ORDINANCE NO. ( )

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE SONOMA COUNTY CODE CHAPTER 26 (ZONING CODE) PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS FOR COMPLIANCE WITH STATE LAW.

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

Section I. ***Purpose and Findings.***

The Board finds and declares that adoption of this ordinance is necessary to comply with State ADU Law pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), continue implementation of program 15b of the adopted Housing Element, and support General Plan goals and policies based on the following facts:

A. The State of California, including Sonoma County, continues to experience a housing crisis, exacerbated by recent wildfires. County residents continue to need diverse, low-cost housing options assisted through clear permitting requirements and flexible development standards.

B. The State of California continues to create legislation reducing or eliminating the purview of local jurisdictions over the allowance and application of development standards to ADUs and JADUs.

1. At the August 22, 2023, meeting of the County Board of Supervisors, the Board adopted the Housing Element of the General Plan of Sonoma County.

2. Program 15b of the Housing Element commits Sonoma County to amend Sonoma County Code Chapter 26 (Zoning Code) to maintain compliance with State ADU Law.

3. On December 5, 2023, the Board of Supervisors adopted Ordinance No. 6458, amending Zoning Code provisions and completing Program 15b implementation.

4. Senate Bill 1211 and Assembly Bill 2533 of the State of California went into effect January 1, 2025, and made various changes to State ADU Law, most notably including:

   i. Requiring jurisdictions to allow a minimum quantity of ADUs and JADUs on lots with existing or proposed primary dwellings, subject only to standards specified in Government Code Section 66323 or more permissive thereof; and

   ii. Increasing the minimum quantity of detached ADUs a jurisdiction must allow on a lot with an existing multifamily dwelling from two (2) to up to eight (8); and

   iii. Enhancing amnesty provisions and requiring jurisdictions to provide a permitting pathway for unpermitted ADUs and JADUs that were created prior to January 1, 2020, and that are not in substandard condition as defined in Health and Safety Code Section 17920.3.

5. On January 9, 2025, the California Department of Housing and Community Development (HCD) sent a letter to the County, directing the County to update Chapter 26 provisions for ADUs and JADUs for compliance with the requirements of Title 7, Chapter 13 of the California

Government Code (Sections 66310-66342) as amended by Senate Bill 1211 and Assembly Bill 2533.

C. Proposed amendments seek to ensure that the County maintains consistency with State ADU Law and implement the programs and policies of the Housing Element.
D. In accordance with the provisions of law, the Planning Commission held a public hearing on October 2, 2025, at which time all interested persons were given an opportunity to be heard. The Planning Commission adopted a resolution recommending that the Board of Supervisors adopt proposed amendments included in Exhibit A and incorporated herein, and requested that the Board consider the following with adoption of the Ordinance or to provide direction to staff on future code amendments pertaining to:
    i. Application of building envelopes to ADUs; and
    ii. Direction to staff to propose code amendments to limit the use of a primary residential unit as a vacation rental when located on a lot with ADU(s); and
    iii. Opportunities to confirm water service provider capacity in ADU permit processing; and
    iv. Opportunities to assess the existence of permitted and unpermitted dwellings on site at the time of new ADU permitting.

Section II. ***Environmental Determination*****.**

The Board further finds and determines that the proposed action is statutorily exempt from the California Environmental Quality Act ("CEQA"), as discussed below.

Public Resources Code Section 21080.17 provides that CEQA does not apply to the adoption of an ordinance by a city or county to implement Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of, the Government Code.

Section III. ***General Plan Consistency Finding*****.**

The proposed amendments to County Code are consistent and compatible with the overall goals and intent of the General Plan. Proposed amendments continue implementation of Housing Element Policy Subprogram 15b's purpose of maintaining compliance with State ADU Law and support Subprogram 25d's purpose of reducing penalties for existing unpermitted dwellings and encouraging programs to bring them up to code. Additionally, proposed amendments clarify and simplify standards and permitting processes for ADUs while providing flexibility in the configurations of ADUs allowed, consistent with Housing Element policies that encourage the retention and further construction of ADUs and aim to provide housing opportunities throughout the county for all household income cohorts while avoiding the displacement of existing residents. Proposed amendments are also consistent with Water Resources Element policies that encourage programs to reduce impervious surfaces and increase groundwater recharge as they include simplified height standards that better allow for multistory ADUs subject to the same floor area limitations, allowing for less impervious surface per unit of living space. Further, proposed amendments are consistent with Open Space and Resource Conservation Element policies that encourage the protection of streamside conservation areas as amendments preserve applicability of Riparian Corridor standards.

Section IV. ***Amendments to Chapter 26 of the Sonoma County Code.***

Sonoma County Zoning Code Chapter 26, Article 04 (Glossary), Article 06 (Agricultural and Resource Zones), Article 08 (Residential Zones), Article 10 (Commercial Zones), Article 12 (Industrial Zones), Article 14 (Special Purpose Zones), Article 24 (Residential Use Standards), Article 88 (General Exceptions and Special Use Standards), Article 90 (Local Area Development Guidelines), and references thereto are amended as shown in Exhibit A to this ordinance.

Section V. ***Severability*****.**

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

Section VI. ***Effective Date***.

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

In regular session of the Board of Supervisors of the County of Sonoma, adopted this _____day of _____2025, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Hermosillo: Rabbitt: Coursey: Gore: Hopkins:

Ayes:

Noes:

Absent:

Abstain:

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

SO ORDERED.

Chair, Board of Supervisors

County of Sonoma

ATTEST:

Christina Rivera,

Clerk of the Board of Supervisors

EXHIBIT A

AMENDMENTS TO SONOMA COUNTY CODE CHAPTER 26

The following sections of Sonoma County Code Chapter 26 are amended, as provided below.

Section I. Sonoma County Code Section 26-04-020 (G) is amended to add the following definition, to be inserted in alphabetical order:

Groundwater Availability Area. An area designated as Groundwater Availability Class 1, 2, 3, or 4 pursuant to the General Plan Water Resources Element and depicted on Sonoma County's groundwater availability map maintained by Permit Sonoma.

Section II. Sonoma County Code Section 26-04-020 (H) is amended to add the following definition, to be inserted in alphabetical order:

High quality transit corridor. As defined in Section 21155 of the Public Resources Code.

Section III. Sonoma County Code Section 26-04-020 (L) is amended to add the following definition, to be inserted in alphabetical order:

Livable space. Space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Section IV. Sonoma County Code Section 26-04-020 (M) is amended to add the following definition, to be inserted in alphabetical order:

Major transit stop. As defined in Section 21155 of the Public Resources Code.

Section V. Sonoma County Code Section 26-04-020 (R) is amended to add the following definition, to be inserted in alphabetical order:

Residential Dwelling, Primary. Existing or proposed single-family dwelling(s), multifamily dwellings, or mixed-use residential projects, including caretaker dwellings, live/work, or work/live units, but not including an accessory dwelling unit (ADU), junior accessory dwelling unit (JADU), farmworker housing, farm family unit, or agricultural employee housing.

Residential Dwelling, Proposed. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

Residential Dwelling, Studio. A dwelling unit in which the living area is not separated from the sleeping area.

Section VI. Sonoma County Code Section 26-06-030, Table 6-1 Allowed Land Uses in Agricultural Zones is amended to remove references to deleted sections as shown in strikeout:

Land Use	**LIA Zone**	**LEA Zone**	**DA Zone**	**RRD Zone**	**TP Zone**	**Use Regulations**
Accessory Dwelling Unit	P	P	P	P	P	26-24-020~~; 26-88-060~~
Junior Accessory Dwelling Unit	P	P	P	P	P	26-24-190~~; 26-88-061~~

Section VII. Sonoma County Code Section 26-08-030, Table 8-1 Allowed Land Uses in Residential Zones is amended to remove references to deleted sections as shown in strikeout:

Land Use	**AR Zone**	**RR Zone**	**R1 Zone**	**R2 Zone**	**R3 Zone**	**Use Regulations**
Accessory Dwelling Unit	P	P	P	P	P	26-24-020~~; 26-88-060~~
Junior Accessory Dwelling Unit	P	P	P	P	P	26-24-190~~; 26-88-061~~
~~Dwelling, Two-Family~~	~~-~~	~~-~~	~~-~~	~~P~~	~~P~~	~~26-24-140~~

Section VIII. Sonoma County Code Section 26-10-030, Table 10-1 Allowed Land Uses in Commercial Zones is amended to remove references to deleted sections as shown in strikeout:

Land Use	**CO Zone**	**C1 Zone**	**C2 Zone**	**C3 Zone**	**LC Zone**	**CR Zone**	**AS Zone**	**K Zone**	**Use Regulations**
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	26-24-020~~; 26-88-060~~
Junior Accessory Dwelling Unit	P	P	P	P	P	P	P	P	26-24-190~~; 26-88-061~~

Section IX. Sonoma County Code Section 26-12-030, Table 12-1 Allowed Land Uses in Industrial Zones is amended to remove references to deleted sections as shown in strikeout:

Land Use	**MP Zone**	**M1 Zone**	**M2 Zone**	**M3 Zone**	**Use Regulations**
Accessory Dwelling Unit	P	P	P	P	26-24-020~~; 26-88-060~~
Junior Accessory Dwelling Unit	P	P	P	P	26-24-190~~; 26-88-061~~

Section X. Sonoma County Code Section 26-14-030, Table 14-1 Allowed Land Uses in Special Purpose Zones is amended to remove references to deleted sections and add uses as shown in strikeout and underline:

Land Use	PCRR Zone	PCUR Zone	PCCOM Zone	PF Zone	Use Regulations
Accessory Dwelling Unit	P	P	P	-	26-24-020
Junior Accessory Dwelling Unit	P	P	P	-	26-24-190~~; 26-88-061~~

Section XI. Sonoma County Code Section 26-24-020. - Accessory dwelling unit. is amended and replaced as shown below with subsequent sections and related cross-references renumbered accordingly.

Sec. 26-24-020. - Accessory dwelling units.

~~**A. Definition.** An attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit, as defined in state Government Code § 65852.2; or a manufactured home, as defined in state Government Code § 65852.2.~~

~~**B. Standards.**~~

~~1. See Section 26-88-060 (Accessory Dwelling Units).~~

A. Purpose. This section implements the requirements of Title 7, Chapter 13 of the California Government Code (Sections 66310-66341) and the provisions of the General Plan Housing Element that encourage the production of affordable housing by means of accessory dwelling units (ADUs).

B. Definitions. As used in this section:

1. **"Accessory dwelling unit" or "ADU"** means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. ADUs include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes the following:
   a. An efficiency unit.
   b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. **"Efficiency unit"** has the same meaning as defined in Section 17958.1 of the Health and Safety Code which requires: a living room of at least 190 square feet; a separate closet; a separate bathroom containing a water closet, lavatory, and bathtub or shower; a kitchen sink, cooking appliance, and refrigerator each having a clear working space of not less than 30 inches in front; and light and ventilation conforming to building code must be provided.
3. **"Floor area"** means the interior habitable area of the dwelling unit, including but not limited basements and attics, but does not include a garage or any accessory structure. Floor area shall be calculated by measuring the interior perimeter of applicable areas.

4. **"Nonconforming zoning condition"** means a physical improvement on a property that does not conform to current zoning standards.
5. **"Non-livable space"** means space within a structure that is not used for living, sleeping, eating, or cooking and includes, but is not limited to, storage rooms, boiler rooms, passageways, attics, basements, and garages.

C. Use Restrictions.

1. **Ownership and Rental.** ADUs may be rented but shall not be sold or otherwise conveyed separately from the primary residence, except as specifically provided for by State law.
2. **Duration of Tenancy.** ADUs shall not be rented for periods of thirty (30) days or less.

D. Density. As provided by Government Code Section 66319 and Sonoma County Code Section 26-16-020 (B), ADUs are not considered to exceed the allowable density for the lot on which they are located, and are consistent with the General Plan and zoning for the lot.

E. Construction Standards. ADUs shall comply with local building codes and the California Building Standards Code (Cal. Code Regs., Title 24), as adopted. Not exclusive of other applicable local, state, and federal regulations, ADUs shall comply with the following requirements:

1. **Water Availability.** Adequate water supply must be demonstrated in accordance with building and fire code standards for dwellings, including special provisions for ADUs in Class 3 and Class 4 Groundwater Availability Areas outlined in Section 7-12.
2. **Wastewater.** Adequate wastewater disposal must be provided in compliance with building code standards for dwellings. Where public sewer is not available, private wastewater disposal must be approved in accordance with the most recent Onsite Waste Treatment Systems (OWTS) manual adopted by Permit Sonoma.
3. **Fire Safety.** ADUs must be constructed to meet applicable state and local fire code regulations.
    a. **Fire Sprinklers.** Fire sprinklers shall not be required in an ADU if the primary residence is not required to have fire sprinklers. Construction of an ADU shall not trigger the requirement for fire sprinklers in an existing primary residence.

F. Development Standards. ADUs must comply with the following development standards established in compliance with minimum allowances and maximum restrictions in Government Code Section 66323.

1. **Design Review.**
    a. ADUs shall be exempt from design review requirements.
    b. A proposed primary dwelling or accessory structure containing an attached ADU shall be subject to typical development standards and design review requirements as applicable, except that the ADU portion of the structure shall be ministerially permitted subject to the requirements of this section.
2. **Lot Requirements.**
    a. No minimum lot size shall be required.
    b. The lot must meet all the following criteria:
        (1) The lot has an existing or proposed primary dwelling.
        (2) A base zone applies to the lot which permits or conditionally permits one of the following:
            (a) Single-family dwellings, or
            (b) Multifamily dwellings, or

(c) Residential mixed-use developments.

3. **Unit Types**. An ADU permitted under this section may be:
   a. Detached, new construction; or
   b. Attached to a proposed or existing primary dwelling or accessory structure; or
   c. Converted from existing space within a primary dwelling or accessory structure; or
   d. A combination of conversion of existing space and attached, new construction.
4. **Quantity of Units.** Any combination of the following are permitted. Existing ADUs shall count toward the quantity of allowable ADUs on a lot.
   a. **On a lot with an existing or proposed single-family dwelling:**
      (1) Two (2) ADUs of any type described in Section 26-24-020 (F)(3); and
      (2) One (1) JADU which conforms to standards for JADUs described in Section 26-24-190.
   b. **On a lot with an existing multifamily dwelling:**
      (1) Up to eight (8) ADUs either detached new construction, conversion of a detached accessory structure, or attached, new construction, but not exceeding the quantity of existing primary units on the lot; and
      (2) At least one (1) ADU converted from existing non-livable space in a multifamily structure, or up to a quantity equal to twenty-five percent (25%) of the existing primary units.
   c. **On a lot with a proposed multifamily dwelling:** Two (2) detached or attached ADUs.
5. **Location**. In addition to applicable building and fire code requirements, the following locational provisions apply:
   a. **Setbacks from Property Lines.**
      (1) **On a lot with an existing or proposed single-family dwelling:**
         (a) **Front Setbacks.** The front setback established by the base zoning district shall apply only to floor area that exceeds eight hundred (800) square feet within the front setback area, except as provided in subsection (c).
         (b) **Side and Rear Setbacks.** Side and rear setbacks of four (4) feet shall only apply only to new construction floor area, except as provided in subsection (c).
      (2) **On a lot with an existing or proposed multifamily dwelling:**
         (a) **Front Setbacks.** No front setback shall be required.
         (b) **Side and Rear Setbacks.** Side and rear setbacks of four (4) feet shall apply only to new construction floor area, except as provided in subsection (c).
   b. **Combining Districts.** ADUs shall not be permitted by-right in areas where combining districts do not permit single-family dwellings, multifamily dwellings, or mixed-use developments by-right.
   c. **Exceptions.**
      (1) ADUs or portions of ADUs converted from existing space shall not be subject to setbacks.
      (2) On a lot with a single-family dwelling, ADUs converted from the existing space of an accessory structure may include an expansion of up to one hundred fifty (150) square feet solely to accommodate ingress and egress.
6. **Size.** Maximum floor area shall apply as follows:
   a. **On a lot with an existing or proposed single-family dwelling:** An ADU may be up to one thousand two hundred (1,200) square feet.

(1) **Exceptions.**

(a) ADUs converted from existing space within an accessory structure may exceed size limitations up to the entirety of the converted structure and may be expanded up to one hundred fifty (150) square feet solely to accommodate ingress and egress.

(b) ADUs converted solely from existing space within a single-family dwelling may exceed size limitations.

(c) ADUs attached to proposed single-family dwellings may exceed size limitations if entirely within the maximum allowable space of the single-family dwelling.

b. **On a lot with an existing or proposed multifamily dwelling:** ADUs shall not be subject to a maximum floor area.

(1) **Exceptions.** ADUs converted from existing non-livable space within a multifamily dwelling structure shall be limited to the existing space.

7. **Lot Coverage.**

a. **On a lot with an existing or proposed single-family dwelling:** The lot coverage limitation established by the base zoning district shall apply only to ADU floor area exceeding eight hundred (800) square feet.

(1) **Exceptions.** Lot coverage limitations shall not apply in the following instances:

(a) ADU floor area attached to a proposed single-family dwelling and entirely within the maximum allowable space of the single-family dwelling.

(b) ADU floor area converted from existing space within a single-family dwelling or accessory structure, including the one hundred fifty (150) square foot expansion of the accessory structure allowed for ingress and egress.

b. **On a lot with an existing or proposed multifamily dwelling:** Lot coverage limitations shall not apply to ADUs.

8. **Height**. A height limit of thirty-five (35) feet shall apply except that ADUs created through the conversion of an existing structure shall be limited by the height of the structure or a height limit of thirty-five (35) feet, whichever is greater.

9. **Parking Standards.**

a. **Quantity**. Additional parking shall not be required for an ADU.

b. **Replacement Parking.** Replacement parking shall not be required when a garage, carport, covered parking structure, or uncovered parking is demolished in conjunction with construction of an ADU or converted to an ADU.

10. **Exterior Access.** ADUs converted from the space of an existing single-family dwelling or attached to a proposed single-family dwelling must have exterior access separate from the single-family dwelling.

11. **Conversion of Nonconforming Structures.** ADUs may be converted from existing structures with nonconforming zoning conditions, subject to the requirements of this section. Expansions or modifications shall not increase nonconforming zoning conditions, except as allowed by this section.

G. Permitting New ADUs.

1. **Permit Type.** The primary permit required to establish a new ADU is a building permit. Additional construction permits, including, but not limited to, those for grading, well, septic, and sewer, shall be required as applicable.

2. **Permit Review.**
   a. **Ministerial review.** A complete permit application for an ADU meeting the standards described in this section shall be approved ministerially without discretionary review or a hearing.
   b. **Nonconforming conditions.**
      (1) Correction of nonconforming zoning conditions shall not be required as a condition of approval.
      (2) Correction of building code violations or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU shall not be required as a condition of approval.
   c. **Timeline.**
      (1) If there is an existing primary dwelling on the lot, the department shall approve or deny the application within 60 days from the date a complete application is received.
      (2) If a complete application for an ADU is submitted concurrently with a proposed primary dwelling, approval or denial of the ADU will be delayed until approval or denial of the primary dwelling.
3. **Fees.** Fees shall be consistent with Title 7, Chapter 13 of the California Government Code, or successor provisions.
4. **Permit Denial.** If the building permit for an ADU is denied, the department shall return a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
5. **Occupancy Timing.** An ADU may be constructed after or concurrently with a primary residence. A certificate of occupancy for an ADU shall not be issued prior to a certificate of occupancy for the primary residence.
6. **Redesignation of a Primary Dwelling as an ADU.** On a lot with an existing single-family dwelling that meets the standards of this section for detached ADUs, the existing single-family dwelling may be re-designated as an ADU when a new primary single-family dwelling is proposed and with the approval of a zoning permit notating the redesignation. If modifications to the existing single-family dwelling are elected or necessary to meet standards for ADUs, the building permit for such modifications may serve as notation of the redesignation and a separate zoning permit shall not be required.

H. Unpermitted ADUs created prior to January 1, 2020. Notwithstanding other provisions of this section, unpermitted ADUs which meet eligibility criteria described in Section 26-24-020 (H)(2) shall be permitted as provided in Government Code Section 66332 and reflected in this section.

1. **Interaction with ADUs Authorized under Section 26-24-020 (F).**
   a. Where a lot's total allowable ADUs under Section 26-24-020 (F) have not been created, ADUs authorized under this Section 26-24-020 (H) shall count against the lot's total allowable ADUs.
   b. Where a lot's total allowable ADUs under Section 26-24-020 (F) have been created, ADUs authorized under this section shall be permitted in addition to the existing ADUs.
2. **Eligibility Criteria.** The unpermitted ADU must meet both of the following eligibility criteria:
   a. The ADU was created prior to January 1, 2020; and
   b. The structure would not be considered substandard under Section 17920.3 of the Health and Safety Code.

3. **Permit Type.** A building permit shall be required. Additional permits to correct code violations may be required if the Department makes a finding that correction of the violation is necessary to comply with standards specified in Section 17920.3 of the Health and Safety Code.
4. **Permit Review.**
   a. Application materials shall include information demonstrating compliance with eligibility criteria.
   b. An inspector from the Department shall inspect the ADU for substandard conditions defined in Health and Safety Code Section 17920.3, and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the applicant shall not be penalized for having the unpermitted ADU and necessary permits to correct noncompliance with health and safety standards shall be approved.
5. **Fees.** Fees charged for the permitting of ADUs under this section shall be consistent with Government Code Section 66332, or successor provisions.
6. **Permit Denial.** A permit for an unpermitted ADU in violation of building code standards may be denied if the Department makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.

Section XII. Sonoma County Code Section 26-24-120. – Dwelling, multi-family. is amended as shown in strike out and underline below.

Sec. 26-24-120. - Dwelling, multi-family.

A. Definition. A residential structure with separate dwelling units for ~~three (3)~~ two (2) or more families, each with its own entrance and independent permanent provisions for living, sleeping, eating, cooking, and sanitation.
   1. Includes: Duplexes (including prefabricated and manufactured homes)
   2. Excludes:
      a. A single-family dwelling with a junior accessory dwelling unit and/or accessory dwelling unit(s).
      b. Townhomes.

B. Standards.
   1. Permanent foundation required.
   2. ~~A single-family dwelling with a junior accessory dwelling unit and accessory dwelling unit is not considered a multi-family dwelling.~~
   3. Duplexes in PC zoned parcels are allowed only on lots six thousand (6,000) square feet or more with a width of sixty feet (60') or more.

Section XIII. Sonoma County Code Section 26-24-140. – Dwelling, two-family. is deleted, and subsequent sections and related cross-references are renumbered accordingly.

Section XIV. Sonoma County Code Section 26-24-190. - Junior accessory dwelling unit. is amended and replaced as shown below with subsequent sections and related cross-references renumbered accordingly.

Sec. 26-24-190. – Junior accessory dwelling units.

~~**A. Definition.** A dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.~~

~~**B. Standards.**~~

~~1. See Section 26-88-061.~~

~~2. May not exceed five hundred (500) square feet.~~

~~3. Must include an efficiency kitchen.~~

~~4. May include separate sanitation facilities or share sanitation facilities with the existing structure.~~

A. Purpose. This section implements the requirements of Government Code Sections 66333-66339 and the provisions of the General Plan Housing Element that encourage the production of affordable housing by means of junior accessory dwelling units (JADUs). JADUs shall be ministerially permitted in compliance with the requirements of this section, Government Code Sections 66333-66339, and all other applicable local, state, and federal requirements.

B. Definitions. As used in this section:

1. **"Junior accessory dwelling unit (JADU)"** means a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing primary structure.
2. **"Floor area"** means the interior habitable area of the dwelling unit, including but not limited basements and attics, but does not include a garage or any accessory structure. Floor area shall be calculated by measuring the interior perimeter of applicable areas.

C. Use Restrictions.

1. **Ownership.**
   a. A JADU may be rented but shall not be sold separately from the single-family residence.
   b. The owner of the property must reside in either the JADU or the remaining portion of the single-family dwelling, unless either:
      (1) The JADU includes sanitation facilities that are separate from the single-family dwelling; or
      (2) The owner is a governmental agency, land trust, or housing organization.
2. **Duration of Tenancy.** JADUs shall not be rented for periods of thirty (30) days or less.
3. **Deed Restriction.** The property owner shall record a deed restriction that:
   a. Prohibits sale of the JADU separately from the single-family residence; and
   b. Specifies that the deed restriction runs with the land and is enforceable against future property owners; and
   c. Restricts the size and attributes of the JADU to those established by Government Code Section 66333 and reflected in this section; and
   d. Makes the County a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

D. Density. As provided by Sonoma County Code Section 26-16-020 (B), JADUs are not considered to exceed the allowable density for the lot on which they are located.

E. Construction Standards. JADUs shall comply with local building codes and the California Building Standards Code (Cal. Code Regs., Title 24), as adopted. JADUs shall not be considered a new

residential use for purposes of applying building codes, fire codes, water, and wastewater disposal capacity requirements, or collection of impact fees, unless one of the following applies:

1. The JADU is constructed concurrently with a new single-family dwelling. In which case the JADU shall be included in application of the above; or
2. The JADU is created within an existing single-family dwelling and increases the total number of bedrooms on the lot. In which case, water and wastewater disposal capacity must be demonstrated as would be required for the addition of a bedroom to an existing single-family dwelling.

F. Development Standards. The County provides development standards for JADUs in compliance with Government Code Sections 66323 and 66333 through 66339.

1. **Design Review.**
   a. JADUs shall be exempt from Design Review requirements.
   b. A proposed single-family dwelling containing a JADU shall be subject to typical development standards and Design Review requirements as applicable, except that the JADU portion of the structure shall be ministerially permitted subject to the requirements of this section.
2. **Lot Requirements.**
   a. No minimum lot size shall be required.
   b. The lot with the proposed JADU must meet all the following criteria:
      (1) The lot contains an existing or proposed single-family dwelling.
      (2) A base zone applies to the lot which permits or conditionally permits one of the following:
         (a) Single-family dwellings, or
         (b) Multifamily dwellings, or
         (c) Residential mixed-use developments.
3. **Unit Types.** A JADU permitted under this section must be either:
   a. Included within the proposed space of a single-family dwelling; or
   b. Created entirely from space within an existing single-family dwelling, or from enclosed uses within the dwelling such as attached garages.
4. **Quantity of Units.** One (1) JADU is allowed per lot. This JADU may be on a lot with any combination of ADUs permitted under Section 26-24-020.
5. **Unit Size and Location.**
   a. The floor area of a JADU shall not exceed five hundred (500) square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.
   b. A JADU shall be created entirely from space within an existing or proposed single-family dwelling, or from enclosed uses within the dwelling such as attached garages.
   c. A JADU may not be expanded beyond the existing dimensions of the single-family dwelling or enclosed uses within the dwelling.
6. **Access**. A separate, exterior entrance to the JADU must be provided.
7. **Bathroom**. A JADU may include separate sanitation facilities or may share sanitation facilities with the single-family dwelling. If sanitation facilities are shared with the single-family dwelling, there must be interior entry to the main living area of the single-family dwelling.
8. **Kitchen**. A JADU must include an efficiency kitchen, which shall include all of the following:
   a. A cooking facility with appliances.
   b. A food preparation counter and storage cabinets proportional to the size of the JADU.
9. **Parking**. Additional parking shall not be required to establish a JADU.

G. **Permitting New JADUs.** New JADUs shall be permitted as described for ADUs in Section 26-24-020.

H. **Unpermitted JADUs created prior to January 1, 2020.** Unpermitted JADUs shall be permitted as described for ADUs in Section 26-24-020 subsection H.

Section XV. Sonoma County Code Section 26-88-060. - Accessory dwelling units. is deleted, and subsequent sections and related cross-references are renumbered accordingly.

Section XVI. Sonoma County Code Section 26-88-061. - Junior accessory dwelling units. is deleted, and subsequent sections and related cross-references are renumbered accordingly.

Section XVII. Sonoma County Code Section 26-88-118. - Special use standards for hosted rentals and bed and breakfast inns. is amended as shown in strikeout and underline below.

Sec. 26-88-118. Special use standards for hosted rentals and bed and breakfast inns.

(a) **Purpose.** This sections provides the requirements and standards for the establishment and operation of bed and breakfast inns and hosted rentals.

(b) **Applicability.** The provisions of this section shall apply to the transient use of residential property where the primary owner remains in residence during the rental period, including bed and breakfast inns and hosted rentals of a single room or sleeping area. Transient rental of more than one (1) room or sleeping area while the owner remains in residence on the property is a bed and breakfast inn, whether or not food is served. Transient rentals of the entire home without the owner in residence are regulated by 28-88-120 (Vacation Rentals).

(c) **Limitations.** Bed and breakfast inns and hosted rentals shall not be permitted in non-habitable structures or in tents, RVs, or other provisions intended for temporary occupancy. Bed and breakfast inns shall also not be permitted within ~~second~~ accessory dwelling units, not in structures or dwellings with county covenants or agreements restricting their use, including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under Williamson Act contract. Only one (1) hosted rental is allowed per parcel. A hosted rental may not be located on the same site as a vacation rental unless a use permit has been obtained for the combined use. A whole-house vacation rental is not a hosted rental or a bed and breakfast inn, even if the property owner resides in another dwelling unit on the same property.

(d) **Permit Requirements.** Hosted rentals (also known as one-room bed and breakfast inns) of not more than one (1) room or sleeping area that meet the standards of this section are allowed as provided by the underlying zone, subject to issuance of a zoning permit. In the case of a legally permitted guest house used as a transient rental, the primary owner will remain in residence within the main home on the same property. Accessory structures may not be used as hosted rentals unless they are legally permitted as guest houses. ~~Second~~ Accessory dwelling units may not be used as hosted rentals. Rental of more than one (1) room or sleeping area is considered a bed and breakfast inn with two (2) or more rooms, and shall be allowed subject to the permit requirements of the applicable zone and the standards set forth in subsection (f).

(e) **Performance Standards for Hosted Rentals and One-Room Bed and Breakfast Inns.**

1. **Transient Occupancy Tax.** The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings.

2. **Food Service.** Food service, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services.
3. **Events Prohibited.** No weddings, lawn parties or similar activities shall be permitted.
4. **Vehicles.** Limit of one (1) vehicle associated with the transient use.
5. **Noise Limits.** Outdoor amplified sound is prohibited. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.
6. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
7. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to three (3) feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 9:00 p.m., whichever is earlier. No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material.
8. **Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection.
9. **Expiration.** A zoning permit for a hosted rental expires upon sale or transfer of the property, or when the property is no longer occupied by a primary owner, whichever occurs sooner.

(f) **Performance Standards for Bed and Breakfast Inns with Two or More Guestrooms or Sleeping Areas.**

1. **Maximum Occupancy.** Maximum number of rooms shall be as provided in the underlying zone.
2. **Transient Occupancy Tax.** The property owner shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertisements, websites or internet listings.
3. **Food Service.** Food service, if provided, shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services.
4. **Events Only with Use Permit.** No weddings, lawn parties or similar activities shall be permitted unless authorized by the use permit.
5. **Amplified Sound.** No outdoor amplified sound shall be permitted unless authorized by the use permit.
6. **Noise Limits**. All activities associated with the transient use shall meet the general plan noise standards. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. unless otherwise allowed by use permit. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.
7. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
8. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to three (3) feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within twenty-five (25) feet of a structure or combustible material.

9. **Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per-room sewer fee may be applied.

Section XVIII. Sonoma County Code Section 26-90-120. – Taylor/Sonoma/Mayacamas Mountains (MTN). is amended as shown in strikeout and underline below:

Sec. 26-90-120. Taylor/Sonoma/Mayacamas Mountains (MTN).

(a) Purpose. These standards are intended to reduce the visual impacts of residential related development within the Scenic Landscape Units of Taylor, Sonoma, and Mayacamas Mountain areas as visible from public roads.

(b) Additional Permit Requirements or Exemptions. In addition to the requirements of Section 26-90-040 above (Permit requirements for all Local Area Guidelines and Standards), the following applies:

(1) Deed Restriction. A deed restriction shall be recorded stating the conditions of the Design Review or Administrative Design Review approval.

(2) Structures and Site Development. These standards apply to single-family dwellings, ~~second dwelling units,~~ residential accessory structures, and other associated site development including but not limited to roadways, site grading, and utilities (collectively referred to in this Section as "site development"), except as otherwise exempt, that are or would be visible from public roads.

(3) Board Appointed Citizen Advisory Committee Referral. These standards shall be utilized by the Department and applicable Board appointed local citizen's advisory committees in compliance with Chapter 26, Article 64 (Scenic Resources Combining Zone) to evaluate any Building Permit applications for proposed single-family dwellings~~, second dwelling units,~~ and any other associated site development.

(4) Effect on Existing Structures. Legal single-family dwelling(s) or appurtenant structure(s) existing on the effective date of this Section shall be deemed to comply with this Section. Expansions to existing single-family dwelling(s) and/or appurtenant structure(s) shall be required to comply with this Section.

(5) Exempt Structures. The requirements of this section shall not apply to:

a. Accessory structure(s) that do not require a Building Permit;
b. Agricultural structure(s) or use;
c. Farm family, agricultural employee, and seasonal or year round farmworker housing; and
d. Structure(s) that are not or would not be visible at the time of construction from public roads. Nothing in this section shall apply to the appearance of a single-family dwelling(s) or appurtenant structure(s) where viewed from a non-vehicular pedestrian, bicycle, or equestrian trail open to the public.

(6) Exemption for sites rendered unbuildable. One or more of the requirements of this Section may be waived or modified where the applicable review authority determines that strict compliance with these standards would render a legal parcel unbuildable, provided that the review authority shall first find that:

a. A single-family dwelling ~~or second dwelling unit~~ and each appurtenant structure, road, driveway, and utility line will be located where the least visual impact would result; and

b. The proposed development will not conflict with Chapter 26, Article 64 (Scenic Resources Combining Zone).

(c) Standards. The following standards apply:

(1) Site Planning Standards.

a. Applicability. The provisions of this subsection apply to all proposed site development which, for the purposes of this Subsection includes each proposed dwelling, appurtenant structure, and any related utility line, access road, and driveway except on a site where a building envelope was previously established by way of a recorded subdivision map or recorded open space or conservation easement, in which case the structure shall be located within the established building envelope.

b. Siting Criteria. All features of site development that are subject to these standards shall, to the extent feasible, be located to be substantially screened when viewed from public roads. The term "viewed" shall mean what is visible to a person of normal eyesight from public roads.

c. Alternative Siting. The location of site development in compliance with this Section shall be feasible based on the factors of fire, safety, on-site sewage disposal, drainage, geologic, and other constraints. Where these constraints make it infeasible to substantially screen the structures and related site development, they shall be located in the least visible location on the parcel and shall be subject to the architectural and landscaping standards in specified in subsections e. and f., below.

d. Use of existing vegetation and site features.

1. Existing vegetation or existing topographic features shall be used, where feasible, to substantially screen site development as seen from public roads.
2. Grading and removal of trees and other mature vegetation should be minimized. Avoid removal of specimen trees, tree groupings, and windbreaks.
3. The applicant shall provide the Department with a site plan indicating if any vegetation is proposed, or topographic features proposed to be removed as well as vegetation to be retained and used to substantially screen the site development.
4. Where existing topography and vegetation would not screen structures from view from public roads, landscaping shall be installed consisting of native vegetation in natural groupings that fit with the character of the area in order to substantially screen structures from view.

e. Ridge-line Development. On hills and ridges, no portion of a single-family dwelling, appurtenant structure(s), or any portion of a structure shall appear against the sky when viewed from public roads.

f. Roads and Driveways. The grade and alignment of each new access road, including any driveway, related to the construction of any single-family dwelling and/or appurtenant structure(s) shall be located and designed to minimize the visibility of each road and road cut, as viewed from public roads.

g. Grading.

1. All exposed slopes and disturbed soil resulting from site development shall be graded so as to be gently sloping and blend with the natural topography.
2. Regraded slopes and disturbed soils shall be revegetated with indigenous plants, or other plants with similar massing and coverage characteristics suitable to minimize soil erosion.

(2) Architectural Standards. Each single-family dwelling and appurtenant structures, including fences, shall comply with the following standards, except as may be exempted in compliance with subsection (b)(5) (Exempt Structures), above.

a. Rural Character.

1. All new structures shall be designed to respect the rural character of the surrounding environment.
2. The architectural form of the structure(s) and site development shall utilize appropriate form and massing to reduce the visual impact and blend with the environmental setting.

b. Building Materials and Exterior Colors.

1. The exterior colors of the structure shall be local earth tones blending with the natural environment of the site and have a low reflectivity value.
2. An exterior color may be changed to another new color, provided that the new color is consistent with these standards.
3. Building materials (e.g., bricks, natural wood, or stone) may be considered, provided the material used is an appropriate color and has a low reflectivity value.

c. Windows. Window glazing shall be nonreflective.

d. Lighting, Exterior.

1. Exterior lighting shall be downward facing, fully shielded, and located at the lowest possible point to the ground to prevent glare and light pollution.
2. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky.
3. Luminaires shall have a maximum output of 1000 lumens per fixture.
4. Total illuminance beyond the property line created by simultaneous operation of all exterior lighting shall not exceed 1.0 lux.
5. All roadway, parking, and driveway lights shall be low profile utilizing full cut-off fixtures.
6. Flood lights are not allowed.
7. If security lighting is necessary, it shall be motion-sensor activated only.

(3) Landscaping. Site development in compliance with this section shall require landscaping as follows, consistent with Section 7D-3 (Water Efficient Landscape Regulations), County Code Chapter 13 (Fire Safety Ordinance), and Emergency Services Department Vegetation Management Guidelines, except as provided by Subsection (c)(3)c., below.

a. Size and Density of Plant Materials. Landscaping necessary to accomplish substantial screening shall be of sufficient size and density to screen the structure within ten (10) years following installation.

b. Plant Species. Plant species used for any screening and revegetation required by these standards shall be indigenous, or of a similar character as determined by the review authority. Planting shall also comply with the fire safe standards.

c. Waiver or Modification of Landscaping Requirements. Where the Director determines that because of soil, climatic conditions, or topographic conditions, the landscaping otherwise required by this Subsection would not be feasible, the Director may waive the landscaping requirements, provided that the dwelling and/or appurtenant structure(s) is constructed in the least visible location on the building site. The Director shall not waive the landscaping requirements unless the Director has first determined that the applicant has:

1. Explored all reasonable alternative measures to screen or otherwise reduce the visibility of the structures, and associated site development, to the same degree as the landscaping requirements that would be waived; and
2. Proposed an alternative or demonstrated that landscaping is not necessary and/or feasible for the particular structure and/or site development at issue.

(d) Boundaries. The standards of this Section apply to all properties within the boundary shown in the Zoning Database as being within the LG/MTN (Local Guidelines/Taylor Sonoma Mayacamas Mountains) combining zone.

(Ord. No. 6057, § III(a), Exh. A, 2-4-2014)