uses and building appurtenant to any permitted use.
- f. Signs appurtenant to any permitted use on the premises, provided that the aggregate area of said signs shall in no case exceed one (1) square foot for each one (1) foot of frontage of the property devoted to the use.

15.2 USES PERMITTED, SUBJECT TO SECURING A USE PERMIT IN EACH CASE.

- a. Quasi-public and public uses.
- b. Retail (no secondhand) and service establishments entirely within a building.
- c. Hotels, motels, rooming and boarding homes and rest homes for more than six (6) guests.
- d. Baseball parks, golf courses, and other commercial places of amusements including outdoor theaters.
- e. Mineral baths.
- f. Campgrounds and mobile trailer parks.

15.3 BUILDING HEIGHT LIMIT.

Thirty-five (35) feet, provided that additional height may be permitted if a use permit is first secured.

15.4 BUILDING SITE AREA REQUIRED:

Six thousand (6000) square feet except where additional land is required in a "B" District, but not less than 1,500 square feet of land for each dwelling unit in any garden apartment group, and not less than 3,000 square

feet for each dwelling unit in a duplex, a duplex group, and not less than 6,000 square feet for each dwelling unit in a single family dwelling group.

15.5 MINIMUM LOT WIDTH REQUIRED:

Sixty (60) feet.

15.6 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED:

Thirty-five (35) per cent.

15.7 MINIMUM YARDS REQUIRED.

a. Front Yard Required: Twenty (20) feet but in no case shall the setback be less than forty-five (45) feet from the center line of any road, street or highway.

b. Side Yard Required: Minimum five (5) feet. The provisions of Section 39.4(9) apply.

c. Rear Yard Required: Twenty (20) feet.

d. Special Yards Required for Dwelling Group:

The provisions of Section 19.8 apply.

15.8 PARKING REQUIRED:

1. Retail stores, one (1) parking space for each 150 square feet of store floor area.

2. Banks and office buildings, one (1) parking space for each three hundred (300) square feet of floor area.

3. Restaurants, one (1) parking space for each four (4) seats.

4. Places of public assembly, including churches, one (1) parking space for each six (6) seats.

5. Theaters, one (1) parking space for each six (6) seats.

6. Clinics, one (1) parking space for each three hundred (300) square feet of floor area, plus one (1) additional space for each doctor and staff member.

7. Residential use.

(a) One parking space for each single family residence.

(b) Three (3) parking spaces for every two (2) units in a duplex, multiple family dwelling, garden apartment or dwelling groups or trailer park.

8. Boarding and rooming houses, one (1) parking space for each two (2) guest rooms.
9. All other uses permitted but not enumerated in this section shall furnish parking as required by the Planning Commission.

SECTION 16. REGULATIONS FOR "R-R" DISTRICTS (RURAL RESIDENTIAL DISTRICTS).

The following regulations shall apply in all "R-R" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

16.1 USES PERMITTED:

- a. Single family dwellings.
- b. Home occupations.
- c. Animal husbandry and livestock farming, other than commercial hog farms, provided that not more than one (1) horse, mule, cow or steer nor more than three (3) goats, sheep or similar livestock, but not including commercial hog farms, shall be kept, for each 20,000 square feet of area.
- d. Crop, tree farming and viticulture.
- e. Accessory buildings and uses incidental to the permitted use.

16.2 ACCESSORY BUILDINGS, AND USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT:

- a. A second dwelling on the same site or one duplex on a building site that is a lot of record and not less than 12,000 square feet in area.
- b. Sales of products produced on the premises.
- c. Quarters for farm labor employed on the premises.
- d. Turkey farming, poultry farming, commercial small animal and fowl specialty farms including, but not limited to: chinchillas, mink, foxes, rodents, rabbits, frogs, pigeons, ducks, geese, aviaries.
- e. Circuses and carnivals.
- f. Public and parochial schools, libraries and churches, other public buildings, and public utility structures.

16.3 MAXIMUM BUILDING HEIGHT LIMIT:

Thirty-five (35) feet, provided that additional height may be permitted if a use permit is first secured. Excepting non-dwelling structures, including windmills, silos, private water tanks.

16.4 BUILDING SITE AREA REQUIRED:

Not less than six thousand (6000) square feet.

16.5 MINIMUM YARDS REQUIRED:

- a. Front Yard Required: Not less than twenty (20) feet provided however that no structure shall be located closer than forty-five (45) feet to the center line of any public road, street or highway.
- b. Side Yard Required: Minimum five (5) feet. The provisions of 39.4(9) apply.
- c. Rear Yard Required: Twenty (20) feet minimum.
- d. Special Yards and Distances between Buildings required: Barns, stables, chicken houses, or similar accessory buildings, shall not be less than fifty (50) feet from the front property line, nor less than ten (10) feet from any side or rear property line, nor closer than twenty (20) feet, from any dwelling on the same or adjacent property.

16.6 PARKING REQUIRED:

- a. Not less than one (1) garage, carport, or parking space for each single family dwelling.
- b. Not less than one (1) parking space for each six (6) seats for churches and places of public assembly.

16.7 MINIMUM LOT WIDTH REQUIRED.

Sixty (60) feet.

16.8 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED:

Thirty-five (35) per cent.

SECTION 17. REGULATIONS FOR "R-1" DISTRICTS (ONE FAMILY RESIDENTIAL DISTRICTS).

The following regulations shall apply in all "R-1" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

17.1 USES PERMITTED.

- a. One family dwellings.
- b. Public parks and public playgrounds.
- c. Home occupations, provided that there shall be no external evidence of any home occupation except non-illuminated name plate not exceeding two (2) square feet in area and attached to the main building.
- d. Accessory buildings and accessory uses.

17.2 THE FOLLOWING USES PERMITTED, SUBJECT TO A USE PERMIT IN EACH CASE:

- a. Golf courses with standard length fairways and country clubs.
- b. Private stables.
- c. Crop and tree farming and truck gardening.
- d. Public and parochial schools, libraries, churches, hospitals approved by The American Hospital Association, public utility structures and uses, public buildings.
- e. Non-commercial guest house. Non-commercial greenhouses.

17.3 MAXIMUM BUILDING HEIGHT LIMIT:

Thirty-five (35) feet main building provided that additional height may be permitted if a use permit is first secured. Fifteen (15) feet for accessory buildings.

17.4 BUILDING SITE AREA REQUIRED:

Six thousand (6000) square feet, except where combined with any "B" District.

17.5 MINIMUM LOT WIDTH REQUIRED:

Sixty (60) feet.

17.6 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED:

Forty (40) per cent.

17.7 MINIMUM YARDS REQUIRED:

- a. Front Yard Required: Not less than twenty (20) feet provided however that no structure shall be located closer than forty-five (45) feet to the center line of any public road, street, or highway.
- b. Side Yard Required: Minimum five (5) feet. The provisions of Section 39.4 (9) apply.
- c. Rear Yard Required: Twenty (20) feet minimum.

17.8 PARKING REQUIREMENT:

Not less than one (1) off-street parking space for each single family dwelling.

SECTION 18. REGULATIONS FOR "R-2" DISTRICTS (TWO FAMILY DISTRICTS).

The following regulations shall apply in all "R-2" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

18.1 USES PERMITTED:

- a. One family dwellings.
- b. Duplexes.
- c. Public parks and public playgrounds.
- d. Home occupations, provided that there shall be no external evidence of such use except non-illuminated name plate not over two (2) square feet in area.
- e. Accessory buildings and uses.

18.2 USES PERMITTED, SUBJECT TO SECURING A USE PERMIT IN EACH CASE:

- a. Public and parochial schools, churches and libraries and other public buildings.
- b. Non-commercial guest house.
- c. Golf courses with standard length fairways and country clubs.
- d. Hospitals, approved by The American Hospital Association.
- e. Public utility structures.

18.3 MAXIMUM BUILDING HEIGHT LIMIT:

Thirty-five (35) feet main building. Fifteen (15) feet accessory building.

18.4 BUILDING SITE AREA REQUIRED:

Six thousand (6000) square feet, except where combined with any "B" District.

18.5 MINIMUM LOT WIDTH REQUIRED:

Sixty (60) feet.

18.6 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED.

Thirty-five (35) per cent.

18.7 MINIMUM YARDS REQUIRED:

- a. Front Yard Required: Not less than twenty (20) feet provided however that no structure shall be located closer than forty-five (45) feet to the center line of any public road, street or highway.
- b. Side Yard Required: Minimum five (5) feet. The provisions of Section 39.4(9) apply.
- c. Rear Yard Required: Twenty (20) feet.

18.8 PARKING REQUIRED:

Garage or Parking Space.

- a. Not less than one (1) garage or carport for each single family dwelling.
- b. Not less than one (1) garage or carport for each dwelling unit in any duplex.
- c. Not less than one (1) parking space for each six (6) seats for churches and places of public assembly.

SECTION 19. REGULATIONS FOR "R-3" DISTRICTS (GARDEN APARTMENT DISTRICTS).

The following regulations shall apply in "R-3" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

19.1 USES PERMITTED:

- a. One family dwellings and duplexes.
- b. Garden apartments and/or duplex dwelling groups, containing up to 20 dwelling units.
- c. Public parks and public playgrounds.
- d. Accessory buildings and uses.
- e. Signs and name plates not over four (4) square feet in area and attached to the main building.

19.2 USES PERMITTED, SUBJECT TO SECURING A USE PERMIT IN EACH CASE:

- a. Motels, hotels, apartment houses (other than garden apartments for which a zoning permit may be issued), rooming and boarding houses, and dwelling groups of single family residences.
- b. Public and parochial schools, churches, public buildings, public utility structures, social halls, lodges, clubhouses.
- c. Accessory buildings and uses normally incidental to any of the above. This shall not be construed as permitting any use or occupation other than those uses specifically permitted.

19.3 MAXIMUM BUILDING HEIGHT LIMIT:

Thirty-five (35) feet, provided that additional height may be permitted if a use permit is first secured.

19.4 BUILDING SITE AREA REQUIRED:

Ten thousand (10,000) square feet except where additional land is required in a "B" District, but not less than 1,500 square feet of land for each dwelling unit in any garden apartment or garden apartment group, and not less than 3,000 square feet for each dwelling unit in a duplex or duplex group, and not less than 6,000 square feet for each dwelling unit in a single family dwelling group.

19.5 MINIMUM LOT WIDTH REQUIRED:

Eighty (80) feet.

19.6 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED:

Fifty (50) per cent.

19.7 MINIMUM YARDS REQUIRED:

- a. Front Yard Required: Not less than twenty (20) feet provided however that no structure shall be located closer than forty-five (45) feet to the center line of any public road, street, or highway.
- b. Side Yard Required: Minimum five (5) feet. The provisions of Section 39.4(9) apply.
- c. Rear Yard Required: Fifteen (15) feet.

19.8 SPECIAL YARDS REQUIRED FOR DWELLING GROUPS:

- a. In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear (i.e., in a 'front to back' series) no such building shall be closer than twenty (20) feet to any other such building or the side yard providing access shall be not less than eight (8) feet.
- b. In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e., in a single row 'side to side' series), the side yard providing access shall have a width of not less than twelve (12) feet.
- c. In case the buildings of a group are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court (i.e., in a double row 'side to side' series) the court shall have a width of not less than twenty (20) feet.
- d. In no case shall any separate building of the group be closer to any other building of the group than a distance of ten (10) feet.
- e. No building shall be so located on the lot that the rear thereof abuts on any street line.
- f. Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by two (2) feet for each story that the height of any building or dwelling group exceeds two (2) stories.

19.9 PARKING REQUIRED:

Garage Space, or Parking Space:

- a.1 Not less than one (1) garage, carport, or parking space for each single family dwelling.
- 2 Not less than one (1) garage, carport, or parking space for each dwelling unit in any duplex.
- 3 Not less than three (3) off-street parking spaces for each two (2) dwelling units in any garden apartment or dwelling groups.
- b. Any other use shall provide off-street parking in accordance with the standards set in the "P" District regulations.

SECTION 19-A. REGULATIONS FOR "R-4" DISTRICTS (INTENSIVE MULTIPLE RESIDENCE AND PROFESSIONAL OFFICE DISTRICTS).

The following regulations shall apply in "R-4" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

19-A.1 USES PERMITTED:

- a. Uses permitted in the "R-3" District without a use permit are permitted in the "R-4" District without a use permit.
- b. Motels, hotels, apartment houses, rooming and boarding houses.
- c. Professional offices such as those devoted to the practice of the medical sciences, law, accounting, engineering, architecture, and including brokerage offices such as those dealing in real estate or investment securities or insurance. This section permits other fields of endeavor generally considered to be professions provided that there are no sales of goods or inventory of merchandise on the premises.
- d. Accessory buildings normally incidental to any permitted use.
- e. Appurtenant signs and name plates attached to the main building not exceeding one square foot in area for each two feet of frontage.

19-A.2 USES PERMITTED, SUBJECT TO SECURING A USE PERMIT IN EACH CASE:

- a. Building groups of single family dwellings and duplexes.
- b. Any business office provided that there is no inventory of merchandise maintained on the premises for sale or storage or transit and there is no fabrication, manufacture, or handling of any commercial product.
- c. Trailer Courts.
- d. Free standing appurtenant signs, provided that aggregate area of signs shall not exceed one square foot of sign for each two square feet of frontage.
- e. Public and parochial schools, churches, public buildings, public utility structures, social halls, lodges, clubhouses.
- f. Hospitals, sanitoriums, rest homes, mortuaries, nursery schools, dancing and music schools.
- g. Accessory buildings and uses normally incidental to any of the above. This shall not be construed as permitting any commercial use or occupation other than those specifically permitted.

19-A.3 MAXIMUM BUILDING HEIGHT LIMIT:

Forty-five (45) feet, provided that additional height may be permitted if a use permit is first secured.

19-A.4 BUILDING SITE AREA REQUIRED:

Ten thousand (10,000) square feet, except in cases in which additional land is required by reason of a combining "B" District. Five hundred (500) square feet of land shall be required for each living unit in any hotel, rooming house, boarding house, or any residential use not regulated by the provisions of Section 19-A.1a.

19-A.5 MINIMUM LOT WIDTH REQUIRED:

Eighty (80) feet.

19-A.6 MAXIMUM PERCENTAGE OF COVERAGE PERMITTED:

Fifty (50) per cent.

19-A.7 MINIMUM YARDS REQUIRED:

- a. Front Yard Required: Not less than twenty (20) feet provided however that no structure shall be located closer than forty-five (45) feet to the center line of any public road, street, or highway.
- b. Side Yard Required: Minimum five (5) feet. The provisions of Section 39.4 (9) apply.
- c. Rear Yard Required: Fifteen (15) feet.

19-A.8 SPECIAL YARDS REQUIRED FOR DWELLING GROUPS:

- a. In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear (i.e., in a "front to back" series) no such building shall be closer than twenty (20) feet to any other such building and the side yard providing access shall be not less than eight (8) feet.
- b. In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e., in a single row "side to side" series), the side yard providing access shall have a width of not less than twelve (12) feet.
- c. In case the buildings of a group are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court (i.e., in a double row "side to side" series) the court shall have a width of not less than twenty (20) feet.
- d. In no case shall any separate building of the group be closer to any other building of the group than a distance of ten (10) feet.

- e. No building shall be so located on the lot that the rear thereof abuts on any street line.
- f. Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by two (2) feet for each story that the height of any building or dwelling group exceeds two (2) stories.

19-A.9 PARKING REQUIRED:

Garage Space, or Parking Space:

- a. Not less than three (3) off-street parking spaces for each two (2) dwelling units in any duplex or garden apartment or dwelling group.
- b. Any other use shall provide off-street parking in accordance with the standards set in the "P" District regulations.

SECTION 20. REGULATIONS FOR "C-1" DISTRICTS (NEIGHBORHOOD COMMERCIAL DISTRICTS).

The following regulations shall apply in all "C-1" Districts and shall be subject to the provisions of Section 39.

20.1 USES PERMITTED:

- a. Single family dwellings and two family dwellings or duplexes.
- b. Multiple family dwellings, apartment houses and dwelling groups.
- c. Churches, libraries and other public buildings.
- d. Rooming and boarding houses.
- e. The following uses when conducted within a building: Bakeries (retail sales only), food stores, hardware stores, banks, barber shops, beauty parlors, book stores, variety stores, shoe shops, drug stores, and offices, florist shops, restaurants, personal service establishments, department stores, launderettes, cleaning agencies.
- f. Non-flashing signs attached to the main building and appurtenant to the use thereof. One free standing or detached sign appurtenant to any permitted use.

20.2 USES THAT MAY BE PERMITTED, SUBJECT TO OBTAINING A USE PERMIT IN EACH CASE:

- a. Other stores within a building, flower nurseries, theaters, and other uses which in the opinion of the Planning Commission are of a similar nature. Service stations.
- b. Social halls, lodges, fraternal organizations and clubs.
- c. Non-flashing signs appurtenant to any permitted use.

20.3 MAXIMUM BUILDING HEIGHT LIMIT:

- a. Height any building--thirty (30) feet provided that additional height may be permitted if a use permit is first secured.

20.4 MINIMUM BUILDING SITE AREA REQUIRED:

- a. For each main building--Minimum five thousand (5000) square feet.

20.5 MINIMUM YARDS REQUIRED:

- a. Front Yard--None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.
- b. Side Yard--None except where the side of a lot abuts upon the side of a lot in an "R" District, in which case the side yard shall be not less than ten (10) feet.
- c. Rear Yard--None except where the rear of a lot abuts on an "R" District, in which case the rear yard shall be not less than ten (10) feet.

20.6 PARKING REQUIRED:

- a. Off-street parking on the building site shall be required in "C-1" Districts according to the following formula:
 - 1. Retail stores, one (1) parking space for each two hundred (200) square feet of store floor area.
 - 2. Banks and office buildings, one (1) parking space for each three hundred (300) square feet of floor area.
 - 3. Restaurants, one (1) parking space for each four (4) seats.
 - 4. Public assembly, including churches, one (1) parking space for each six (6) seats.
 - 5. Theaters, one (1) parking space for each six (6) seats.
 - 6. Medical offices and clinics, one (1) parking space for each three hundred (300) square feet of floor area, plus one (1) additional space for each doctor and staff member.
 - 7. Residential uses, one (1) parking space per dwelling unit.
 - 8. Boarding and rooming houses, one (1) parking space for each two (2) guest rooms.
 - 9. All other uses permitted and not enumerated in this section shall furnish parking as required by the Planning Commission.
- b. Design and location of all off-street parking lots shall be approved by the Planning Commission.

SECTION 21. REGULATIONS FOR "C-2" DISTRICTS (RETAIL BUSINESS DISTRICTS).

The following regulations shall apply in all "C-2" Districts and shall be subject to the provisions of Section 39 of this Ordinance.

21.1 USES PERMITTED:

- a. Any use permitted in any "R" District including a single mobile home.
- b. Retail stores and personal service establishments within a building, including appliance stores, bakeries, gasoline service stations, banks, barber shops, beauty parlors, book stores, department stores, drug stores, food shops, hardware stores, mortuaries, nurseries, offices, radio stores, restaurants, shoe shops, studios, tailor shops, and other uses which in the opinion of the Planning Commission are of a similar nature.
- c. Appurtenant signs attached to the main building plus one detached appurtenant sign.

21.2 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:

- a. Trailer Courts, animal hospitals, auto repair shops, cleaning and dyeing establishments, creameries, laundries, laundrettes, secondhand sales, action sales, auction sales or similar types of sales, outdoor markets, outdoor sales establishments, pet shops, public garages, trailer and used car sales lots, and other uses which in the opinion of the Planning Commission are of a similar nature.
- b. Outdoor advertising structures, directional signs and additional appurtenant signs.

21.3 MAXIMUM BUILDING HEIGHT LIMIT:

- a. Height any building-- fifty (50) feet, provided that additional height may be permitted if a use permit is first secured.

21.4 MINIMUM BUILDING SITE AREA REQUIRED:

- a. For each main building-- two thousand (2000) square feet.

21.5 MINIMUM YARDS REQUIRED:

- a. Front Yard-- None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.

- b. Side Yard--None except where the side of a lot abuts upon the side of a lot in an "R" District, in which case the side yard shall be not less than five (5) feet.
- c. Rear Yard--None except where the rear of a lot abuts on an "R" District in which case the rear yard shall be not less than five (5) feet.

21.6 A GARAGE SPACE OR PARKING SPACE:

- a. Not less than 3 off-street parking spaces for each two (2) dwelling units in any duplex or garden apartment dwelling group.
- b. Not less than one (1) parking space for each single family residence.

SECTION 22. REGULATIONS FOR "C-3" DISTRICTS (GENERAL COMMERCIAL DISTRICTS).

The following regulations shall apply in all "C-3" Districts.

22.1 USES PERMITTED:

- a. Any retail sales or commercial service use conducted entirely within a building except residential uses.
- b. Wholesale stores, warehousing and secondhand sales conducted entirely within a building.
- c. Contractor's yards, cabinet shops, blacksmith shops, welding shops, auto repair garages, body and fender shops, machine shops, upholstery shops, sheet metal shops, and light assembly plants of previously prepared materials conducted entirely within a building.
- d. Open storage yards accessory to the uses listed in Section 22.1c, not to exceed 100 per cent of the gross area of the main building, to maintain and store construction materials and equipment in an area entirely enclosed by a minimum six (6) foot high solid fence; provided that additional area may be permitted if a Use Permit is first secured in each case.
- e. Used car sales, trailer and camper sales, agricultural equipment display located on usable and accessible all weather surfaced lots, including incidental maintenance or repair when conducted entirely within a building.
- f. Caretaker's or night watchman's quarters subject to the provisions of Section 39.4(18).
- g. Appurtenant signs attached to the main building plus one detached appurtenant sign. The aggregate sign area shall not exceed one (1) square foot for each one (1) foot of frontage of the property devoted to the use.

22.2 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:

- a. Outdoor retail sales establishments other than those listed in 22.1e, auction sales or similar type of sales.
- b. Motels, trailer parks.
- c. Feed yards, fuel yards, lumber yards, building materials and/or landscaping material yards, truck terminals, truck repair, dog kennels.
- d. Public and quasi-public uses including places of recreational public assembly.

- e. Outdoor advertising structures and directional signs.
- f. Additional free standing appurtenant signs or additional sign area in excess of limitations as noted in Section 22.1g.

22.3 MAXIMUM BUILDING HEIGHT LIMIT:

- a. Maximum height of any building-- thirty-five (35) feet, provided that additional height may be permitted if a use permit is first secured in each case.

22.4 MINIMUM BUILDING SITE AREA REQUIRED:

Six thousand (6000) square feet.

22.5 MINIMUM YARDS REQUIRED:

- a. Front Yard--None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.
- b. Side Yard--None except where the side of a lot abuts upon the side of a lot in an "R" District, in which case the side yard shall be not less than ten (10) feet.
- c. Rear Yard--None except where the rear of a lot abuts on an "R" District, in which case the rear yard shall be not less than ten (10) feet.

22.6 PARKING AND LOADING REQUIREMENTS:

- a. That each building site shall be provided: One (1) off-street parking space for each two (2) employees on the maximum working shift; and one (1) off-street parking space for each 200 square feet of retail sales floor space, and one (1) off-street loading space for each ten thousand (10,000) square feet of building site. Additional off-street parking or storage spaces shall be provided for vehicles to be used or operated in connection with the principle use.
- b. Retail stores: One (1) parking space for each one hundred fifty (150) square feet of a floor area.
- c. Office buildings: One (1) parking space for each two hundred (200) square feet of floor area with a minimum of four (4) parking spaces provided.
- d. Restaurants: One (1) parking space for each four (4) seats and/or one (1) parking space for each one hundred fifty (150) square feet of floor area.
- e. Public assembly: One (1) parking space for each four seats of design capacity.

- f. All other uses permitted but not enumerated in this Section shall furnish parking as required by the Board of Zoning Adjustments.

The Board of Zoning Adjustments will require a reasonable amount of off-street parking considering the type of use proposed and the probably amount of traffic which will be generated by such a use.

22.7 OTHER REQUIRED CONDITIONS:

- a. All uses shall be subject to the provisions of Section 39 of this Ordinance except where the requirements are superseded herein by the specific provisions of the "C-3" District.
- b. Architectural and Site Plan approval shall be required for all uses in the manner provided in Section 39.5 of this Ordinance.

SECTION 23. REGULATIONS FOR "M-1" DISTRICTS (LIGHT INDUSTRIAL DISTRICTS).

The following regulations shall apply in all "M-1" Districts:

23.1 USES PERMITTED, SUBJECT TO COMPLIANCE WITH THE PERFORMANCE STANDARDS.

All zoning permits shall come before the Board of Zoning Adjustments for its review in those cases in which performance standards have not been established that would define performance requirements for the use in question.

- a. Wholesale stores, storage warehouses, laundries and cleaning plants, trailer sales and rental, vehicle and farm implement sales, animal hospitals, cabinet shops, bakeries, soft drink bottling plants, contractors' equipment storage or rental, and other heavy commercial uses for which storage, wholesale sales, large or heavy merchandise, or commercial transportation facilities are necessary and usual to the operation.
- b. Administrative, executive, and financial offices.
- c. Experimental or testing laboratories.
- d. Manufacture, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products.
- e. Manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, and optical goods.
- f. Any other light manufacturing use which the Commission finds to be consistent with the purpose of this section.
- g. Production of crops and animals, including poultry, except for those agricultural uses for which a use permit is required under the provisions of the Agricultural District.
- h. Accessory uses and buildings customarily appurtenant to a permitted use and that do not alter the character of the premises.
- i. Signs appurtenant to any permitted use on the premises, provided that the aggregate area of said signs shall in no case exceed one (1) square foot for each one (1) foot of frontage of the property devoted to the use.

23.2 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE, AND SUBJECT TO THE PROVISIONS OF THE PERFORMANCE STANDARDS.

- a. Public and quasi-public uses of an educational or recreational nature.
- b. Public utility buildings and service yards.
- c. Retail commercial and service uses, such as restaurants and service stations, appropriate to and necessary to serve the "M-1" District.
- d. Outdoor advertising structures and directional signs.
- e. Additional free-standing appurtenant signs, the area of which shall be included in the total area limitation defined in Section 22.1-i.

23.3 MAXIMUM BUILDING HEIGHT LIMIT:

Maximum height of any building shall be fifty (50) feet, provided that additional height may be permitted where special structures are required, if a use permit is first secured in each case.

23.4 MINIMUM BUILDING SITE AREA:

Minimum building site area shall be 10,000 square feet. Parcels of less than 10,000 square feet may be used for any use permitted in the "M-1" District subject to first obtaining a use permit in each case.

23.5 MINIMUM YARDS REQUIRED:

- a. Front Yard--None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.
- b. Side Yard--None except where the side of a lot abuts upon the side of a lot in an "R" District, in which case the side yard shall be not less than ten (10) feet.
- c. Rear Yard--None except where the rear of a lot abuts on an "R" District, in which case the rear yard shall be not less than ten (10) feet.

23.6 PARKING AND LOADING REQUIREMENTS.

At each building site there shall be provided: One (1) off-street parking space for each two (2) employees on the maximum working shift, one (1) off-street parking space for each 200 square feet of retail sales floor space, and one (1) off-street loading space for each 10,000 square feet of building site. Off-street parking or storage spaces shall be provided for vehicles to be owned or operated in connection with the principal use.

23.7 OTHER REQUIRED CONDITIONS.

- a. All uses shall be subject to the provisions of Section 39 of this Ordinance except where the requirements are superseded herein by the specific provisions of the "M-1" District.
- b. Architectural and Site Plan approval shall be required for all uses in the manner provided in Section 39.5 of this Ordinance.

23.8 PERFORMANCE STANDARDS

The Planning Commission may adopt performance standards, based on modern measurement techniques, in order to provide uniform and exact methods of measuring performance to determine the suitability of a proposed use. Said standards shall be consistent with the purposes of this section and shall be designed to exclude from the District uses and conditions which would be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of any proposed use or be detrimental or injurious to property or improvements in the neighborhood. All uses (including both commercial and industrial uses) shall be subject to initial and continued compliance with performance standards in the following categories:

1. Fire and explosive hazards.
2. Radio and electrical disturbance, radio activity.
3. Noise.
4. Vibration.
5. Smoke, odors, fly ash, dust, fumes, vapors, gases and other forms of air pollution.
6. Glare.
7. Liquid or solid waste.

SECTION 23-A. REGULATIONS FOR "M-2" DISTRICTS (HEAVY INDUSTRIAL DISTRICTS).

The following regulations shall apply in all "M-2" Districts.

23-A.1 USES PERMITTED, SUBJECT TO COMPLIANCE WITH THE PERFORMANCE STANDARDS.

All zoning permits shall come before the Board of Zoning Adjustments for its review in those cases in which performance standards have not been established that would define performance requirements for the use in question.

- a. All uses set forth in the "M-1" District regulations without a use permit are permitted in the "M-2" District.
- b. Any manufacturing or warehousing use.
- c. Administrative, executive, and financial offices in association with other permitted uses.
- d. Accessory uses and buildings customarily appurtenant to a permitted use and that do not alter the character of the premises.
- e. Signs appurtenant to any permitted use on the premises provided that the aggregate area of said signs shall in no case exceed one (1) square foot for each one (1) foot of frontage of the property devoted to the use.

23-A.2 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE AND SUBJECT TO THE PROVISIONS OF THE PERFORMANCE STANDARDS.

- a. Public and quasi-public uses of an educational or recreational nature.
- b. Public utility buildings and service yards.
- c. Retail commercial and service uses, such as restaurants and service stations, appropriate to and necessary to serve the "M-2" District.
- d. Agricultural uses for which a use permit is required in the Agricultural District.
- e. Outdoor advertising structures and directional signs.
- f. Additional free-standing appurtenant signs, the area of which shall be included in the total area limitation defined in Section 23-A.1-e.
- g. Wrecking or salvage yards.

23-A.3 MAXIMUM BUILDING HEIGHT LIMITS:

Maximum height of any building shall be sixty-five (65) feet, provided that additional height may be permitted where special structures are required, if a use permit is first secured in each case.

23-A.4 MINIMUM BUILDING SITE AREA:

Minimum building site area shall be 20,000 square feet. Parcels less than 20,000 square feet may be used for any use permitted in the "M-2" District subject to first obtaining a use permit in each case. Granting of the use permit will be based on adequacy of provisions for off-street parking, loading and vehicle storage.

23-A.5 MINIMUM YARDS REQUIRED:

- a. Front Yard--None except where the frontage in a block is partially in an "R" District, in which case the front yard shall be the same as required in such "R" District.
- b. Side Yard--None except where the side of a lot abuts upon the side of a lot in an "R" District, in which case the side yard shall be not less than ten (10) feet.
- c. Rear Yard--None except where the rear of a lot abuts on an "R" District, in which case the rear yard shall be not less than ten (10) feet.

23-A.6 PARKING AND LOADING REQUIREMENTS:

At each building site there shall be provided: One (1) off-street parking space for each two (2) employees on the maximum working shift, one (1) off-street parking space for each 200 square feet of retail sales floor space, and one (1) off-street loading space for each 20,000 square feet of building site. Off-street parking or storage spaces shall be provided for vehicles to be owned or operated in connection with the principal use.

23-A.7 OTHER REQUIRED CONDITIONS:

- a. All uses shall be subject to the provisions of Section 39 of this Ordinance except where the requirements are superseded herein by the specific provisions of the "M-2" District.
- b. Architectural and Site Plan approval shall be required for all uses in the manner provided in Section 39.5 of this Ordinance.

23-A.8 PERFORMANCE STANDARDS.

The Planning Commission may adopt performance standards, based on modern measurement techniques, in order to provide uniform and exact methods of measuring performance to determine the suitability of a proposed use. Said standards shall be consistent with the purposes of this section and shall be designed to exclude from the District uses and conditions which would be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of any proposed use or be detrimental or injurious to property or improvements in the neighborhood. All uses (including both commercial and industrial uses) shall be subject to initial and continued compliance with performance standards in the following categories:

1. Fire and explosive hazards.
2. Radio and electrical disturbance, radio activity.
3. Noise.
4. Vibration.
5. Smoke, odors, fly ash, dust, fumes, vapors, gases and other forms of air pollution.
6. Glare.
7. Liquid or solid waste.

SECTION 24. REGULATIONS FOR "P-C" DISTRICTS (PLANNED COMMUNITY DISTRICTS).

The following regulations shall apply in all "P-C" Districts and shall be subject to the provisions of Section 39 of this Ordinance except that where conflict in regulations occurs, the regulations specified in this section shall apply.

24.1 "P-C" Districts may be established on parcels of land which are suitable for, and of sufficient size to contain a planned community for which complete development plans have been submitted and approved. (Minimum area 30 acres).

24.2 Application for the establishment of a "P-C" District shall include an application for a use permit for all developments within the District. Such application for a use permit shall include the following:

a. A map or maps showing:

1. Topography of the land, one foot contour intervals.
2. Proposed street system and lot design.
3. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other uses.
4. Areas proposed for commercial uses, off-street parking, multiple and single family dwellings and all other uses proposed to be established within the district.
5. Proposed locations of buildings on the land.

b. Elevations of all proposed buildings and structures other than single-family residences. Other data and information which may be deemed necessary by the Planning Commission for proper consideration of the application.

24.3 USES PERMITTED:

a. All uses permitted in "R-1", "R-2", "R-3" and "C-1" Districts, subject to the securing of a use permit as specified in Sections 24.2 and 45.

b. BUILDING HEIGHT LIMIT:

1. "R-1" and "R-2" uses---Main building: Thirty-five (35) feet; accessory buildings, twenty (20) feet.
2. "R-3" and "C-1" uses--Forty-five (45) feet.

c. BUILDING SITE AREA REQUIRED:

1. "R-1", "R-2" and "R-3" uses---six thousand (6000) square feet.

d. FRONT, SIDE AND REAR YARDS AND PERCENTAGE OF SITE COVERAGE.

1. Same as required for the particular uses in the districts in which they are otherwise permitted by this Ordinance.

e. OFF-STREET PARKING REQUIRED:

1. One (1) garage or carport space for each dwelling unit.
2. A minimum of two (2) square feet of off-street parking space for each square foot of area to be occupied by commercial buildings or structures, and any public or quasi-public buildings.

- f. The regulations specified in this sub-section may be varied only when such variance will result in improved design of the development and will permit desirable arrangement of structures in relation to parking areas, parks and parkways, pedestrian walks and other such features. No variance may be granted to allow any use other than those specified.

SECTION 25. REGULATIONS FOR "P" DISTRICTS (PARKING DISTRICTS).

The following regulations shall apply in all districts with which are combined "-P" Districts, in addition to the regulations hereinafter specified therefor, and shall be subject to the provisions of Section 39 of this Ordinance; provided however, that if any of the regulations specified in the section differ from any of the corresponding regulations specified in this Ordinance for any district with which is combined a "-P" District, then in such case, the provisions of this section shall govern.

25.1 USES PERMITTED:

All uses permitted in the respective districts with which the "-P" District is combined, subject to approval of design of building and design and location of parking lots, provided however, as follows:

- a. Off-street parking shall be required in all districts with which the "-P" District is combined according to the following formula:
 1. Retail stores, one (1) parking space for each 150 square feet and one (1) loading space for each 10,000 square feet of store floor area.
 2. Office Buildings, one (1) parking space for each 500 square feet of floor area, with a minimum of four (4) parking spaces.
 3. Wholesale and Industry, one (1) parking space for each five (5) employees and one (1) loading space for each 5,000 square feet of floor area.
 4. Restaurants, one (1) parking space for each four (4) seats, and/or one (1) parking space for each 200 square feet of floor area.
 5. Public assembly, one (1) parking space for each six (6) seats.
 6. Theaters, one (1) parking space for each six (6) seats.
 7. Hotels, one (1) parking space for each four (4) guest rooms.
 8. Hospitals, one (1) parking space for each 500 square feet of floor area.
 9. Clinics, one (1) parking space for each 300 square feet of floor area, plus one (1) space for each member of the staff.
 10. All other uses permitted but not enumerated in this section shall furnish parking as required by the Board of Zoning Adjustments. The Board of

Zoning Adjustments will require a reasonable amount of off-street parking considering the type of use proposed and the probable amount of traffic which will be generated by such a use.

25.2 BUILDING LOCATION:

In case no building line is established by the Street and Highway Plan of the Master Plan of the County or by the provisions of this Ordinance, for the street on which any building will front in any district with which the "-P" District is combined, no such building shall be erected, constructed, moved or structurally altered, so that the same shall be closer to the line of such street than a distance to provide adequate space for the traffic movements and the standing of vehicles which will be incidental to the use of such building. Such distance may be designated by the Planning Commission as a part of the action on plans submitted with the application for a permit for such building.

SECTION 26. REGULATIONS FOR "B DISTRICTS.

The following regulations shall apply in all districts which are combined with such "B" District and shall be applied in lieu of the building site area required, the front yard required, and side yard required in the combined district and shall be subject to the provisions of Section 39 of this Ordinance.

"B-1"---Building Site Area, eight thousand (8000) square feet; front yard depth, twenty-five (25) feet; side yard width, eight (8) feet.

"B-2"---Building Site Area, ten thousand (10,000) square feet; front yard depth, twenty-five (25) feet; side yard width, ten (10) feet.

"B-3"---Building Site Area, twenty thousand (20,000) square feet; front yard depth, thirty (30) feet; side yard width, fifteen (15) feet.

"B-4"---Building Site Area, one (1) acre; front yard depth, thirty (30) feet; side yard width, twenty (20) feet.

"B-5"---As designated on Districting Maps.

SECTION 27. REGULATIONS FOR "R-A" DISTRICTS

The following regulations shall apply in all districts with which are combined "A" Districts in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Section 39 of this Ordinance; provided, however, that if any of the regulations specified in this section differ from any of the corresponding regulations specified in this Ordinance for any district with which is combined an "R-A" District then in such case the provisions of this section shall govern.

27.1 USES PERMITTED:

- a. All uses permitted in the respective district with which the "R-A" District is combined.
- b. Small livestock farming, provided that not to exceed one (1) cow or three (3) goats, hogs, or other similar livestock may be kept for each ten thousand (10,000) square feet of area of the parcel of land upon which the same are kept, to a maximum of three (3) cows or ten (10) goats or other similar livestock maintained in any establishment.

27.2 ACCESSORY BUILDINGS AND ACCESSORY USES:

- a. Location of Accessory Buildings.
 1. No livestock or any building used in connection with the same shall be located or maintained on any lot closer than 40 feet to the street upon which the lot faces or closer than 20 feet to any dwelling on the same lot or on the front half of any contiguous lot. Otherwise, any accessory building used in connection with any livestock use permitted in the District may occupy any portion of any rear yard or of any side yard along the rear half of the lot upon which located, except of any side yard adjacent to any street.

SECTION 28. BUILDING LINES.

- 28.1 Building lines are hereby established for the purpose of measuring yard dimensions and determining building locations. Such building lines are indicated on the Districting or Zoning Maps adopted as Section 9 of this Ordinance.
- 28.2 Building lines shall be measured from the property line and all required yards shall be measured from any established building line, provided however, that if any official plan line is established for any street as a part of a Street and Highway Master Plan all required yards shall be measured from such official plan line.

SECTION 29. REGULATIONS FOR "S" DISTRICTS (STUDY DISTRICTS)

The following regulations shall apply in all "S" Districts:

29.1 USES PERMITTED:

The following uses shall be permitted without obtaining a use permit, unless the Ordinance imposing the "S" District classification expressly provides otherwise:

- a. The erection, construction, moving, or alteration of a single family residence.
- b. The use of any land or existing building or structure for a single family residence.

29.2 USES PERMITTED, SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:

- a. The erection, construction, moving, or alteration of any building or structure for any use other than a single family residence.
- b. The use of any land or existing building or structure for any use other than a single family residence.

29.3 The purpose of this district is to permit the conduct of studies and hearings by the Planning Commission and Board of Supervisors of the County of Sonoma with a view to the adoption of a Zoning Ordinance, or amendment or addition thereto, by increasing control over uses during the period necessary for such studies and hearings in order to prevent the establishment of uses which will not be in harmony with the Ordinance which may be adopted at the conclusion of such studies and hearings. To that end, "S" District regulations shall be deemed to be combining in nature, supplementary and in addition to all other zoning regulations which may be applicable to lands when they are placed within an "S" District. At such time as said studies and hearings have been concluded by the adoption of the Zoning Ordinance contemplated at the time the "S" District classification became applicable to said lands, such "S" District classification shall cease to be applicable to the lands embraced within the zoning change effected by said Ordinance. Ordinances imposing "S" District provisions shall have no further force and effect after expiration of the time limits imposed by Section 65804 of the Government Code of the State of California, or any successor thereto.

SECTION 30. REGULATIONS FOR THE "C-R" DISTRICTS (RESTRICTED COMMERCIAL DISTRICTS)

The said "C-R" Districts are designed to permit retail sales and service uses that primarily serve the local community, and limited thoroughfare commercial uses serving the motor-ing public, and which normally develop along major roads af-fording a principal means of access to a city. To provide for the harmonious integration of such uses, and to minimize traf-fic conflicts, it is necessary to subject the development to de-sign review, and to reasonable landscaping and parking require-ments, and the following regulations shall apply in all "C-R" Districts and shall be subject to the provisions of Section 39 of this Ordinance as follows:

30.1 USES PERMITTED:

The following uses when conducted within a building, subject further to the other regulations of this Section:

- a. Any generally recognized retail business which supplies commodities on the premises, such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, and notions, or hardware.
- b. Any personal service establishment which performs ser-vices on the premises for persons residing in adjacent residential areas, such as: shoe repair, dry cleaning shops, tailor shops, beauty parlors, or barber shops, or any service establishment of any office-showroom or work-shop nature.
- c. Restaurants, or other places serving food or beverages, provided all activities are conducted within the building.
- d. Professional offices of doctors, lawyers, dentists, chiro-practors, osteopaths, architects, engineers, and similar or allied professions.
- e. Other uses similar to the above and subject to the follow-ing restrictions:
 1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.

2. All business, servicing or processing, except off-street parking or loading, shall be conducted within completely enclosed buildings.
- f. Accessory structures and signs customarily incidental to the above permitted uses subject to the following restrictions:
1. Attached advertising signs only when pertaining to the sale, rental, or use of the premises on which it is located, or to goods sold or activities conducted thereon; such attached signs shall not exceed one (1) square foot for each one (1) foot of frontage of the building devoted to the use.
 2. Accessory use to be permitted outright, without the granting of a Use Permit, shall be completely enclosed in buildings.

30.2 REQUIRED CONDITIONS.

Since this District is for the convenient shopping of persons residing in adjacent residential areas, as well as for the traveling public, uses permitted without the granting of a Use Permit shall not include any use where any activity is conducted outside of a building. This would include such things as drive-in banks, certain outdoor eating establishments, or automobile service stations. Nor shall the District include one (1) and two (2) family dwellings except existing dwellings so used.

30.3 USES THAT MAY BE PERMITTED, SUBJECT TO OBTAINING A USE PERMIT IN EACH CASE.

Under such conditions as the Board of Zoning Adjustments, after hearing, may impose, to observe the spirit and purpose of this Section; namely, to exclude the operation of any use which would tend to be a nuisance to the surrounding residential neighborhood, or which would be unattractive from the abutting major thoroughfare, and subject further to the conditions imposed in this Section 30.11, the following uses may be permitted:

- a. Multiple family dwellings, apartment houses, and dwelling groups, but not including mobile home parks.
- b. Motels and hotels.

- c. Mortuary establishments.
- d. Outdoor sale of nursery stock
- e. Theaters, assembly halls, dance halls, and commercial recreational uses.
- f. Automobile service stations for sale of gasoline, oil, and minor accessories only, and where no repair work is done other than incidental service, but not including steam cleaning, undercoating, or body bumping.
- g. Other retail business, service, and office establishments, not permitted in Section 30. 1.
- h. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer substations, and similar uses, but not including storage yards.
- i. Accessory structures and uses not permitted in Section 30. 1. Any accessory use not entirely within a building shall be screened in a manner to be prescribed by the Board of Zoning Adjustments.
- j. Additional appurtenant attached and all free standing appurtenant signs, the area of which shall be included in the total area limitation defined in Section 30. 1.

30.4 MAXIMUM BUILDING HEIGHT LIMIT:

The maximum height of any building or structure shall be thirty (30) feet.

30.5 MINIMUM BUILDING SITE AREA REQUIRED:

Ten thousand (10,000) square feet.

30.6 MINIMUM LOT WIDTH:

Eighty (80) feet.

30.7 MAXIMUM PERCENTAGE OF LOT COVERAGE PERMITTED:

Thirty-five (35) per cent.

30.8 MINIMUM YARDS REQUIRED:

- a. Front yard required: Twenty (20) feet. Except for driveway and walkway access, required front yards shall be planted in grass or other plant material not to exceed three (3) feet in height, and shall be maintained in growing condition, including provision for sprinkling. Parking shall not be permitted in a required front yard.
- b. Side and rear yards required:
 1. When adjacent to a street, front yard dimensional and all other front yard requirements shall be applied.
 2. Where a side lot line in this District coincides with a side or rear lot line in an "R" District, there shall be a side yard equal to the minimum side yard in the "R" District.
 3. Where a rear lot line in this District coincides with a side lot line in an "R" District, there shall be a rear yard equal to the minimum side yard in the "R" District.
 4. Where a rear lot line in this District coincides with a rear lot line in an "R" District, there shall be a rear yard of not less than ten (10) feet.
 5. Where a side or rear lot line in this District coincides with a lot line of a parcel also in this District or any other District other than an "R" District, no side or rear yard is required.
 6. Where a side or rear lot line in this District coincides with a lot line in an "R" District, there shall be a solid fence or landscaped screen of between four feet six inches (4'-6") and six (6) feet in height.
 7. In all cases except Item (1) above, parking is permitted in required side or rear yards.

30.9 PARKING REQUIRED:

- a. Spaces Required: Off-street parking shall be required as follows:

1. Residential Uses - 3 spaces for each two (2) dwelling units. When the determination of the number of spaces results in the requirement of a fractional space, any fraction of less than one-half ($1/2$) may be disregarded, while a requirement of one-half ($1/2$) or more shall be counted as one parking space.
2. Mortuaries: Six (6) parking spaces for each parlor or chapel, plus one (1) parking space for each funeral vehicle kept on the premises.
3. All other Uses: As prescribed in Section 25.1, provided that uses not listed will be as determined by the Board of Zoning Adjustments.

b. Parking Layout:

The parking layout shall be according to the dimensions on the attached sheet unless a variation is approved by the Board of Zoning Adjustments.

c. Limitation of Use:

1. Every parcel of land used for parking shall be improved with a paved surfacing approved by the Road Commissioner. The paved area shall also be painted with lines showing parking spaces and directional arrows showing traffic movements.
2. The parking area shall be accessory to uses permitted in this District. Facilities for different uses may be provided collectively provided the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.
3. Parking areas shall be used solely for the parking of private passenger vehicles, and shall be limited to periods of less than twenty-four (24) hours. Space for delivery trucks shall be provided in separate loading areas. No commercial repair work or service of any kind, or sale or display, shall be conducted in such parking areas.

4. No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained. No buildings other than those for shelter of attendants shall be erected upon premises and they shall not exceed fifteen (15) feet in height.

d. Access:

1. Off-street parking shall open directly upon an aisle or driveway so as to provide safe and efficient access. All facilities shall be designed with appropriate access to a street or alley in a manner which will least interfere with traffic movements.
2. Each entrance and exit to and from off-street parking shall be at least twenty (20) feet distant from any adjacent property in an "R" District, and from the intersection of any two public streets.
3. All driveways shall be surfaced in a manner at least equivalent with that provided for the parking area.
4. Driveways shall not exceed twenty-six (26) feet in width at the street property line, nor shall any combination of driveways for one parcel exceed fifty percent of the width of that parcel.

e. Lighting:

Where lighting facilities are provided, they shall be so arranged as to reflect the light away from all "R" Districts.

f. Approval and Modifications:

1. Plans for the development of any parking area must be approved by the Board of Zoning Adjustments before construction is started, and prior to the issuance of a permit for parking purposes.
2. The Board, upon application by the property owner, may modify the yard and screening requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirement of this Section.
3. In all cases where a wall would extend to an alley which is a means of ingress and egress to a parking

area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

4. In addition to the above requirements, such parking area shall comply with such further requirements or conditions as may be prescribed by the Board for the protection of abutting "R" Districts.

30.10 LOADING REQUIRED:

- a. Loading areas, separate from parking areas, shall be provided as prescribed in Section 25.1 of this Ordinance, or as determined by the Board of Zoning Adjustments.
- b. Such loading areas shall be surfaced and screened in the same manner as required for parking areas.

30.11 DESIGN REVIEW.

Any proposed building, structure, or use in this District is subject to design review. The provisions of Section 39.5 of this Ordinance apply, except that paragraph a. should be considered mandatory rather than permissive.

Exhibits required include: Plot plan, landscaping plan, parking plan, and elevations. All should be to scale and in sufficient detail to accurately indicate what is proposed.

SECTION 39. GENERAL PROVISIONS AND EXCEPTIONS.

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

39.1 USE:

1. Accessory uses and buildings may be permitted where such are incidental to and do not alter the character of the premises in respect to their uses for purposes permitted in the district. This shall not be construed as permitting any guest house, private stable or commercial use in any "K" or "R" District unless such is specified by the regulations for such district.
2. Public, quasi-public, utility uses, and buildings may be permitted in any district providing a use permit is first secured in each case.
3. Public parking lots may be permitted in any district providing a use permit is first secured in each case.
4. The removal of minerals and earth may be permitted in any district providing a use permit is first secured in each case.
5. A temporary sign, not over six (6) square feet in area, may be displayed on any parcel of land or building for the purpose of advertising such parcel or building for sale or lease or to announce development of property with a permitted use. Signs larger than six (6) square feet in area but not over thirty-two (32) square feet may be permitted provided a Use Permit is first secured in each case.
6. Signs not over sixty-four (64) square feet in aggregate area may be permitted advertising the sale of a recorded subdivision. Additional sign area may be permitted if a Use Permit is first secured in each case.
7. The Planning Commission may on its own motion and shall, at the request of this Board of Supervisors, initiate proceedings to classify any highway or portion of a highway as a scenic highway. If, after at least one (1) public hearing, the Planning Commission determines that such highway or portion of highway is in fact scenic, it shall recommend to the Board of Supervisors that it be classified as a scenic highway. If, after one (1) hearing, the Board of Supervisors concurs in the recommendation, the Board of Supervisors shall by Resolution classify said highway or portion of a highway as a scenic highway. The Planning Commission and the Board of Supervisors shall give notice of such public hearings by publication at least once ten days before such hearings in a newspaper of general circulation published in the

County. A determination that a highway is scenic in fact shall be based upon the actual land use of those parcels of land adjoining and within view from such highway. Such scenic highway classification may be removed from any highway or portion of a highway by the Planning Commission and the Board of Supervisors, following the same procedure as herein set forth for designating a highway or portion of a highway as a scenic highway.

8. No outdoor advertising structure or sign shall exceed 600 square feet on any facing. Outdoor advertising structures or signs may be of a "V" or back to back type of construction, and shall not exceed two (2) advertising displays facing in each direction.

9. Outdoor Advertising Structure Spacing Provisions.

a. Outdoor advertising structures and signs shall be permitted in the "H-1", "U" and "A" Districts in other than a Business Area as herein defined, if maintained no closer than 1,000 feet to any other outdoor advertising structure or sign with the distance to be measured parallel to the center line of the highway.

b. Outdoor advertising structures or signs shall be permitted in the "C-2", "C-3" and "M" Districts in other than a Business Area as herein defined, if maintained no closer than 500 feet to any other outdoor advertising structure or sign with the distance to be measured parallel to the center line of the highway.

c. Outdoor advertising structures and signs shall be permitted in the "H-1", "U", "A", "C-2", "C-3" and "M" Districts in a Business Area as herein defined, if maintained no closer than 200 feet to any other outdoor advertising structure or sign facing in the same direction, and on the same side of the highway.

d. Spacing adjacent to highways designated scenic in fact:

1. Outdoor advertising structures and signs may be permitted only in such portions of the "H-1", "U" and "A" Districts which are Business Areas as herein defined, if maintained no closer than 500 feet to any other outdoor advertising structure or sign measured parallel to the center line of the highway.

2. Outdoor advertising structures and signs may be permitted in the "C-2", "C-3", "H-1" and "M" Districts in other than a Business Area as herein defined, if maintained no closer than 1,000 feet to any other outdoor advertising structure or sign measured parallel to the center line of the highway.

3. Outdoor advertising structures and signs may be permitted in the "H-1", "C-2", "C-3" and "M" Districts in a Business Area as herein defined, if maintained no closer than 500 feet to any other outdoor advertising structure or sign facing in the same direction, and on the same side of the highway.

4. The relocation of existing service type directional signals may be permitted with a Use Permit, on freeways or scenic highways, when such relocation is necessitated by new freeway construction or some similar public project, notwithstanding the present zoning district, and subject to the following conditions:
 - a. that the text of the sign does not exceed 32 square feet in area.
 - b. that the size of the sign basic structure does not exceed 120 square feet in area.
 - c. that the sign gives direction to a use that accommodates the traveling public.
 - e. No advertising structures or signs shall be erected or maintained closer than 2,000 feet to any historical or national monument or shrine.
 - f. Directional signs as herein defined shall not be subject to the spacing provisions of this section, nor shall such directional signs control the spacing restrictions applicable to outdoor advertising structures or signs.
10. In addition to the other provisions of this Ordinance, and by way of further limitation upon the spacing of outdoor advertising structures, along any freeway, expressway or limited access highway, no outdoor advertising structure shall be permitted closer than 1000 feet, measured parallel to the center line of such highway, to any other outdoor advertising structure.
11. 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 (200) feet to the boundary of any residential district unless a use permit is first secured in each case.
12. No circus, carnival, open air theater, race track or similar establishment involving large assemblages of people and automobiles shall be permitted in any district unless a use permit is first secured in each case.
13. Cemeteries, mausoleums, columbariums and crematoriums may be permitted in any district providing a use permit is first secured in each case.

14. Carports attached to the main building and open on two sides, (the front and property line sides) may be built to within three (3) feet of the side property line of an interior lot, provided that a use permit shall first be obtained from the Board of Zoning Adjustments.
15. The development of natural resources as used within this Ordinance shall not be construed to mean the drilling of wells or other development or improvements made for the production of water for domestic or irrigational purposes by a person or persons not engaged in the business of furnishing or developing water as a utility.
16. When a new freeway route is adopted, said route shall be deemed to be a scenic highway until said freeway has been opened to the public and until, after hearing as in this Ordinance provided, the Board of Supervisors has by Resolution determined whether said freeway, or any portion thereof, is a scenic highway in fact. Such hearings shall be held and such determination made within One Hundred Twenty (120) days after such freeway is opened to the public.
17. Christmas tree sales may be permitted in the "C", "H" and "M" Districts with a zoning permit, provided that said zoning permit be limited to a period not to exceed one month.

39.2 HEIGHT:

1. Chimneys, vents and other architectural or mechanical appurtenances may be erected to a greater height than the limit established for the district in which the building is located.
- 2a. Public utility poles may be erected to a greater height than the limit established for the district but not to exceed 75 feet except in airport approach zones and clear zones in which cases the provisions of the Airport Approach Zoning Ordinance shall apply.
- b. Towers, water tanks and similar structures may be erected to a greater height than the limit established for the district in which they are to be located subject to first securing a use permit in each case.
3. Any building in an "R", "H" or "K" District may be erected to a greater height than the limit established for the district in which the building is to be located provided that the required side yards shall be increased by one (1) foot for each one (1) foot over the height limit and subject to first securing a use permit in each case.

4. In any "R-R", "R-1", "R-2" or "R-3" District no fence, hedge or screen planting of any kind shall hereinafter be constructed or grown to exceed six (6) feet in height within any required side yard to the rear of the front line of any dwelling or along any rear property line, nor to exceed three (3) feet in height either along any side or front property line, or within any required front yard, or within 15 feet of the street corner or within any required exterior side yard on any corner lot.

39.3 BUILDING SITE AREA AND AVERAGE LOT WIDTH:

1. The use of land as permitted for the district in which it is located shall be permitted on a lot of less area or width than that required by the regulations for such district, if such lot is shown on a subdivision map of record or is a parcel of land which was under one ownership on the effective date of this Ordinance unless the owner of such lot or parcel has owned or purchased any adjoining property since the effective date of this Ordinance, provided, nevertheless, that such ownership of adjoining property shall not limit the right to use such lot, if such lot contains at least 5,000 square feet and not less than 50 feet of lot width.

39.4 YARDS:

1. In any case where an official plan line has been established as a part of the Street and Highway Plan, the required yards on the street side shall be measured from such official plan line and in no case shall the provisions of this Ordinance be construed as permitting any structure to extend beyond such official plan line.
2. In any case where a building line has been established in accordance with Section 28 of this Ordinance, the required yards on the street side shall be not less than the distance from the street specified for such building line and in no case shall the provisions of this Ordinance be construed as permitting any structure to extend beyond such building line.
3. Cornices, eaves, canopies, and similar architectural features may extend into any required yard not exceeding two (2) feet.
4. Uncovered porches, fire escapes or landing places may extend into any required front or rear yard not exceeding six (6) feet and into any required side yard not exceeding three (3) feet.
5. In any "R" or "K" District, where twenty-five (25) per cent or more of the lots on any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be of a depth equal to the average of the front yards of the improved lots, to a maximum of that specified for the district in which such lot is located.

6. In case a dwelling is to be located so that the front or rear thereof faces any side lot line such dwelling shall not be less than ten (10) feet from such lot line.
7. Any dwelling use to be located in any "C" or "M" District shall provide front, side and rear yards as required in the "R-3" District, provided that this shall not apply to any dwelling use to be located over a commercial or industrial establishment.
8. In the case of a through lot abutting on two streets, no building shall be located so as to encroach upon the front yard required on either street.
9. In the case of a corner lot adjacent to a key lot the required side yard on the street side for any building within thirty (30) feet of the side line of the key lot shall be equal to the front yard required on the key lot, and if more than thirty (30) feet from such side line, the required side yard on the street side shall be 50% of the front yard required on the key lot. In the case of a corner lot in which the rear property line is contiguous with the rear property line of an adjacent corner lot, the side yard on the street side shall be 50% of the front yard required on said lot.
10. In case an accessory building is attached to the main building it shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the main building.
11. Detached accessory buildings may be erected to occupy not more than thirty (30) per cent of any rear yard.
12. Detached accessory buildings shall not be located closer than 10 feet to the main buildings on the same or adjacent lots and shall not be located so as to be closer to the front property line than the main dwelling unless a Use Permit is first secured in each case. In no case shall any accessory building be located within five (5) feet of the side line of the front half ($\frac{1}{2}$) of any adjacent lot.
13. Detached accessory buildings shall not be located within five (5) feet of any alley and shall not encroach on any easement or right-of-way of record.
14. Accessory buildings used as private stables shall be located at least twenty (20) feet from any side or rear property line, not less than fifty (50) feet from the front property line and at least twenty (20) feet from any dwelling unit on the lot.
15. Nothing contained in the general provisions shall be deemed to reduce special yard requirements as set forth in the regulations for any "R" or "K" District.

16. Irregular lot shapes: Where irregular lot shapes prevent the direct determination of the area and yard requirements for a lot, the Planning Director shall make such determinations as necessary for the administration of this Ordinance.
17. No accessory building or buildings may be constructed which will have a lot coverage greater than the lot coverage of the main building in an "R" or "K" District, unless a Use Permit is first secured in each case.
18. One dwelling unit, mobile home or living quarter is permitted in the "C-3", "M-1" and "M-2" District with a Zoning Permit, as an accessory use only, if the facility is occupied by the owner, operator or caretaker of the commercial or industrial use that is conducted on the premises.

39.5 ARCHITECTURAL CONTROL.

- a. In case an application is made for a permit for any building or structure in any "C" or "M" District, the Planning Commission may require said application to be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure and proposed landscape or other treatment of the grounds around such building or structure. Where required such drawings or sketches shall be considered by the Planning Commission in an endeavor to provide that the architectural and general appearance of such buildings or structures and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the orderly and harmonious development of the County or to impair the desirability of investment or occupation in the neighborhood.
- b. The Planning Commission may appoint an Architectural Committee of three (3) members.
- c. The Architectural Committee shall have authority to approve architectural sketches within the meaning of Section 39.5 of this Ordinance.
- d. In case the applicant is not satisfied with the decision of the Architectural Committee, he may within fifteen (15) days after such action appeal in writing to the Planning Commission. The Architectural Committee may, if it deems it advisable, refer any application for architectural approval to the Planning Commission for its decision.

- e. In case the applicant is not satisfied with the action of the Planning Commission, he may within thirty (30) days appeal in writing to the Board of Supervisors and said Board of Supervisors shall render its decision within thirty (30) days after the filing of such appeal.
- f. No permit shall be issued in any case hereinabove mentioned until such drawings and sketches have been approved by the Planning Commission or by the Board of Supervisors in the event of appeal from the Planning Commission and all buildings, structures and grounds shall be in accordance with the drawings and sketches.

SECTION 40. HEARINGS

The Board of Zoning Adjustments of the County of Sonoma, after notice as in this Ordinance provided, 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 of Sonoma in connection with the administration of this Ordinance. In case of uncertainties by the Planning Department as to whether certain uses are permitted in certain districts, such department may refer such questions to the Board of Zoning Adjustments for decision.

SECTION 41. NOTICE

Whenever by the provisions of this Ordinance a hearing is required to be held by the Board of Zoning Adjustments or Planning Commission or in the case of appeals by the Board of Supervisors, except with reference to the adoption of temporary interim zoning ordinances, prior to such hearings notice shall be given as provided in this section. Notice shall be given by posting and publication at least once at least 10 days before such hearing. Publication shall be at least once in a newspaper of general circulation, published in the County of Sonoma. Posting shall include posting in at least three (3) places on or near the property which is the subject of the hearing. Provided, further, that when such hearing involves the zoning or rezoning of property, notices shall be posted not more than five hundred (500) feet apart along each and every street upon which the property proposed to be reclassified abuts, and such posting shall extend along said street or streets a distance of not less than five hundred (500) feet from the exterior limits of such property or properties as are proposed for reclassification.

SECTION 42. APPLICATIONS

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 and shall be accompanied by such plans and data as are necessary to determine compliance with this Ordinance.

SECTION 43. FEES

Applications for zoning permits, use permits, variances, appeals on use permits, appeals on variances and petition for zoning or rezoning shall be accompanied by the following fees:

- a. Zoning permits \$ No Fee
- b. Use permits \$ 10.00
- c. Variances \$ 25.00
- d. Zoning Petitions \$ 50.00
- e. Use Permit Appeal \$ 10.00
- f. Variance Appeal \$ 25.00

SECTION 44. ZONING PERMIT

44.1 Zoning permits shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved in or into any district, established by this Ordinance, and for the use of vacant land or for a change in the character of the use of land within any district established by this Ordinance.

44.2 ISSUANCE

The zoning permit shall be issued if the proposed use or building is in conformance with the provisions of this Ordinance. If any permit is issued, by error or otherwise, where a proposed use or building is not in conformance with the provisions of this Ordinance, such permit shall be null and void.

SECTION 45.

45.1 USE PERMITS

Use permits, revocable, conditional or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this Ordinance.

45.2 ACTION BY BOARD OF ZONING ADJUSTMENTS

In order to grant any use permit the findings of the Board of Zoning Adjustments 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, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the area.

The Board of Zoning Adjustments may designate such conditions, in accordance with the use permit, as it deems necessary to secure the purposes of this Ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.

45.3 Subject to the right of appeal as hereinafter in this Ordinance provided, the decision of the Board of Zoning Adjustments shall be final ten(10) days after the Board of Zoning Adjustments renders its decision.

SECTION 46. VARIANCES

- 46.1 Wherever because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance is bound to deprive said property of privileges enjoyed by other properties in the vicinity and under identical zone classification, a variance may be granted; provided, however, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which said property is situated.
- 46.2 At the conclusion of the public hearing the Board of Zoning Adjustments shall make written Findings of Fact showing whether or not the requirements of Section 46.1 apply to the variance sought and as a part of said findings shall set forth such conditions, if any, as are necessary to obtain compliance with the provisions of said Section 46.1. Following the aforesaid hearing, the Board of Zoning Adjustments shall make its determination on the matter within 60 days after the filing of the application. Failure of the Board of Zoning Adjustments to reach a decision on the matter within 60 days shall be deemed to be denial of the request of said Board.
- 46.3 Subject to the right of appeal as hereinafter in this Ordinance provided, the decision of the Board of Zoning Adjustments shall be final ten(10) days after the Board of Zoning Adjustments renders its decision.

SECTION 47. NON-CONFORMING USES

- 47.1 The lawful use of land existing on the effective date of this Ordinance although such use does not conform to the regulations specified by this Ordinance for the district in which such land is located, may be continued, provided that no such use shall be enlarged or increased, nor be extended to occupy a greater area than that occupied by such use at the time of the adoption of this Ordinance, and that if any use ceases, as hereinafter provided, the subsequent use of such land shall be in conformity to the regulations specified by this Ordinance for the district in which such land is located.

- 47.2 If at any time any use in existence on the effective date of this Ordinance, which does not conform to the regulations for the district in which it is located, be damaged or destroyed by fire, explosion, Act of God, or act of the public enemy, to the extent of more than seventy-five(75)per cent of the assessed value thereof, according to the assessment by the said Assessor for the fiscal year during which such destruction occurs, the land shall be subject to all the regulations specified by the Ordinance for the district in which such land is located, provided any building may be rebuilt to a total floor area not exceeding that of a building destroyed and may continue as herein provided for non-conforming uses if a use permit is first secured.
- 47.3 If the actual operation of a non-conforming use ceases for a continuous period of one (1) year unless the legal owner can establish valid proof to the contrary, such cessation of the non-conforming use shall be considered abandonment, then without further action by the Planning Commission the use of the land shall be subject to all the regulations specified by this Ordinance for the district in which such land is located.
- 47.4 The following additional regulations shall apply to non-conforming buildings:
1. Remodeling, ordinary maintenance and repairs may be made to any non-conforming building providing no structural alterations are made and provided that such work does not exceed twenty-five (25) per cent of the assessed value in any one (1) year period.
- 47.5 Nothing contained in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date of this Ordinance. Actual construction is hereby defined to be: the actual placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.
- 47.6 The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.
- 47.7 All outdoor advertising structures, signs and appurtenant 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 ordinance relating to the district in which such outdoor advertising structures, signs and appurtenant signs are located shall be considered non-conforming uses. Such nonconforming uses shall be removed within five years from the date when such use became non-conforming and shall not be maintained after

such five (5) year amortization period. Wherever, by reason of the spacing limitations of this Ordinance, a greater number of outdoor advertising structures, signs or appurtenant signs exist in the "R", "A", "H-1" and "U" Districts than this Ordinance permits, the Board of Zoning Adjustments shall determine the date of establishment of each such outdoor advertising structure, sign or appurtenant sign, and such structures shall be removed in the reverse order of their establishment. 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 non-conforming use, if they do not meet the provisions of this Ordinance.

SECTION 48. REVOCATION OF PERMITS

Whenever in the opinion of the Planning Director or the Board of Zoning Adjustments of the County of Sonoma the conditions of the granting of any use permit or variance shall have been violated, the Planning Director shall cause a hearing to be held on the matter of the revocation of such permit, by giving notice of hearing as in this Ordinance provided and in addition thereto by serving by mail upon the owner of such property as such fact appears from the latest tax roll of the County of Sonoma an order to show cause why such permit should not be revoked.

After the conduct of such revocation hearing the Board of Zoning Adjustments may revoke such permit, modify the same or deny the revocation.

SECTION 49. APPEALS

49.1 The acts and determinations of the Board of Zoning Adjustments shall be directly reviewable by the Board of Supervisors of the County of Sonoma which may affirm, reverse or modify any such act or determination as it deems just and equitable.

49.2 Any interested party dissatisfied with the action of the Board of Zoning Adjustments may, within ten (10) days after the Board of Zoning Adjustments renders its decision, appeal in writing to the Board of Supervisors. A copy of such appeal shall be filed with the office of the Board of Zoning Adjustments by the appellant. Upon receipt of such notice by the Board of Supervisors, the Clerk of the Board of Supervisors shall set a date for public hearing and cause notice to be given as in this Ordinance provided. Said Board of Supervisors shall render its decision within 60 days after the filing of such appeal. In the event that the Board of Supervisors fails to act within said 60 day period the appeal shall be deemed to be denied.

- 49.3 The taking of an appeal shall operate as a stay of the issuance or revocation, as the case may be, of any permit with respect to which the appeal is taken. Such action shall be stayed until the Board of Supervisors has rendered its decision.

SECTION 50. DURATION OF PERMITS

In any case where a zoning permit, use permit, or variance permit has not been used within one year after the date of the granting thereof, such permit shall become automatically void and of no further effect.

SECTION 51. AMENDMENT

- 51.1 This Ordinance may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure of this section. An amendment may be initiated by:

1. The petition of one or more owners of property affected by the proposed amendment which petition shall be filed with the Planning Commission, or by
2. Resolution of intention by the Board of Supervisors, or by
3. Resolution of intention by the Planning Commission.

- 51.2 The Planning Commission shall hold at least one public hearing, after notice as in this Ordinance provided, prior to taking any action on any proposal to amend this Zoning Ordinance; provided, however, if the Planning Commission, or the Department of Planning, in good faith is conducting or intends to conduct studies within a reasonable time for the purpose of, or holding a hearing for the purpose of, or has held a hearing and has recommended to the Board of Supervisors of the County of Sonoma the adoption of any Zoning Ordinance or amendment or addition thereto, the Board of Supervisors, to protect the public health, safety and welfare, may adopt as an urgency measure a temporary Zoning Ordinance, in accordance with Title 7, Chapter 4 of the Government Code of the State of California, placing the area which is the subject of such studies or hearings in an "S" District (Study District).

51.3 ACTION BY PLANNING COMMISSION

Following the aforesaid hearing the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within ninety (90) days after the notice of the first of said hearings; provided that such time limit

may be extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the Planning Commission so to report within ninety (90) days without the aforesaid agreement, shall be deemed to be approval of the proposed amendment by the Planning Commission.

51.4 ACTION BY BOARD OF SUPERVISORS.

Upon receipt of such report from the Planning Commission or upon the expiration of the ninety(90) days as aforesaid, the Board of Supervisors shall set the matter for hearing and shall give notice thereof by one publication in a newspaper of general circulation within the County at least ten (10) days prior to such hearing. After conclusion of the hearing the Board of Supervisors may adopt the proposed amendment or any part thereof in such form as said Board may deem advisable. The decision of the Board of Supervisors shall be rendered within ninety (90) days after the receipt of a report and recommendation from the Planning Commission. Upon the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may by resolution, abandon any proceeding for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SECTION 52. ENFORCEMENT, LEGAL PROCEDURE, PENALTIES.

- 52.1 All departments, officials, and public employees of the County of Sonoma which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance and such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.
- 52.2 It shall be the duty of the Board of Zoning Adjustments to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. It shall be the duty of the Sheriff of the County of Sonoma and all officers of said County herein and/or otherwise charged by law with the enforcement of this Ordinance to enforce this Ordinance and all the provisions of the same.
- 52.3 Any person, firm or corporation, whether as principal agent, employee, or otherwise violating or causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than three hundred (300) dollars, or by im-

prisonment in the County Jail of said County for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

52.4 Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance, and/or any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this Ordinance shall be, and the same is hereby declared to be unlawful and a public nuisance, and the District Attorney of said County shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps, and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using any property contrary to the provisions of this Ordinance.

a. If any outdoor advertising structure, sign or appurtenant sign is erected, constructed or maintained in any district contrary to the provisions of this Ordinance, the Board of Zoning Adjustments shall set a time and place for hearing and serve upon the owner of said structure, and the owner of the real property upon which it is situated, an Order to Show Cause why the Board of Zoning Adjustments should not cause said structure to be summarily abated and removed from said real property. For purpose of this Ordinance such owner of record shall be deemed to be the owner or owners, as shown by the last equalized assessment roll of the County of Sonoma, and the address of such owner of record shall be deemed to be that as disclosed by said assessment roll. Such Order to Show Cause shall be served upon the owner of record of said real property and upon the owner of said structure by registered or certified mail at least thirty (30) days before the date of said hearing. If the address of the owner of such structure is unknown, said Order to Show Cause shall be mailed to him in care of the owner of record. A copy of said Order to Show Cause shall also be posted on said real property on or near said outdoor advertising structure, sign or appurtenant sign. If, after hearing, the Board of Zoning Adjustments determines that said 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 said 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 months, the Road Commissioner may make such disposition thereof as he deems proper.

52.5 The remedies provided for herein shall be cumulative and not exclusive.

SECTION 53. REFERENCE.

53.1 This Ordinance shall be known and cited as the Zoning Ordinance of the County of Sonoma.

INDEX

	Page
Amendments	63
Appeals	62
Building Lines	48
Combining Regulations	3
Definitions	5
Districts	2
Duration of Permits	63
Enforcement, Legal Procedure, Penalties	64
Establishment of Districts	3
Fees	58a
General Provisions and Exceptions	50
Hearings	58
Nature of Zoning Plan	2
Non-conforming Uses	60
Purpose of Adoption of Zoning Plan	1
Reference	66
Regulations for Districts	
"A" (Agricultural)	15
"B" (Combining)	47
"C-1" (Neighborhood Commercial)	31
"C-2" (Retail Business)	33
"C-3" (General Commercial)	35
"C-R" (Restricted Commercial)	49a
"H-1" (Highway Frontage)	13
"K" (Recreational)	17
"M-1" (Light Industrial)	37
"M-2" (Heavy Industrial)	40
"P" (Parking)	45
"P-C" (Planned Community)	43
"R-A" (Combined Agricultural)	48
"R-R" (Rural Residential)	19
"R-1" (One-family Residential)	21
"R-2" (Two-family Residential)	23
"R-3" (Garden Apartment)	25
"R-4" (Intensive Multiple Residence & Professional Office)	28
"S" (Study)	49
"U" (Unclassified)	12
Revocation of Permits	62
Sectional District Maps	4
Use Permit, applications for, appeal, revocation	59
Variances	60
Zoning Permit, application for and issuance	59

From: [Marina Herrera](#)
To: [Marina Herrera](#)
Subject: FW: ORD19-0011 (17448 River Ln., Guerneville) - Appeal to the Board of Supervisors
Date: Thursday, January 26, 2023 3:53:16 PM
Attachments: [Paterson Preserve Restoration & Mgmt Plan.pdf](#)

From: Rita August O'Flynn <rita_august@msn.com>
Sent: Wednesday, January 25, 2023 10:27 AM
To: Marina Herrera <Marina.Herrera@sonoma-county.org>
Cc: Cecily Condon <Cecily.Condon@sonoma-county.org>; Mark O'Flynn <markoflynn@msn.com>
Subject: RE: ORD19-0011 (17448 River Ln., Guerneville) - Appeal to the Board of Supervisors



Hi Marina,

I would like to include the following in the materials that will go to the BOS along with the following statement.

"This is a plan required by the County for a private organization seeking to create a formal public park at a location that was accessed by the public for over 100 years. To say that there will be no changes to 17448 River Lane exempts RRRPD from needing to provide such a plan is not likely as the property has no restrooms and the current trail is not ADA compliant. These types of changes support denial of legal non-conforming use in favor of a full use permit. There shouldn't be lower thresholds of compliance with County ordinances for government agencies than for private entities."

Thank you,

Rita O'Flynn
415-260-7608

Sent from [Mail](#) for Windows

RESTORATION AND LAND MANAGEMENT PLAN



Prepared by: Friends of Villa Grande

This Report is partly funded by
Community Foundation of Sonoma County

Approved by the Sonoma County Agricultural Preservation & Open Space District: Feb 14, 2011

Restoration and Land Management Plan for Patterson Point Preserve

ACKNOWLEDGEMENTS:

The Friends of Villa Grande (FoVG) would like to acknowledge the support of all of those who have contributed to the creation of this Patterson Point Restoration and Land Management Plan. Beginning in November, 2008, the FoVG Board worked with community members to create a “Vision Plan” for the use of Patterson Point as part of its pending application for matching funds from the Sonoma County Agricultural Preservation and Open Space District (SCAPOSOD). The FoVG Restoration Committee and artist Natalie Robb-Wilder then conceptualized a map of potential locations for recreational and restoration activities. This Vision Plan and Conceptual Art Map was reviewed at the July, 2009 annual FoVG Membership and Town Hall meeting, and the results are the basis of this report. To transform the artist’s map into reality, Jerry Miller and 17 of his students from the Santa Rosa Junior College Civil Engineering, Surveying & Geospatial Technology program volunteered to undertake a topographical survey of the Preserve in March, 2010. The Community Foundation of Sonoma provided funds in June, 2010 for the Center for Social and Environmental Stewardship (the Center) to incorporate the Vision Plan ideas and features of the original Conceptual Art Map onto a topography-based “Conceptual Restoration Plan Map” (included as Exhibit 1). The Foundation’s funds also allowed the printing and distribution of the draft Plan and the first version of the Center’s map. Both the Plan and the Center’s Restoration recommendations and Restoration Map were reviewed at two community meetings, one with adjacent landowners on September 23 and another with members and the community at a Town Hall meeting on October 23, 2010. The Board reviewed all written and oral comments and formally adopted the Restoration and Land Management Plan at its Board meeting on November 14, 2010. The Plan was reviewed by the SCAPOSOD and approved on Feb 14, 2011. We would like to acknowledge and thank the hundreds of visitors, volunteers, and talented individuals who have attended the town hall meetings, FoVG fund raisers, and Patterson Point Preserve work parties, and who have contributed in large and small ways to the vision of continued public access to the Preserve.

Friends of Villa Grande Board of Directors:

Rich Holmer, President
Ken Wickle, Immediate Past President
Kyla Brooke, Vice President
Tom Wackerman, Treasurer
Leah Norwood, Secretary
Roberto Esteves, Executive Director
Stephanie Felch, Member at large
Katie Gibson, Member at large
Greg Sampson, Member at large
John Paxton, Member at large (2007–2009)
Linda Homen, Member at large (2009–2010)
Mike McCabe, Member at large (2007–2010)

SECTION 1: INTRODUCTION AND BACKGROUND	4
SECTION 2: PUBLIC RECREATIONAL USES.....	6
SECTION 3: STRUCTURES AND IMPROVEMENTS TO THE LAND	13
SECTION 4: MANAGEMENT OF THE LAND	14
APPENDIX A: Conceptual Restoration Plan for Patterson Point Preserve	15
Exhibit 1: Conceptual Restoration Map	32
APPENDIX B: Avian Survey	33
APPENDIX C: Summary of Recreation Conservation Covenant	39
APPENDIX D: Summary of Conservation Easement	40
APPENDIX E: Permitted Use Notice and Request Form	42
Exhibit 2: Guide to Restoring Native Riparian Habitat in the Russian River Watershed	44
(a separate brochure)	

Restoration and Land Management Plan for Patterson Point Preserve

SECTION 1: INTRODUCTION AND BACKGROUND

In the small hamlet of Villa Grande, a parcel of land along the lower Russian River had been privately owned by a local family for more than fifty years, and was purchased by the Friends of Villa Grande (FoVG), a non-profit organization on September 17, 2009. The greater Villa Grande community has been involved in every step of planning for the acquisition and ongoing use of the land. FoVG is comprised of individuals who are dedicated and involved with care of the property. Matching funds for purchase and restoration were provided by the Sonoma County Agricultural Preservation and Open Space District (SCAPOS), the Community Foundation of Sonoma County and individual members of FoVG.

Vision

FoVG plans to manage this property for the benefit of the general public and the local Russian River communities for continued river access and recreation. The land will also be restored and maintained as a unique alluvial redwood and riparian habitat.

This 1.8 acre riparian parcel (Sonoma Parcel number: 095.051.009) is now known as Patterson Point Preserve and lies on a bend of the lower Russian River halfway between the towns of Monte Rio and Duncans Mills. The property has two beaches: one sloped and sandy, the other large, flat and gravelly. Access to both beaches is via a 100-yard trail that leads from the end of 3rd Street near Russian River Avenue through a grove of 22 redwoods and other trees. At the time of the land's acquisition the understory was overrun with invasive non-native species of plants, primarily Himalayan blackberry and English ivy that were strangling the native flora. The parcel has been used for beach access and recreation by residents of Villa Grande and by the general public for over 100 years.

Principles

FoVG plans to add Patterson Point Preserve to the "Russian River Water Trail"; restore the land to its natural habitat; and maintain the property for the purposes of on-going public river access, river recreation, and as a riparian wildlife preserve. To this end, FoVG and SCAPOS have signed a Conservation Easement Agreement. The terms of this agreement are detailed in Appendix D, and pertinent sections cited in this Plan in italicized text when appropriate.

FoVG strongly desires the use of the property remain as it has for the past 100 years with general public access but without intensifying the existing use of the property. The goals of maintaining "Low-Intensity Public Outdoor Recreation" are provided in the "Recreation Conservation Covenant" Agreement between FoVG and SCAPOS, which is summarized in Appendix C. Relevant sections are quoted in this Plan and indicated by italicized text

Management:

FoVG is managed by a volunteer Board of Directors and Executive Director. Members of the organization provide the primary land management and restoration labor, which is supplemented by contractors as needed.

In order to maintain the property in accordance with the policy to minimize public use upon the land and maintain “low-intensity public outdoor use”, the friends have been

- Encouraging use by pedestrians, kayakers & canoe users, and bicyclists
- Establishing rules for use of the land
- Implementing self-policing efforts
- Limiting advertising to on-site signage
- Limiting the number of public and management trails

FoVG will not restrict access by any responsible member of the public. Our goal is to maintain the use of the beaches and the land as it has been used with minor improvements such as trash removal and possible provision of a portable toilet during the summer season. We will survey users in 2011 to determine a baseline of use in order to gauge future impact upon the land.

Restoration and Land Management Plan for Patterson Point Preserve

SECTION 2: PUBLIC RECREATIONAL USES

Overview

In keeping with the historical uses of the land, FoVG will permit the following limited recreational activities in the Patterson Point Preserve:

- Access to the lower Russian River
- Boating: canoes/kayaks
- Swimming/sunbathing
- Non-commercial fishing
- Relaxation & enjoyment of the riparian/redwood habitat
- Passive education of the area's natural resources
- Active volunteer/education program on restoration & preservation
- Native habitat demonstration/educational areas

*Policy:: **Conservation Easement Agreement:** Section 5.1.6(a) ...that it (Land Restoration and Management Plan) provide for low-intensity public outdoor recreational and educational uses and activities on the Property;*

Section 5.2.1 Recreational and Educational Use. GRANTOR reserves the right to use the Property for low-intensity public outdoor recreational and educational purposes. Such uses include but are not limited to hiking, picnicking, swimming, kayaking/canoeing, personal non-commercial fishing, enjoyment of open space, public recreational and educational activities including but not limited to, nature study, environmental or outdoor education programs, native habitat installations and demonstration gardens, habitat restoration training/ workshops and other uses similar in nature and intensity. All improvements associated with low-intensity public outdoor recreational and educational uses shall be placed or constructed consistent with Section 5.4.2 of this Agreement.

Liability

FoVG maintains liability insurance on the property and special events sponsored by FoVG.

CONTAINMENT & CONTROL:

To maintain “low intensity” recreational use in order to preserve the land and meet its conservation objectives, there is need to control the use of the land. To this end, we propose the following:

Signage

FoVG plans minimal signage. There will be a sign at the trailhead entrance to identify the Preserve, acknowledge sources of funding and citing primary use principles. Since Villa Grande is a small community with narrow streets and limited parking, FoVG does not plan to advertise the Preserve except for the signs at the entrances. FoVG does not plan any directional signs from area roadways. Entry signage will be reviewed by the SCAPOSD which will provide matching funds toward the fabrication and erection of a permanent sign.

Recommended Signage: (temporary sign shown below) at Trail Head

- Patterson Point Preserve Logo (see cover)
- Welcome to Patterson Point Preserve
- A project of the Friends of Villa Grande
- Funded in part by the Sonoma County Agricultural Preservation and Open Space District through its Matching Grant Program
- Respect the Land
- Respect the Wildlife
- Respect the Neighbors

A brochure box is currently located below the “Patterson Point Sign” at the entry to Patterson Point, and this is the proposed permanent location of the “brochure box” (see also “Rules for Use of the Land”)



Restoration and Land Management Plan for Patterson Point Preserve

River Trail: The Preserve will be part of the chain of publicly accessible beaches along the Russian River Waterway Trail. Small signs may be placed seasonally to welcome people in canoes and kayaks to stop and use the Preserve's beaches for a rest stop. The following map shows the location of Patterson Point Preserve along the Russian River.



Parking

The majority of Preserve users are residents of the area who walk or bicycle to the property. Most residents have driveways and designated parking area. Other users park along the streets in the community, including on the Town Square, at the 3rd Street Square, on 4th Street, and along Russian River Avenue. This parking has generally proven adequate. To maintain low impact upon the Preserve, FoVG will not be providing parking for Preserve users. FoVG may provide bicycle parking in the future at or near the 3rd Street entrance.

Rules for Use of Land:

The FoVG Board of Directors approves rules to facilitate enjoyment for everyone while minimizing adverse impacts on nearby residences and wildlife. Visitors are encouraged to enjoy the beach, take pictures, bird watch, sunbathe, launch boats, and swim, etc. The rules also provide the necessary restrictions for pets, fires, trash, and behavior. These rules are developed by the Rules Committee in conjunction with the members of FoVG. The approval of the SCAPOSD is not required, but the Rules will be sent to the SCAPOSD as updated.

For signage purposes, the rules have been summarized as:

- RESPECT the LAND
- RESPECT the WILDLIFE
- RESPECT the NEIGHBORS
-
- In addition to the entry sign listed above, a box at the entrance contains copies of the brochure entitled “Rules for Safe and Enjoyable Use of Patterson Point Preserve” (the 2010 edition text is cited below).

Restoration and Land Management Plan for Patterson Point Preserve



The Preserve is private property owned by Friends of Villa Grande, a California Public Benefit Corporation

WELCOME TO PATTERSON POINT PRESERVE:

ABOUT THE PRESERVE

The two-acre Patterson Point Preserve consists primarily of redwood trees, riparian vegetation and two beaches - a gravel beach upstream and a sandy beach downstream. The resources on the property represent natural, scenic, open space and public outdoor education and recreation.

NATURAL FEATURES AND HABITAT

The Preserve helps provide habitat for important plant and animal species integral to preserving the natural character of Sonoma County and particularly the lower Russian River. The property includes redwoods, California bay, alder, and box elder. Other riparian vegetation includes willow, pipevine, thimbleberry, California blackberry, redwood vine, fern and wild rose. The vegetation in the Preserve provides habitat for a number of native bird species, including the blue heron, egret and osprey, and is a stop for migratory birds as well.

Patterson Point Preserve was acquired with the support of the the Matching Grant Program of Sonoma County Agricultural Preservation and Open Space District (SCAPOSOD). The goal of the SCAPOSOD and Friends of Villa Grande is to restore and protect this beautiful property while providing recreational and educational opportunities for residents of Sonoma County and seasonal visitors.

Rules for Safe and Enjoyable Use of Patterson Point Preserve



Respect the Land

We welcome visitors to this special place and hope you will enjoy this land as others have for the past 100 years. The Friends of Villa Grande respects the right to free use of the Preserve of local off-road users, hikers, equestrians, joggers and persons who observe the following rules.

GENERAL

- The Preserve is closed between midnight and dawn.
- Motor activity is prohibited after 5:00 p.m.

RESTRICTIONS

- Please note that there are no vehicles on the Preserve, and that no firearms are permitted.
- No off-road motor vehicle removal, digging or clearing is allowed, except as authorized by the local Government Commission.



Respect the Wildlife

DOGS

- Leashes are required, except on the beach, and must be controlled so as not to disturb other users of the Preserve.
- Aggressive dogs are not allowed.
- Owners must clean up dog waste.

These rules are self-enforcing and observation of the rules should be encouraged by all beach users. Feel free to talk to anyone who appears violating the rules, and encourage them to stop by them. If someone observes violating of a criminal or threatening nature, that person should call 911 and report the actions to the Sheriff.



Respect the Neighbors

GENERAL COURTESY

- Please groups respect the rights of others to have quiet enjoyment of the Preserve.
- All land and activities pertaining to bicycles in a public place will be subject to the laws and the standards of the Sheriff's Office, if necessary.
- No open fires. Controlled barbecue grills may be used on the paved beach.
- Users must clean up their trash and remove their belongings when they leave for the day.
- Vehicles are not allowed except for bicycles, non-motorized scooters, strollers for the handicapped, and authorized work vehicles.
- Users must stay on the established trails or beaches, and protect the habitat.

Revised: 2018

Restoration and Land Management Plan for Patterson Point Preserve

Kayak/Canoe Seasonal Storage

FoVG will use the land for seasonal rental of canoe/kayak/boat storage (river craft not to exceed 15' length), specifically from May 1–October 31 annually. The funds from such rental will be used specifically for maintenance of the land. Storage will be on-ground, with craft linked to a ship's anchor chain with smaller chain and self-provided locks. River craft will be stored on the gravel beach as shown in Exhibit 1, Conceptual Restoration Map. The use of this area will assist in controlling damage to the riparian areas of the preserve.

Policy: Conservation Easement Agreement: 5.2.2 Commercial Use. GRANTOR reserves the right to use the Property for charging for recreational activities and uses including recreational concessions such as limited food and beverage sales, equipment rentals, off-season storage of kayaks/canoes and other similar concessions. Except as authorized pursuant to Subsection 5.1.6 any additional commercial activities or uses shall be subject to prior written approval by District. Any revenue generated from activities and uses on the property shall be used toward the costs of operating, maintaining, restoring and enhancing the Property

Security

FoVG does not intend to provide any additional level of security patrol other than that provided by our local Sheriff's deputies. Disturbances will continue to be reported to the Sheriff's Office as has occurred in the past. Their response has been prompt and efficient.

Trails

FoVG plans to use the existing primary trail system that has developed over years of use. This will eliminate any need for grading on the property. The trails will be groomed to have vegetative overgrowth removed and ensure wheeled access, but will otherwise remain in their present state. There are no plans to surface the trails. Side trails in addition to the main trails may be considered by the community. Trails will be located and designed to connect to places where people want to go and to discourage new voluntary trails. Trails will be located to minimize impacts on plant and avian species. No new trails are presented in the Plan, please note that the Conservation Easement Paragraph 5.4.2 requires prior written District approval for any new trails. Motorized vehicle access to the trails is restricted. See also "Trail Boundary" in Appendix A.

Trail fencing & management

Low profile fencing composed of natural or recycled materials may be used to define trails and control access to areas that are suffering from erosion, pose a public safety concern, are environmentally sensitive habitat, are undergoing restoration, or for other reasons that access should be limited.

SECTION 3: STRUCTURES AND IMPROVEMENTS TO THE LAND

FoVG would prefer no structures on the land in order to maintain its pristine state. However, there is a need to deal with several issues of public access and use:

Litter and human waste

To mitigate the uncontrolled use of the preserve as an open air bathroom and trash receptacle by those arriving by water and by foot, FoVG through a service provider may seasonally provide trash cans and a portable toilet. These facilities must be located in an area that is accessible for easy maintenance (within 25 feet of the 3rd Street entrance). These facilities would be provided during the summer season, generally from June to August. The service contract will call for them to be maintained at least weekly.

Utility Area:

The FoVG has designated an area near the entrance to function as a “utility area”. This location is designated on the Conceptual Restoration Map (Exhibit 1). This location is convenient for temporary storage of tools, and can provide easy access for trash pickup and clean-out of a seasonal toilet. Screening or fencing of the area may be necessary to address neighbor concerns regarding such uses.

Fixtures & Furnishings

Seasonal benches, beach chairs, and other furnishing may be installed on the trails and beaches of Patterson Point at the discretion of the FoVG Board. Any fixed fixtures or furnishings will be approved by FoVG Board and SCAPOSD

*Policy:: **Conservation Easement Agreement: 5.4.2** Improvements for Recreational and Educational Uses. Subject to prior written approval of DISTRICT, GRANTOR may construct minor improvements associated with low-intensity recreational and educational uses such as unpaved pedestrian trails, viewing areas, benches, picnic tables, interpretive/educational structures and/or signage, garbage and recycling containers, kiosk, restroom facilities, and other improvements similar in nature.*

Restoration and Land Management Plan for Patterson Point Preserve

SECTION 4: MANAGEMENT OF THE LAND

(NOTE: See also following Appendix A: Conceptual Restoration Plan for Patterson Point Preserve prepared by the Center for Social & Environmental Stewardship.

Irrigation:

The Friends plan for irrigation is to request permission from an adjacent property owner to install a water meter or pay for the seasonal use of water to establish new native plantings. Based upon the recommendations of the Center for Social & Environmental Stewardship, we do plan to allow the preserve to naturally regenerate before implementing an aggressive program of replanting native species.

Trail/Restoration Management:

The ongoing maintenance of the vegetation and trails will be done primarily by hand by local volunteers. FoVG will have a designated land manager who is responsible for the oversight of the restoration work and the vegetation management that will be necessary once the restoration is complete. This person will serve as a point of contact for agencies that have provided funding to assist them in monitoring compliance with the terms of the grants.

Areas of restoration will be clearly marked with temporary signage or boundary markers.. Trails may be delineated with more permanent, flood-resistant markers or bollards, in keeping with SCAPOSD's guidelines.

Financing and on-going maintenance operations

The Board of Directors of FoVG has been successful at raising money for the Patterson Point acquisition and planning. We anticipate restoration and operation funds will be become available from individual donations, membership dues and operational grants. The community of Villa Grande has a history of long-term residents who have a high level of interest in the community. This tradition should easily continue to provide long-term oversight and funding to the Preserve. The Preserve is a vital asset to the community and to the public that use it. It is of sufficient importance that we envision long-term stewardship to become an ongoing commitment by everyone who benefits from the access to Patterson Point Preserve.

APPENDIX A: Conceptual Restoration Plan for Patterson Point Preserve



The Center for Social and Environmental Stewardship

Conceptual Restoration Plan for Patterson Point Preserve

Prepared for Friends of Villa Grande

Prepared by

The Center for Social and Environmental Stewardship

Rocky Thompson, Restoration Planner

November 15, 2010

This conceptual restoration plan is intended as a supplement to the Patterson Point Preserve Master Plan (November 2010) document prepared by Friends of Villa Grande (FoVG). See the master plan for background information on the preserve.

The 1.8 acre Patterson Point Preserve is composed of several types of riparian plant associations, or plant communities. These include open water river channel, gravel/sand bars, riparian forest, and alluvial redwood forest. The Conceptual Restoration Plan drawing (Exhibit 1) dated 9/2/2010 outlines the general areas where these different types are located on the parcel; however, this drawing is not intended to be a precise plant community mapping effort, rather it portrays areas where restoration activities will be focused.

Topographic Map of Preserve

The underlying topographic map data for the attached restoration plan (Exhibit 1) was produced as a student project through the Surveying Technology Program at the Santa Rosa Junior College in March 2010. Significant portions of the preserve were not mapped

Restoration and Land Management Plan for Patterson Point Preserve

and appear as blank spaces lacking topographic lines. FoVG does not intend to further refine the topographic map for the final version of the restoration plan.

The SRJC student mapping effort did not attempt to determine the precise preserve boundaries nor are any other recent boundary survey data available. Residential properties border the south and west sides of the preserve. On the north and west sides fronting the Russian River it is presumed that significant portions of “Sandy Beach”, “Gravel Beach”, and riparian forest are on state lands and consequently little, if any, restoration activity is proposed for these areas. The entire preserve is situated on various types of alluvial deposits formed during major flood events on the Russian River (Exhibit 1). Two sand and gravel bar deposits are located at the north and west boundary of the preserve. Two or three east-west trending natural river levees separated by distinct “swales” comprise the dominant landform features of the preserve.

Alluvial Redwood Forest

All of the existing coast redwood trees on the preserve were accurately mapped and diameters measured. Each tree is marked with a small “x” in the center of a circle with “RDWD” preceded by the tree’s diameter in inches (Exhibit 1). Twenty two redwoods are located in the preserve with diameters ranging from 30-92 inches.

The alluvial redwood forest is located in the upper elevations of the parcel. It represents the northern edge of a large alluvial redwood forest that was logged shortly before the hamlet of Villa Grande was subdivided. The larger individuals in the preserve were presumably young trees at the time of initial logging and escaped removal due to their small size at that time.

Although redwood forest habitat is not uncommon in western Sonoma County, older second growth bottom land groves with intact native forb and shrub layers are very scarce. Even more scarce are such groves where alluvial processes strongly influence the habitat. Reference sites can offer valuable comparisons to recognize and better understand this locally unique plant association. Unfortunately little bottomland old growth redwood remains in Sonoma County and the few remaining examples have a highly disturbed understory and are predominately situated on colluvial soils. One small truly comparable reference site is located immediately south of Northwood with frontage along Hwy 116. This privately owned parcel located in a residential area lacks a riverbank riparian forest component but does contain second growth alluvial redwoods with a closed canopy on Yolo Series soils. The forb layer shows signs of past disturbance and is strongly dominated by *Oxalis oregana*, but is relatively intact.

Two nearby old growth stands (Bohemian Grove and Armstrong Redwoods State Park) may serve as local reference sites. However, both of these bottomland redwood sites have a deceptively strong colluvial element. In addition, neither site is located on the main stem of the Russian River and therefore has completely different flooding patterns. Willow Creek may contain useful second growth alluvial redwood reference sites; however, the understory has been significantly altered by logging followed by many decades of grazing. In

order to view sizable alluvial redwood forest areas with an intact understory, one may have to look outside of Sonoma County to Mendocino, Humboldt (Founder's Grove and Bull Creek), Marin (Samuel P. Taylor) and Santa Cruz Counties; however, the geographical differences between these sites and the preserve strongly influence understory species composition and negate their usefulness as true reference sites.

Fortunately the Milo Baker Chapter of the California Native Plant Society and Stewards of the Coast and Redwoods have developed some specific documentation of redwood forest understory at Armstrong Redwoods. This data was not immediately available but will be transferred to FoVG in the near future.

Plant Species Found on the Preserve

The following higher plant species list is not intended to be a complete botanical inventory of the Patterson Point Preserve; rather it is a list of the most abundant and easily observable species found in late summer. The purpose of this list is to characterize the type of vegetation found on the parcel and to serve as a starting point for a more complete botanical inventory in the future. This list is not intended to be used to draw any conclusions regarding the absence of any sensitive plant species as the field work was performed in August well outside flowering time for most sensitive species.

Virtually no botanical data specific to Villa Grande is available. A quick search through the Sonoma County Flora did not yield historical plant collection records from this location, with the exception of *Viola gabrella* in 1920. The well known botanist Peter Rubtsoff apparently had familial ties to Villa Grande and was a frequent visitor. The Milo Baker Chapter of the California Native Plant Society may offer valuable assistance in discovery of botanical records that may exist for the preserve and/or Villa Grande area.

No less than twenty five species native woody plant (trees, shrubs and vines) occur on the parcel. Considering the small size of the parcel (1.8 acres) one would be hard pressed find an example of greater native woody plant diversity in a comparably sized area anywhere in Sonoma County.

Many of the tree and shrub species are discussed at length in "A Guide to Restoring Native Riparian Habitat in the Russian River Watershed" (attached as Exhibit 2). Multiple photos of each species and descriptions with additional text are included to assist FoVG volunteers with field identification. Corresponding Exhibit 2 page numbers for many species are presented below.

Restoration and Land Management Plan for Patterson Point Preserve

Partial List of Plant Species Observed at Patterson Pt. Preserve

<u>Species</u>	<u>Exhibit 2 Page #</u>
Acacia dealbata (Acacia)*	73
Acer macrophyllum (Big-leaf maple)	41
Acer negundo var. californicum (Box elder)	49
Adiantum jordanii (California maidenhair fern)	
Alnus rubra (Red alder)	38
Artemisia douglasiana (Mugwort)	
Aristolochia californica (Dutchmen's pipe)	
Brassica nigra (Black mustard)*	
Carex obnupta? (Basket sedge)	42
Calycanthus occidentalis (Spicebush)	67
Clematis lingusticifolia (Virgin's bower)	66
Conium maculatum (Poison hemlock)*	
Convolvulus arvensis (Bindweed)*	
Cornus sericea ssp. sericea (Stream dogwood)	43
Cynodon dactylon (Bermuda grass)*	
Ehrharta erecta (Veldt grass)*	
Equisetum telmateia ssp. braunii (Giant horsetail)	

Foeniculum vulgare (Fennel)*	
Fraxinus latifolia (Oregon ash)	61
Gnaphalium sp. (Everlasting)	
Hedra helix (German/English Ivy)*	
Juglands californica var. hindsii (Northern California black walnut)	60
Latua saligna (Willow lettuce)*	
Lithocarpus densiflorus (Tan oak)	
Lonicera involucrata (Twinberry)	68
Marah oreganus (Man root)	
Melissa officinalis (Lemon balm)*	
Melilotus albus (White sweetclover)*	
Metasequoia glyptostroboides (Dawn redwood)*	
Oxalis oregana (Redwood sorrel)	
Pentagramma triangularis (Goldback fern)	
Physocarpus capitatus (Ninebark)	
Polypogon monspeliensis (Rabbit's foot grass)*	
Polystichum munitum (Western sword fern)	
Prunus sp. (Plum or prune rootstock)*	
Prosartes hookeri (Fairy bells)	

Restoration and Land Management Plan for Patterson Point Preserve

Pteridium aquilinum var. pubescens (Bracken fern)	
Raphanus sativus (Wild radish)*	
Rorippa sp. (Cress)	
Rosa californica (California wild rose)	55
Rosa eglanteria (Eglantine Rose)*	
Rubus parviflorus var. parviflorus (Thimble berry)	
Rubus ursinus (California blackberry)	51
Rumex sp. (Dock)	
Salix exigua (Sandbar willow)	41
S. laevigata (Red willow)	39
S. lasiolepis (Arroyo willow)	33
S. lucida ssp. lasiandra (Yellow willow)	
Sambucus mexicana (Blue elderberry)	48
Scrophularia californica (Bee plant)	
Sequoia sempervirens (Coast redwood)	57
Stachys sp. (Hedge nettle)	
Symphoricarpos albus var. laevigatus (Snowberry)	65
Tellima grandiflora (Fringe cups)	
Toxicodendron diversilobum (Poison oak)	

Tradescantia fluminensis (Wandering jew)*

Umbellularia californica (Bay laurel)

50

Urtica dioica ssp. *gracilis* (Stinging nettle)

Viola sp. (Violet)

Vinca major (Periwinkle)*

Vitis californicus (wild grape)

Unidentified fern

76

*= plants not native to the preserve

Restoration Approach

The greatest single restorative act that can be performed by FoVG is the hand removal of the invasive species discussed below. It would be far wiser and more cost effective to remove the exotic species, provide effective erosion control, and allow for the natural regeneration of desirable native species. The majority of the preserve is densely forested with overlapping tree canopy. Even after the exotic woody species are removed there will be little need for a tree planting effort. If any horticultural restoration plantings are performed these should be largely confined to the forb, vine and shrub layers.

Because of the local scarcity of the alluvial redwood habitat and the potential for uniquely adapted ecotypes to this specific habitat, caution should be exercised with the selection of sources of plant material for any horticultural restoration planting. It is critically important to try to conserve the genetic material presently on site. This can be accomplished in two ways. The first, and most important, is to allow the on-site existing seed reservoir in the topsoil the opportunity to naturally regenerate. Once the ivy is removed more light and disturbance (from the ivy removal process) will allow for emergence of seedlings of both desired native species and weeds. This process should be allowed to unfold for at least two years before FoVG undertake horticultural restoration planting activities. The second is to propagate (or transplant) from plants growing in the preserve or surrounding parcels.

FoVG can assist with the natural regeneration process by engaging in an aggressive follow-up invasive species removal program in areas where ivy and blackberry have been initially cleared. In addition, young seedlings of desirable native species can be protected from trampling and animal browse. This can be accomplished with natural materials such as dead branches, trail boundary markers and/or

Restoration and Land Management Plan for Patterson Point Preserve

trail fencing, temporary exclosure fencing, and plant protective hardware such as Vexar. The seedlings of desirable native perennial and woody species will benefit from occasional summer hand watering in the first and second year.

The following is a list of native species in the preserve that are presently represented by only a few individuals. If horticultural restoration is pursued by FoVG, additional plantings might help insure their continued presence in the preserve.

Alnus rubra (Red alder)

Calycanthus occidentalis (Spicebush)

Equisetum telmateia ssp. *braunii* (Giant horsetail)

Juglans californica var. *hindsii* (Northern California black walnut)

Lonicera involucrata (Twinberry)

Marah oreganus ? (Manroot)

Pentagramma triangularis (Goldback fern)

Physocarpus capitatus (Ninebark)

Polystichum munitum (Western sword fern)

Prosartes hookeri (Fairy bells)

Rosa californica (California rose)

Scrophularia californica (Bee plant)

Tellima grandiflora (Fringe cups)

Invasive Non-Native Species

The Center recommends the use of a combination of volunteer labor and contractors to remove the exotic vegetation on the preserve. Contractors will be used primarily for removal of ivy and Armenian blackberry. Considering the presence of sparse native understory

vegetation, the use of herbicide will be greatly limited in the redwood forest understory. FoVG seeks to minimize the use of herbicides in the restoration program. Considering the preserve is located on a salmonid river with listed species, The Center recommends following CDFG guidelines for the use of herbicides in the Russian River riparian corridor.

Herbicide must be applied by a state licensed pesticide applicator. Herbicide application is limited to August-November with no rain scheduled in the 72-hour weather forecast. CDFG frequently recommends hand application only where herbicide is “painted” onto exposed recently cut stems. CDFG recommends that roots should be left in place to prevent erosion. Cuttings should be stored and disposed of outside of the ordinary high water mark so that they cannot move into the river during flood events.

The existing trail system conveniently divides the ivy/blackberry/periwinkle infestation area into removal blocks. Individual blocks should be prioritized and highest priority blocks should receive immediate attention. Block prioritization should generally follow two goals. The first, immediate rescue of native understory species in the redwood forest in direct contact with ivy and blackberry (i.e. blocks between the main trail and existing residences on Russian River Ave.) The second, halt the spread of ivy into intact riparian areas (i.e. most northerly blocks closest to gravel beach and steep riverbank “cliff” areas). An ‘Adopt a Block’ program is recommended for small groups of FoVG volunteers. This concept works well to provide a sense of ownership in small manageable units that will not overwhelm the volunteers. If contractors perform the initial ivy/blackberry removal, the “Adopt a Block” program can begin after the initial invasive species removal. Exotic species removal will be conducted outside of the avian breeding season as defined by CDFG or an avian nesting survey be conducted by a qualified biologist prior to any removal work.

Target Invasive Species

Armenian blackberry (*Rubus armeniacus*), formerly known as Himalayan blackberry. Exhibit 2 (p. 75)

Although well established thickets of this species are present on the preserve, eradication with, or without, the use of herbicides is a realistic goal for a volunteer removal effort. All of the major infestations are narrow thickets, which mostly run parallel the main trail. Significant removal progress has already been achieved by FoVG along the main trail at the entrance to the preserve. Virtually all of the Armenian blackberry thickets contain both the invasive and native blackberry (*Rubus ursinus*). Thus it is important for volunteers to learn how to identify both species. A detailed explanation for distinguishing between these two species is described in Exhibit 2 (p. 51). It is critical to remove all of the Armenian blackberry in the preserve and acknowledge that some native blackberry will be removed in the process.

Restoration and Land Management Plan for Patterson Point Preserve

The most effective removal technique is the hand removal of all living above ground canes. Selected root crowns can also be hand-dug at this time if labor is available. The remaining roots will vigorously resprout. Once the resprouts have reached a height of 12-18 inches they can be sprayed with an herbicide registered for use on this species. If herbicide use is not selected, the resprouts can be hand-dug as soon as the young canes emerge from the soil. If the underlying root crown supporting the resprouts is not removed more resprouts will follow. It is very difficult to mow or hand weed the resprouts frequently enough to seriously deplete the root reserves.

Acacia (*Acacia dealbata* or *A. melanoxylon*) Exhibit 2 (p. 73)

This invasive tree species reproduces from seed. Only one individual was observed along the main trail at the top of bank along the main trails before it descends to the gravel beach. It is likely that other seedlings/saplings exist in the riparian corridor. Cut trunk at ground level and treat cut stump immediately with herbicide registered for use with this species. -V

Hedra helix (German/English ivy)

This species is most serious threat to the health of redwood forest and riparian plant communities and deserves the highest level of eradication effort. Due to the smothering effect this species exerts on the understory layer, little native vegetation will be present once the ivy is removed.

Prioritization of Ivy Removal Tasks

1. The immediate rescue of native understory species in the redwood forest area in direct contact with ivy and blackberry. This involves careful hand removal (without the use of herbicides). A 2-3 foot area should be cleared around each plant. -V
2. Remove ivy vines climbing into all trees regardless of species or health of tree. Simply producing a saw cut through the vine is not sufficient; insure that a 3-6 inch section of the vine is removed so reattachment cannot occur. -V
3. Remove low hanging cut ivy. Once the ivy desiccates a "fuel ladder" effect will be present and increase the chances of a crown fire should the parcel burn in the next few years. Eventually winter storms will remove dead ivy leaves; however, this process will take several years. - V or C
4. Clear a 2-3 foot ivy buffer zone around the trunk of each native tree in lowest priority ivy removal areas. -V
5. Consider contracting with a licensed (C-27) landscape contractor for the remainder of the ivy removal work after items 1-4 have induced volunteer fatigue. - C

V= Task best performed by FoVG volunteers.

C= Task best performed by contractors.

To prevent the inevitable ivy reinfestation of the redwood forest from neighboring properties, The Center urges the outreach and education of all adjacent property owners with the ultimate goal of complete eradication of this species from back and side yards. This follow-up activity is critical for the long term success of the restoration effort.

Plum rootstock (*Prunus* sp.)

Small trees widely scattered through the parcel. Remove above ground stems and paint cut stems with an herbicide registered for use on this species. As an alternative to the use of herbicide, the root crown can be hand-dug especially with young seedlings and saplings. Weed wrenches work well on this species. All individuals that resemble plum rootstock should be examined by a botanist prior to removal to ensure that no native *Prunus*, or other desirable natives, are mistakenly removed by volunteers. -V

Eglantine Rose (*Rosa eglanteria*)

Invasive non-native shrubby rose. Small cluster of individuals located above the sandy beach near the bay tree cluster. Remove above ground stems and paint cut stems with an herbicide registered for use on this species. As an alternative to the use of herbicide, the root crown can be hand-dug. -V

Wandering jew (*Tradescantia fluminensis*)

This invasive common houseplant is growing mixed in with the ivy. It is found primarily on the southerly extent of the ivy infestation. The treatment effort to remove the ivy will at the same time remove virtually all of the wandering jew. It will vigorously resprout (see ivy and periwinkle sections). -V or C

Giant reed (*Arundo donax*) Exhibit 2 (p. 74)

Restoration and Land Management Plan for Patterson Point Preserve

Several years ago FoVG removed an infestation of giant reed in the parcel. Although no giant reed presently exists in the preserve it occurs in close proximity. This species colonizes new sites primarily after flood events. Both the beach and flood plain areas should be monitored twice a year for young plants, which should be removed immediately. -V

Periwinkle (*Vinca major*) Exhibit 2 (p. 76)

Most of the periwinkle observed was growing intermixed with ivy and wandering jew. The most effective removal technique is the removal of all living above ground vines followed by herbicide application to resprouts. The root system of small patches can be hand-dug if labor is available. The remaining roots will vigorously resprout. Once the resprouts have reached a height of approximately six inches they can be sprayed with an herbicide registered for use on this species. If herbicide use is not selected, the resprouts can be hand-dug as soon as the young vines emerge from the soil. If the underlying root supporting the resprouts is not removed more resprouts will follow. It is very difficult to mow or hand weed the resprouts frequently enough to completely exhaust the root reserves and cause death. Considering the small amount of *Vinca* biomass presently in the preserve, the strategic use of herbicide is warranted to achieve the goal of complete eradication.

Large well established colonies are virtually impossible to eradicate without the repeated use of herbicide applications. However, small, relatively young patches can be removed by hand with garden tools. The above ground vines and root system should be removed and bagged for off-site disposal. Plants will invariably resprout to a lesser degree with each removal attempt. *Vinca* patches can also be controlled with frequent mowing combined with resprout/root removal or herbicide application. This will prove to be the most difficult species to completely eradicate from the parcel and will involve many years of follow-up treatment. After the initial removal of the ivy/periwinkle, mapping of the re-sprouting periwinkle is recommended.

To prevent the inevitable periwinkle reinfestation of the redwood and riparian forest from neighboring properties, FoVG is encouraged to outreach and educate all adjacent property owners with the ultimate goal of complete eradication of this species from back and/or side yards. This follow-up activity is critical to the long term success of the restoration effort. -V or C

A number of other non-native weedy species are present in the preserve are marked with an asterisk (*) on the species list. These species exhibit varying degrees of invasiveness and their removal should be considered on a case by case basis depending on the interest level among FoVG volunteers. For any given introduced species the potential for invasiveness should be weighed against the removal costs (both monetary and environmental) and other potential benefits that species might bring to the preserve. For example wild radish is a well recognized nectary plant for the pipe vine swallow tail butterfly (*Battus philenor*). This insect has a life cycle closely tied to the host plant Dutchman's pipe vine, which is an abundant native vine in the riparian forest portion of the preserve. Wild radish is very unlikely to enter the forested portions of the preserve in any significant way. The radish growing on the upper gravel bars and riverbank

will attract the butterfly and create an interpretative opportunity for the recreational users to view these remarkable insects congregating and feeding on the radish flower nectar. Only a few individual wild radish plants were observed in August, in future years if the population grows, simple hand weeding in the spring will easily control population size.

Future Invaders

The trail edges will eventually harbor seedlings of many other invasive species. Wind and water born seed will join those frequently introduced through visitor's foot ware and become established along the trail margins especially in openings in the riparian forest canopy where sunlight enters. These occasional introductions can easily be hand removed by FoVG volunteers in the seedling stage. The trail system should be monitored monthly for invasive seedling establishment. Periodic flooding will also introduce invasive species such as periwinkle and giant reed. Shortly after large flood events all areas of the preserve should be inspected for these flood deposited transplants.

In the future many species of invasive woody plants will invade this parcel. Some listed in this report will reinvade and other species not listed will appear. Often woody plants reach shrub or small trees size before they are identified as unwanted. It is recommended that FoVG consider investing in the woody plant weed removal tool known as the "weed wrench". This tool is designed for removal of single stem shrubs and small trees. It operates on a lever and fulcrum principal and literally pulls the plant out of the ground along with a significant portion of the root system. Weed wrenches are quite effective and easy for volunteers to use.

Candidate Species List for Restoration Plantings

This list is provided merely as additional information. It is not intended to encourage horticultural restoration nor direct FoVG to propagate and plant all, or even most, of these species. As FoVG interest in the restoration process grows this list can be consulted for species appropriateness. Certainly much more research involving reference sites should occur before any plant installation work is considered. The single most important restorative action FoVG can take is the effective removal of the invasive non-native species discussed above. This extremely productive site will naturally regenerate desirable locally-adapted native species.

The following species list is predominately woody plants, most of which are proven performers in lower Russian River restoration projects. Many of these plants can be contract grown at local nurseries listed in Exhibit 2, p. 27. Species that are not adapted to episodes of flooding and heavy siltation will not persist in the lower elevations of the preserve in the long term.

<u>Species</u>	<u>Exhibit 2 Page #</u>
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Acer macrophyllum (Big-leaf maple)	41
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Restoration and Land Management Plan for Patterson Point Preserve

Acer negundo var. californicum (Box elder)	49
Aristolochia californica (Dutchmen's pipe)	
Asarum caudatum (Wild ginger)	
Calyanthus occidentalis (Spicebush)	67
Carex obnupta (Sedge)	42
Clematis lingusticifolia (Virgin's bower)	66
Cornus sericea ssp. sericea (Stream dogwood)	43
Corylus cornuta var. californica (hazel nut)	53
Fraxinus latifolia (Oregon ash)	61
Juglands hindsii (Northern California black walnut)	60
Populus fremontii ssp. fremontii (Fremont cottonwood)	58
Ribes sanguineum var. glutinosum (Pink-flowering currant)	
Rosa californica (California wild rose)	55
Rubus parviflorus var. parviflorus (Thimbleberry)	
Rubus ursinus (California blackberry)	51
Salix exigua (Sandbar willow)	41
S. laevigata (Red willow)	39
S. lasiolepis (Arroyo willow)	33
S. lucida ssp. lasiandra (Yellow willow)	

<i>Sambucus mexicana</i> (Blue elderberry)	48
<i>Sequoia sempervirens</i> (Coast redwood)	57
<i>Smilicina racemosa</i> (False Solomon's seal)	
<i>Symphoricarpos albus</i> var. <i>laevigatus</i> (Snowberry)	65
<i>Trillium ovatum</i> (Western trillium)	
<i>Viola gabella</i> (Stream violet)	
<i>Viola sempervirens</i> (Redwood violet)	
<i>Vitis californica</i> (California wild grape)	54

Erosion Control

Most of the active erosion on the preserve is naturally occurring river bank erosion. A small amount of active trail erosion is present where the main trail drops in elevation toward the two beaches. The main trail intersection at Sandy Beach is unnecessarily wide. Trail boundary markers will be installed to greatly reduce the width of the trail in this location. The dead end trail leading from the gravel beach to the top of the first levee will be decommissioned. Dead limbs will be placed in the trail to discourage use. Natural regeneration of native species is expected following effective closure of this trail.

During the ivy and blackberry removal process leaf litter and short dead stems should be left in place.

Raking and leaf blowing after the invasive species are initially removed should be avoided. This valuable mulch will aid, along with the dense over story forest canopy, to intercept rain drop impact that dislodges soil particles creating erosion. After invasive species removal each year, certified weed free straw (or redwood needle/mulch) will be applied prior to October 15 at a rate of 1500-2000 lbs/acre to bare areas on steep slopes such as those found on the levee slopes. Rice straw will not be used as it frequently contains aquatic weed seed. Increased use of the trail system may lead to a greater potential for erosion within the trail path. FoVG will frequently monitor the trail system for signs of erosion and take corrective actions as needed.

Restoration and Land Management Plan for Patterson Point Preserve

Trail Boundary

The existing trail system is shown on the restoration plan map (Exhibit 1). No additional trails are proposed. FoVG desires to greatly reduce the spread of volunteer trails on the parcel. This is best accomplished by the use of tail border markers or fencing. The inevitable flooding of the Russian River will eventually damage any wood fence. The Center recommends using the existing down redwood limbs up to 8 inches in diameter along all existing trail borders; redwood limb markers may be anchored with rebar in key locations. Trail markers will be replaced as flood events occur on an as needed basis. If this technique is not effective a more permanent type of low split-rail fence, such as the type used successfully at Armstrong Redwoods, will be installed in specific problem areas. Several trails emerging from the back yards of private residences traverse through the redwood forest and merge with the main trail as shown on restoration plan map. Considering the sensitive nature of this alluvial redwood habitat, use all of these trails will be discouraged.

Encroachment Landscape Planting

A modest landscape planting has apparently encroached into the eastern edge of the preserve. Once the precise preserve boundary line has been determined all non-native landscape plants rooted within the preserve should eventually be removed. None of these species are aggressively invasive so removal is a low priority restoration activity.

Sudden Oak Death (SOD)

This general area of Monte Rio and Guerneville is considered a hot spot for sudden oak death (SOD). Several dead and dying tan oaks were observed on the preserve. This combined with the presence of leaf tip necrosis on bay laurel (SOD intermediate host) make it is reasonable to assume that the preserve is an active SOD site. FoVG may choose to provide SOD educational materials for preserve visitors; however, it is probably too late to introduce an aggressive SOD prevention program for the preserve. Horticultural restoration plantings of bay laurel and tan oak are not recommended and these species were intentionally omitted from the candidate species list.

Fire Prevention

Presumably visitor use will increase to some degree and with this increased use the potential for fire will increase. Several woody debris piles were noted in the redwood forest. While these are excellent wildlife enhancement structures they are generally frowned upon by CDF when situated close to residences. The piles should be dismantled and the larger limbs used for trail boundary marking. The removal of the debris piles should be a high priority restoration activity. Once the bulk of the exotic species removal work has been performed an on-site consultation with the local fire department is recommended.

Removal of Existing Structures

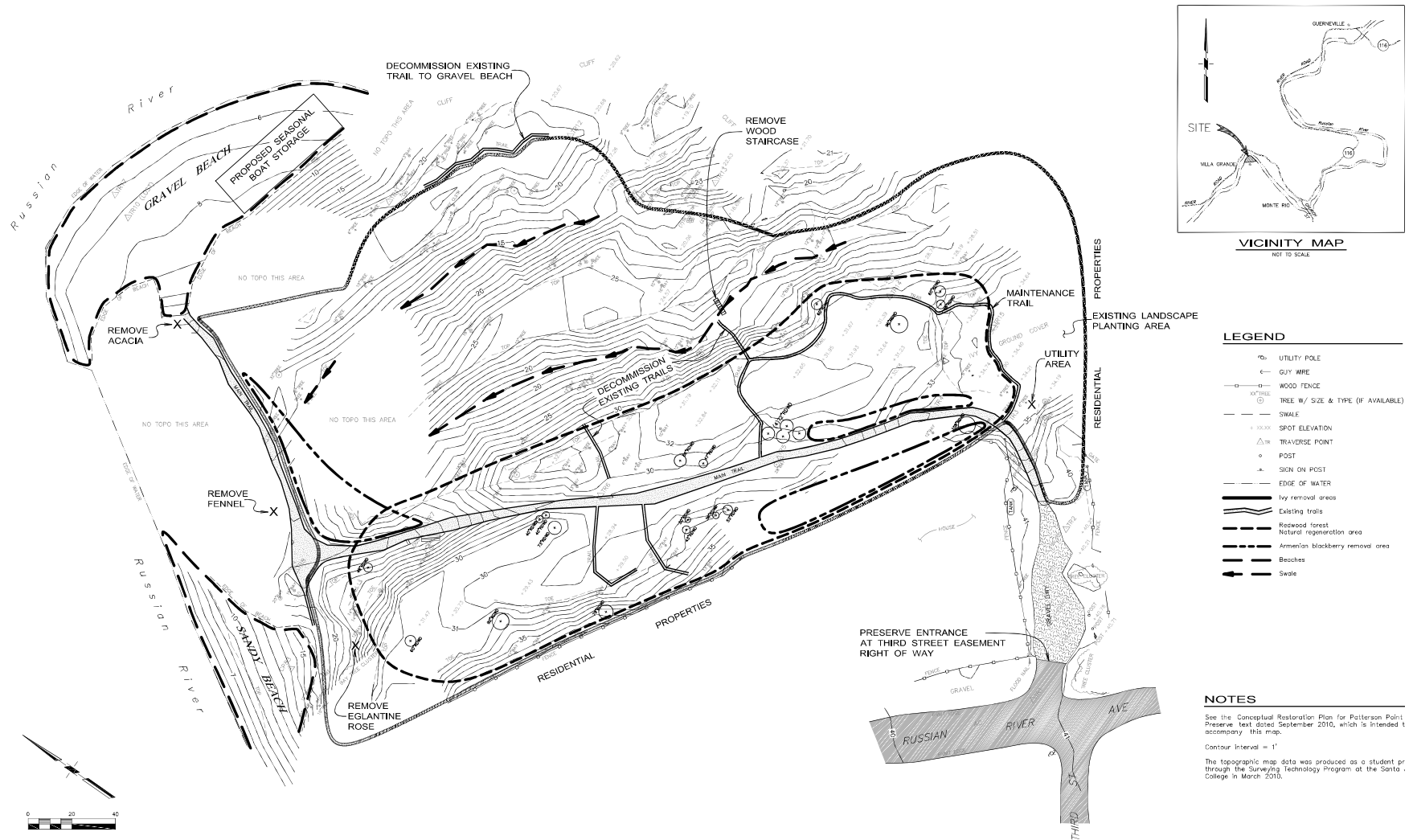
A small wooden staircase was apparently flood deposited in the largest swale (Exhibit 1). The Center recommends the use of volunteers to remove by hand this and other man-made flood debris deposited in the future. Materials should be removed off-site and recycled if possible.

Monitoring

As there are no anticipated regulatory requirements for mitigation plantings on this parcel, thus no formal monitoring and report preparation is planned by FoVG. Annual photo-documentation of the invasive species removal progress and natural regeneration is recommended. FoVG will periodically inspect the trails and invasive removal sites for signs of erosion; however, no reports will be produced. The SCAPOSD will periodically monitor the preserve as part of their ongoing stewardship program to ensure compliance with the provisions in conservation easement.

Restoration and Land Management Plan for Patterson Point Preserve

Exhibit 1: Conceptual Restoration Map



APPENDIX B: Avian Survey

BIRDS OF VILLA GRANDE & PATTERSON POINT													
	107 TOTAL SPECIES												
COMMON NAME	SCIENTIFIC NAME	J	F	M	A	M	J	J	A	S	O	N	D
Common Loon	Gavia immer	O	O									O	O
Pied-billed Grebe	Podilymbus podiceps	U	U									U	U
Western Grebe	Aechmophorus occidentalis	O										O	O
American White Pelican	Pelecanus erythrorhynchos								R				
Double-crested Cormorant*	Phalacrocorax auritus	C	C	C	C	C	C	C	C	C	C	C	C
Great Blue Heron*	Ardea herodias	U	U	U	U	U	U	U	U	U	U	U	U
Great Egret	Ardea alba	O	O									O	O
Snowy Egret	Egretta thula	O	O									O	O
Green Heron*	Butorides virescens	U	U	C	C	C	C	C	C	C	C	U	U
Black-crowned Night Heron	Nycticorax nycticorax								U	U	U		
Canada Goose	Branta canadensis	U	U	U	U	U	U	U	U	U	U	U	U
Wood Duck*	Aix sponsa	U	U	C	C	C	C	C	C	C	C	U	U
Gadwall	Anas strepera			R									
Mallard*	Anas platyrhynchos	C	C	C	C	C	C	C	C	C	C	C	C
Common Goldeneye	Bucephala clangula	O											O
Bufflehead	Bucephala albeola	O											O
Hooded Merganser	Lophodytes cucullatus	O											O
Common Merganser*	Mergus merganser	C	C	C	C	C	C	C	C	C	C	C	C
Turkey Vulture*	Cathartes aura	C	C	C	C	C	C	C	C	C	C	C	C
Osprey*	Pandion haliaetus	O	U	U	C	C	C	C	C	C	C	U	O
Northern Harrier	Curcus cyaneus				R								

Restoration and Land Management Plan for Patterson Point Preserve

BIRDS OF VILLA GRANDE & PATTERSON POINT													
Sharp-shinned Hawk	Accipiter striatus		O	O						O	O		
Cooper's Hawk	Accipiter cooperii		O	O						O	O		
Red-shouldered Hawk*	Bufo lineatus	C	C	C	C	C	C	C	C	C	C	C	C
Red-tailed Hawk*	Bufo jamaicensis				U	U	U	U	U	U			
Merlin	Falco columbarius	O	O									O	O
Peregrine Falcon	Falco peregrinus	O	O									O	O
Wild Turkey*	Meleagris gallopavo				O	O	O	O	O	O			
California Quail*	Callipepla californica	C	C	C	C	C	C	C	C	C	C	C	C
American Coot	Fulica americana	C	C									C	C
Killdeer*	Charadrius vociferus	U	U	U	U	U	U	U	U	U	U	U	U
Spotted Sandpiper*	Actitis macularia	U	U	U	U	U	U	U	U	U	U	U	U
Red-necked Phalarope	Phalaropus lobatus									R			
Mew Gull	Larus canus	U	U									U	U
Ring-billed Gull	Larus delawarensis	U	U									U	U
Western Gull*	Larus occidentalis	U	U	U	U	U	U	U	U	U	U	U	U
Band-tailed Pigeon*	Patagioenas fasciata	O	O	O	C	C	C	C	C	C	O	O	O
Mourning Dove*	Zenaidura macroura	C	C	C	C	C	C	C	C	C	C	C	C
Great Horned Owl*	Bubo virginianus				H	H	H			H	H	H	
Northern Spotted Owl*	Strix occidentalis											H	
Barred Owl	Strix varia								H				
Northern Saw-whet Owl*	Aegolius acadicus			H	H	H							
Northern Pygmy-Owl*	Glaucidium gnoma										R		
Vaux's Swift*	Chaetura vauxi									O			
Anna's Hummingbird*	Calypte anna	C	C	C	C	C	C	C	C	C	C	C	C

BIRDS OF VILLA GRANDE & PATTERSON POINT													
Rufous Hummingbird	Selasphorus rufus	O											O
Allen's Hummingbird*	Selasphorus sasin				C	C	C	C	C				
Belted Kingfisher*	Ceryle alcyon	U	U	U	U	U	U	U	U	U	U	U	U
Acorn Woodpecker*	Melanerpes formicivorus	U	U	U	U	U	U	U	U	U	U	U	U
Red-breasted Sapsucker	Sphyrapicus ruber	O									O	O	O
Nuttall's Woodpecker*	Picoides nuttallii	O	O	O	O	O	O	O	O	O	O	O	O
Downy Woodpecker*	Picoides pubescens				O					O			
Hairy Woodpecker*	Picoides villosus				R					R			
Northern Flicker	Colaptes auratus	U	U	U	U	U	U	U	U	U	U	U	U
Pileated Woodpecker*	Dryocopus pileatus				R					R			
Olive-sided Flycatcher*	Contopus cooperi				R								
Willow Flycatcher	Empidonax traillii									R			
Pacific-slope Flycatcher*	Empidonax difficilis				U	U	U	U	U				
Black Phoebe*	Sayornis nigricans	U	U	U	U	U	U	U	U	U	U	U	U
Tree Swallow*	Tachycineta bicolor			C	C	C	C	C	C	C			
Violet-green Swallow*	Tachycineta thalassina			C	C	C	C	C	C	C			
Northern Rough-winged Swallow*	Stelgidopteryx serripennis			U	U	U	U	U	U	U			
Cliff Swallow*	Petrochelidon pyrrhonota			C	C	C	C	C	C	C			
Barn Swallow*	Hirundo rustica			C	C	C	C	C	C	C			
Golden-crowned Kinglet	Regulus satrapa											O	
Ruby-crowned Kinglet	Regulus calendula	C	C								C	C	C
Cedar Waxwing	Bombycilla cedrorum			O									
Bewick's Wren*	Thryomanes bewickii	O	O								O		

Restoration and Land Management Plan for Patterson Point Preserve

BIRDS OF VILLA GRANDE & PATTERSON POINT													
Winter Wren*	Troglodytes troglodytes		U	U	U	U	U	U	U	U	U	U	U
Swainson's Thrush*	Catharus ustulatus				U	U	U	U					
Hermit's Thrush*	Catharus guttatus	U	U	U	U	U	U	U	U	U	U	U	U
American Robin*	Turdus migratorius	A	A	A	A	A	A	A	A	A	A	A	A
Varied Thrush	Ixoreus naevius	U	U	U							U	U	U
Wrentit*	Chamaea fasciata				R				R				
Bushtit*	Psaltiriparus minimus	O	O	O	O	O	O	O	O	O	O	O	O
Chestnut-backed Chickadee*	Parus rufescens	A	A	A	A	A	A	A	A	A	A	A	A
Pygmy Nuthatch*	Sitta pygmaea				U	U	U	U	U	U			
Brown Creeper*	Certhia americana	U	U	U	U	U	U	U	U	U	U	U	U
Steller's Jay*	Cyanocitta stelleri	A	A	A	A	A	A	A	A	A	A	A	A
Western Scrub-Jay*	Aphelocoma californica	C	C	C	C	C	C	C	C	C	C	C	C
American Crow*	Corvus brachyrhynchos	C	C	C	C	C	C	C	C	C	C	C	C
Common Raven*	Corvus corax	C	C	C	C	C	C	C	C	C	C	C	C
European Starling*	Sturnus vulgaris	A	A	A	A	A	A	A	A	A	A	A	A
Warbling Vireo*	Vireo gilvus									O			
Purple Finch*	Carpodacus purpureus										O	O	O
House Finch*	Carpodacus mexicanus	U	U	U	U	U	U	U	U	U	U	U	U
Pine Siskin*	Carduelis pinus	O	O	O	O	O	O	O	O	O	O	O	O
American Goldfinch*	Carduelis tristis				O	O	O	O	O	O			
Orange-crowned Warbler*	Vermivora celata									O			
Yellow Warbler	Dendroica petechia									R			
Yellow-rumped Warbler	Dendroica coronata	O											O

BIRDS OF VILLA GRANDE & PATTERSON POINT													
Townsend's Warbler	Dendroica townsendi	O	O								O	O	O
Wilson's Warbler*	Wilsonia pusilla	O	O	O	U	U	U	U	U	O	O	O	O
Western Tanager	Piranga ludoviciana				O	O							
Spotted Towhee*	Pipilo maculatus	U	U	U	U	U	U	U	U	U	U	U	U
California Towhee*	Pipilo crissalis	C	C	C	C	C	C	C	C	C	C	C	C
Fox Sparrow	Passerella iliaca	O	O								O	O	O
Song Sparrow*	Melospiza melodia	C	C	C	C	C	C	C	C	C	C	C	C
White-crowned Sparrow*	Zonotrichia leucophrys	O	O	O								O	O
White-throated Sparrow	Zonotrichia albicollis	R										R	R
Golden-crowned Sparrow	Zonotrichia atricapilla	U	U	U	U						U	U	U
Dark-eyed Junco*	Junco hyemalis	C	C	C	C	C	C	C	C	C	C	C	C
Black-headed Grosbeak*	Pheucticus melanocephalus				C	C	C	C	C				
Red-winged Blackbird*	Agelaius phoeniceus	C	C	C	C	C	C	C	C	C	C	C	C
Brewer's Blackbird*	Euphagus cyanocephalus	C	C	C	C	C	C	C	C	C	C	C	C
Brown-headed Cowbird*	Molothrus ater				U	U	U						
Bullock's Oriole*	Icterus bullockii				O	U	U	U	O				
	*= Breeds in Villa Grande/Lower Russian River area												
	A= Abundant												
	C= Common												
	U= Uncommon												
	O= Occasional												
	R= Rare												
	H= Heard Only												

Restoration and Land Management Plan for Patterson Point Preserve

BIRDS OF VILLA GRANDE & PATTERSON POINT													
Prepared by Linda Fisher & Leah Norwood updated 2009													
	Data based on 6+ years daily observation at Villa Grande Beaches (Patterson Point)												
	Breeding information from Sonoma County Breeding Bird Atlas												
	Abundance information is subjective;												

APPENDIX C: Summary of Recreation Conservation Covenant

Sonoma County Agricultural Preservation and Open Space District and Friends of Villa Grande: Patterson Point Project
Recorded September 17, 2009 as Document #2009090330 in the Official Records of Sonoma County

1. *Obligation to Provide Low-Intensity Public Outdoor Recreation; Excused Non-performance; the Restoration and Land Management Plan.*

Public Access/Low intensity Recreational Use:

A. The burden imposed on the Owner (FoVG) by this Covenant is the undertaking of the affirmative obligation of using, operating and maintaining the Property for low-intensity public outdoor recreation. Implicit in the Owner's obligation is a duty not to engage in activities that impede public access to or impede the use of the Property for low-intensity public outdoor recreation and the obligation to cooperate with the District in furthering the purposes for which the Property was purchased.

Restoration and Land Management Plan:

B. The Owner's performance of the obligation imposed by Paragraph 2.A. shall be in accordance with a Restoration and Land Management Plan prepared pursuant to Section 5.1.6 of the Conservation Easement. The Restoration and Land Management Plan shall be prepared by the Owner after consultation with the District and approved in writing by District's General Manager pursuant to Section 6, subsection 6.1 of the Conservation Easement. The Owner shall be responsible for the preparation of any environmental document required by the California Environmental Quality Act.

C. The Restoration and Land Management Plan may be amended from time to time provided that such amendment shall be subject to District's approval, in accordance with the procedures and standards set forth in Section 6, subsection 6.1 of the Conservation Easement.

Restoration and Land Management Plan for Patterson Point Preserve

APPENDIX D: Summary of Conservation Easement

“Deed and Agreement by and between Friends of Villa Grande and the Sonoma County Agricultural Preservation & Open Space District Conveying a Conservation Easement”. Recorded September 17, 2009 as Document #2009090329 in the Official Records of Sonoma County

PART ONE: GRANT OF EASEMENT

1. **Grant and Acceptance of Conservation Easement and Assignment of Development Rights.** Pursuant to the common and statutory law of the State of California including the provisions of Civil Code sections 815 to 816, inclusive, GRANTOR hereby grants to DISTRICT and DISTRICT accepts a conservation easement in the Property in perpetuity (“the Easement”). GRANTOR hereby irrevocably assigns to DISTRICT all development rights associated with the Property, except those rights which are specifically reserved by GRANTOR through this Easement and described herein.

2. **Conservation Values.** The approximate 1.8 acre riparian parcel is situated on a bend of the lower Russian River in the unincorporated town of Villa Grande located at the intersections of Russian River Avenue and 3rd Street (“the Property”). The Property consists primarily of a riparian forest including mature second growth redwoods, riparian vegetation and two beaches, a rocky beach upstream and a sandy beach downstream. The resources on the Property, as described below (collectively, “the Conservation Values”), include natural, scenic, open space and public outdoor recreation and education.

2.1 **Natural Resources.** The Property helps provide habitat for important plant and animal species integral to preserving the natural character of Sonoma County and particularly the lower Russian River. Protection of the Property will provide opportunities to enhance and promote native riparian vegetation on site. The property includes a riparian forest comprised of mature second growth redwoods, California bay, alder, and box elder. Other riparian vegetation on the Property includes mature willow, California blackberry, redwood sorrel, sword fern and wild rose. The Property’s vegetation provides habitat for a number native bird species and is a stop for migratory birds.

2.2 **Scenic Resources.** The Property’s open space character contributes to the area’s scenic resources. Protection of the Property will ensure the preservation of its open space character which contributes to the overall natural setting of the lower Russian River enjoyed by surrounding residents, seasonal visitors and by those persons that recreate on the river including by boat or canoe.

2.3 **Urban Open Space.** The Property is surrounded by dense residential development which encompasses a large portion of river frontage in this area of the Russian River. Protection of the Property will provide opportunities for area residents and seasonal visitors to access and enjoy public open space.

2.4 **Recreation.** The Property contains two naturally occurring beaches. Protection of the Property will create an important link in a string of beaches along the lower Russian River that are accessible to the public and that can be used by canoers and kayakers. The Property has historically been enjoyed by area residents as a place for swimming, bird watching, fishing, canoeing and picnicking. Protection of the Property will ensure low-intensity public outdoor recreational opportunities for area residents, seasonal visitors and residents of Sonoma County in perpetuity.

2.5 **Education.** The Property's natural resources and the planned activities associated with restoration and enhancement of the riparian vegetation on-site will provide educational opportunities for area residents, seasonal visitors and residents of Sonoma County.

3. **Conservation Purpose.** It is the purpose of this Easement to preserve and protect forever the Conservation Values of the Property, as described in Section 2. This purpose shall hereinafter be referred to as "the Conservation Purpose of this Easement." GRANTOR and DISTRICT intend that this Easement will confine the use of the Property to activities that are consistent with the Conservation Purpose of this Easement and will prohibit and prevent any use of the Property that will materially impair or interfere with the Conservation Values of the Property. GRANTOR and DISTRICT intend that all Conservation Values of the Property will be fully preserved and protected in perpetuity.

PART TWO: RESERVED AND RESTRICTED RIGHTS

4. **Affirmative Rights of DISTRICT.** DISTRICT shall have the following affirmative rights under this Easement:

4.1 **Protecting Conservation Values.** DISTRICT shall have the right to preserve, protect and document in perpetuity the Conservation Values of the Property.

4.2 **Property Inspections.** DISTRICT shall have the right to enter upon the Property and to inspect, observe, and study the Property for the purposes of (i) identifying the current activities and uses thereon and the condition thereof, (ii) monitoring the activities and uses thereon to determine whether they are consistent with the terms and Conservation Purpose of this Easement, (iii) enforcing the terms of this Easement, and (iv) exercising its other rights under this Easement. Such entry shall be permitted at least once a year at reasonable times, upon one-week's prior notice to GRANTOR, and shall be made in a manner that will not unreasonably interfere with GRANTOR's use and quiet enjoyment of the Property pursuant to the terms and conditions of this Easement. Each entry shall be for only so long a duration as is reasonably necessary to achieve the purposes of this Section 4.2, but shall not necessarily be limited to a single physical entry during a single twenty-four hour period. Notwithstanding the foregoing, should DISTRICT's General Manager have a reasonable belief that GRANTOR is in breach of this Easement, DISTRICT shall have the right at any time, upon twenty-four hours' prior notice to GRANTOR, to enter upon the Property for the purpose of determining whether such breach has occurred. The rights of entry provided by this Section 4.2 shall extend to the officers, agents, consultants, and volunteers of DISTRICT.

4.3 **Enforcement.** DISTRICT shall have the right to enforce the rights herein granted and to prevent or stop, by any legal means, any activity or use on the Property that is inconsistent with the terms, conditions or Conservation Purpose of this Easement and to require restoration of such areas or features as may be damaged by such activities or uses

4.4 **Approval of Certain Uses.** DISTRICT shall have the right to review and approve proposed uses and activities on the Property as more specifically set forth in Section 5, and in accordance with Section 6.

4.5 **Signage** GRANTOR reserves the right to construct or place (a) sign(s) identifying the Property; (b) sign(s) marking the boundary of the Property, (c) sign(s) to provide directional or interpretive information, and (d) signs setting forth park and/or local area rules or regulations applicable to use of the park, provided that the size and number of such signs shall be limited to that which is reasonably necessary to accomplish the permitted uses herein, and further provided that such signs are sited and constructed in a manner that does not create a significant visual impact and does not hinder the Conservation Purpose of this Easement. Signs advocating candidates or issues that will be presented to voters in a public election are allowed, provided that such signs do not exceed then existing state and local regulations for political signs, and that such signs are removed within ten (10) days after the date of election

Restoration and Land Management Plan for Patterson Point Preserve

APPENDIX E: Permitted Use Notice and Request Form

To be submitted for side trails, brochure box, trash cans, portable toilet, tool storage, irrigation not listed on the approved PPP Land Management & Restoration Plan: (Include description of size, location, function of each in accordance with CE Paragraph 6.2):

Permitted Use Notice and Request Form

Sonoma County Agricultural Preservation and Open Space District

**This form is to be used when a conservation easement requires either prior notice
or prior written approval by the District**

Easement Name:	Patterson Point Preserve
Property Address:	3 rd & Russian River Avenues, Villa Grande, CA
APN:	095.051.009
Landowner:	Friends of Villa Grande
Address and Telephone:	POB 28, Villa Grande, 95486
Landowner representative (as necessary):	Roberto Esteves
Landowner representative Address and Telephone:	POB 18, Villa Grande, CA 94586 415.282.1800

Check One:

Permitted Use Notice (requires notice to the District only)

Permitted Use Request (requires approval by the District)

Description of the specific permitted use:

- (1) On a separate sheet(s), describe the nature, scope, design, location map, timetable, and any other material aspects of the proposed use in sufficient detail to permit the District to make a decision as to its consistency with the terms of the conservation easement.
- (2) Identify the paragraph(s) in the conservation easement permitting the requested use.

Site Plan. Provide appropriate scaled site plan(s) that shows the location within the property and the size of both existing and proposed buildings, proposed changes in use, proposed changes in land (topography, vegetation, drainage, etc.) and scope of the proposed use. If request includes work within a building envelope identified in the easement, show the building envelope on site plan(s).

Site Studies. As necessary, identify and evaluate sensitive natural resources that may be affected by the proposed use.

Restoration and Land Management Plan for Patterson Point Preserve

Exhibit 2: Guide to Restoring Native Riparian Habitat in the Russian River Watershed

For a copy of this brochure contact Friends of Villa Grande or one of the sponsoring agencies:

