

CHAPTER 26 - SONOMA COUNTY ZONING REGULATIONS⁽¹⁾

Footnotes:

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Editor's note— For cross-reference table of the original zoning ordinance section numbers, see the Tables following Ch. 32.

Article 01. - Applicability of Zoning Districts to General Plan Land Use Categories.

Sec. 26-01-010. - Applicability of zoning districts to general plan land use categories.

Land Use Category	Base Zoning District*	Article
Land Intensive Agriculture	LIA Land Intensive Agriculture	26-04
Land Extensive Agriculture	LEA Land Extensive Agriculture	26-06
Diverse Agriculture	DA Diverse Agriculture	26-08
Resources and Rural Development	TP Timber Production	26-14
	RRD Resources and Rural Development	26-10
Rural Residential	RR Rural Residential	26-18
	PC Planned Community	26-26
	AR Agriculture and Residential	26-16
Urban Residential	RR Rural Residential	26-18
	R1 Low Density Residential	26-20
	R2 Medium Density Residential	26-22
	R3 High Density Residential	26-24
	PC Planned Community	26-26
General Commercial	CO Administrative and Professional Office	26-28

	C1	Neighborhood Commercial	26-30
	C2	Retail Business	26-32
	C3	Heavy Commercial	26-34
	PC	Planned Community	26-26
Limited Commercial and Limited Commercial - Traffic Sensitive	CO	Administrative and Professional Office	26-28
	C1	Neighborhood Commercial	26-30
	PC	Planned Community	26-26
	AS	Agricultural Services	26-40
	LC	Limited Commercial	26-36
	CR	Commercial Rural	26-38
Recreation and Visitor Serving Commercial	K	Recreation and Visitor Serving Commercial	26-42
General Industrial	MP	Industrial Park	26-44
	M1	Limited Urban Industrial	26-46
	M2	Heavy Industrial	26-48
Limited Industrial	MP	Industrial Park	26-44
	M1	Limited Urban Industrial	26-46
	M3	Limited Rural Industrial	26-50
Public/Quasi Public	PF	Public Facilities	26-52

* The Board of Supervisors may apply other zoning districts to a particular land use category on a case by case basis when determined to be appropriate.

([Ord. No. 6140, § II\(Exh. B\)](#), 1-5-2016)

Article 02. - In General.

Sec. 26-02-010. - Purpose of chapter.

This chapter is adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare. It is also adopted for the following specified purposes:

- (a) To provide for the orderly and beneficial land use of the county;
- (b) To protect the character and social and economic stability of agricultural, residential, commercial, industrial and other communities within the county;
- (c) To protect the public safety and welfare by regulating the location and uses of all structures and land;
- (d) To protect and conserve the scenic, recreational and natural resource characteristics of the county;

(Ord. No. 2392, § 4)

- (e) To provide for the orderly and timely processing of development projects as anticipated by the California Permit Streamlining Act. Development projects do not include rezonings, plan amendments or other applications accompanied by a request for a rezoning or plan amendment.

(Ord. No. 4643, 1993.)

Sec. 26-02-020. - Composition of zoning ordinance.

- (a) The zoning ordinance establishes various districts within the unincorporated territory of the county and designates lawful permitted uses, and uses which may be approved through the use permit process. Within these districts (1) it is unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or buildings, (2) the height and bulk of future buildings shall be limited, and (3) certain open areas shall be required around future buildings. The various districts also consist of appropriate regulations to be enforced in such district, all as set forth in this chapter.
- (b) In conformance with the open space and public safety elements of the general plan, the county of Sonoma declares that the following articles of this chapter constitute its open space zoning pursuant to Government Code Section 65910:

Article 56 F1 Floodway Combining District

Article 58 F2 Floodplain Combining District

Article 78 B Districts

Article 62 SD Scenic Design Combining District

Article 68 HD Historic Combining District

Article 64 SR Scenic Resource Combining District

Article 66 BR Biotic Resource Combining District

Article 70 G Geologic Hazard Combining District

(Ord. No. 4643, 1993.)

Sec. 26-02-030. - Numerical references and headings.

The planning director or his or her designee, without following the procedures necessary to amend the provisions of this chapter, may periodically renumber or reletter the sections of this chapter so long as no text changes are made.

(Ord. No. 4643, 1993.)

Sec. 26-02-040. - Zoning permits relative to the general, specific, and area plans.

No ministerial or discretionary permit, such as, but not limited to, rezonings, use permits, variances, building or zoning permits for any use in any district, shall be issued if such rezoning or permit is inconsistent with the Sonoma County general plan or any duly adopted specific or area plans, except that:

- (a) Issuance of a permit for a second dwelling unit pursuant to Section 26-84-060 is exempt from general plan density restrictions; and
- (b) Issuance of a building permit for a dwelling unit in Area No. 9 is subject to the provisions of Section 26-02-050, the Sonoma Valley "Residential Growth Management Plan"; and
- (c) Issuance of building permits and creation of new lots in Area No. 6 are subject to the provisions of Section 26-02-060, the "Sonoma County Area No. 6 Residential Growth Management Plan."

(Ord. No. 4643, 1993.)

Sec. 26-02-045. - Economic stimulus measures.

Notwithstanding any other provision of this code, the following provisions shall control and prevail for a period of one year following the effective date of this section, unless otherwise amended by subsequent action of the Board of Supervisors:

- (a) Time Extensions. All approved land use entitlements that have not expired by the effective date of this section, and are not related to code violations, are hereby automatically extended for a period of one year from the date of expiration of the entitlement, but not to exceed the period of time allowed on an accompanying tentative map. This extension shall be in addition to any other time extensions allowed under the code.
- (b) Vacation Rentals in the LIA. Notwithstanding the fact that vacation rentals are not listed as an allowable use in Article 04, Land Intensive Agricultural Zoning District, of Chapter 26 of the Sonoma County Code, existing and new vacation rentals that are registered with the Sonoma County Auditor and Tax Collectors office to pay Transient Occupancy Tax and have submitted a complete application for a vacation rental permit within two (2) years of the effective date of this

ordinance, may be permitted with a zoning permit, which shall expire upon transfer or sale of the property, provided that they comply with all of the following:

- (1) The vacation rental is within a primary residence and not within a second unit, farm family, agricultural employee, or farmworker unit which have restricted covenants; and the property is not under a Land Conservation Act (Williamson Act) contract;
- (2) The vacation rental complies with all operating standards of Section 26-88-120 of the Sonoma County Code;
- (3) No cultural events, special events, weddings or large gatherings are permitted;
- (4) The septic system serving a vacation rental permitted with a zoning permit shall be properly functioning and shall meet Class 3 standards or better, as verified by a registered Civil Engineer or registered Environmental Health Specialist;
- (5) The owner signs and records a Right to Farm Declaration.

(Ord. No. 6063, § II, 4-15-2014; Ord. No. 5941, § I, 5-10-2011; Ord. No. 5929, § II, 4-12-2011)

Sec. 26-02-050. - Sonoma Valley residential growth management plan.

- (a) Notwithstanding anything contained in the Sonoma County Code to the contrary, no application for a residential building permit in Planning Area No. 9 shall be accepted, processed, issued or approved if such application would be contrary to the restrictions otherwise set forth in this section.
- (b) Each year, the board of supervisors shall receive from the planning department a report on the effectiveness of this growth management plan. The plan may be revised at the discretion of the board, or may be lifted at such a time that the board determines that residential development in the subject area is substantially in conformance with general plan projections. The board may, from time to time, request a review of the report by a committee comprised of representatives of the city, the county, representatives of public service districts, and the concerned public who reside in Planning Area No. 9.
- (c) Growth Management Measures for Planning Area No. 9.
 - (1) No new application for a building permit or fees therefor for a new dwelling unit may be accepted, processed or issued by the county for property within the Sonoma Valley planning area (Area No. 9 as shown in Exhibit A attached to the ordinance codified in this chapter) unless and until a dwelling unit allotment has been approved except as provided in subsection (c)(4) of this section. A parcel specific delineation of Area No. 9 may be found on the large land use map adopted by the board of supervisors on March 23, 1989 in connection with the adoption of the general plan. Copies of such maps are available for public inspection at the planning department offices.
 - (2) No more than sixty (60) dwelling unit allotments may be approved (plus any carryover from the previous year) for any calendar year in that portion of Area No. 9 which lies within the county general plan "Urban Service Area" as shown on the general plan land use map.
 - (3) No more than thirty (30) dwelling unit allotments may be approved (plus any carryover from the previous year) for any calendar year in that portion of Area No. 9 which lies outside of the county general plan "Urban Service Area" as shown on the general plan land use map.
 - (4) Category 1 Units. An application for a building permit for a new dwelling unit may be accepted, processed and issued for the following units without prior approval of a dwelling unit allotment.
 - (i) Reconstruction, repair, remodeling and additions to of existing legal dwellings;
 - (ii) Farmworker housing and agricultural employee dwelling units on property which is zoned LIA, LEA or DA, and subject to the provisions of the zoning ordinance;
 - (ii) Homeless shelters;

- (iv) Residential community care facilities as defined in and permitted by the zoning ordinance;
- (v) Second dwelling units as provided in the zoning ordinance;
- (vi) Dwelling units for which a building or septic permit application has been accepted by the county as complete for filing including payment of all application fees prior to the time of adoption of the ordinance codified in this chapter. This exemption for "pipeline" applications may be forfeited at the discretion of the county in the event of the withdrawal, denial or substantial revision of the application, or in the event of expiration of the permit for failure to substantially begin construction.

(Ord. No. 4643, 1993.)

- (5) Category 2 Units. The following dwelling units shall require approval of a dwelling unit allotment prior to acceptance and processing of an application for a building permit, but may request and receive an allotment for a future year as provided in subsection (c)(5)(vii) of this section. Upon receipt of an allotment and issuance of a building permit, these units may be constructed in any year up to and including the year of the allotment.
 - (i) One (1) dwelling unit on a single lot. Once a lot owner has been granted an allotment for this type of Category 2 unit, no other allotments of this type may be approved for that owner, unless the allotment is forfeited as provided in subsection (7)(ii)(F) of this section;
 - (ii) Projects (multilot owners) of two (2) or more units which include a minimum number of low or very low income units equal to forty-four percent (44%) of the total number of units in the project; provided, that fractions of units shall be dropped to the next whole number. (Example: A six (6) unit project would require 2.64 affordable units (.44 x 6 = 2.64). After dropping the fraction, the affordable unit requirement becomes two (2) units.) The following criteria shall also apply to these units:
 - (A) The low and very low income dwelling units must be constructed prior to or concurrently with the other units,
 - (B) The low and very low income dwelling units may be constructed as part of the project or off site on land owned by the developer either within the city or the unincorporated portion of Area No. 9, at a density which is consistent with the applicable general plan,
 - (C) The low and very low income dwelling units shall meet the income criteria of the Sonoma County housing authority and shall include an agreement signed by the housing authority to restrict the rent to such criteria for a period of at least thirty (30) years, and/or the sale and resale to such criteria for a period of at least fifty (50) years,
 - (D) Bonus dwelling unit allotments may be approved for these projects when the number of low and very low income units constructed exceeds the minimum number necessary to meet the criteria of subsection (c)(5)(ii) of this section. The number of bonus allotments shall be determined by dividing .44 into the number of extra low and very low income units constructed (drop the fraction as above). However, none of these bonus allotments shall be transferable and none shall be approved unless assigned to a specific lot owned by the developer.

For example, a project of ten (10) units would require a minimum of four (4) low or very low income units to qualify as a Category 2 project. If the developer provided six (6) instead of four (4) such units, he or she would qualify for four (4) bonus allotments ($2 \div .44 = 4.54 = 4$); provided, that the bonus allotments were assigned to specific lots owned by the developer;
 - (iii) Projects (multilot owners) of two (2) or more dwelling units constructed as part of a mixed commercial/residential project in which all of the dwelling units are affordable to low or very

low income households, and which meet the criteria of subsection (c)(5)(ii)(A) through (D) of this section.

- (6) Category 3 Units. Projects (multilot owners) of two (2) or more dwelling units which do not include low or very low income dwelling units may be issued an allotment only in the calendar year in which application is made and may be issued a building permit only in the year for which an allotment is approved.

The number of allotments approved for these units shall not exceed eighteen (18) per calendar year in that portion of Area No. 9 which lies within the County general plan Urban Service Area as shown on the general plan land use map, and shall not exceed nine (9) per calendar year in that portion of Area No. 9 which lies outside of the Urban Service Area. The number of allotments available for this category of units may be less than the maximum of eighteen (18) and nine (9), respectively, if available allotments were previously allocated to Category 2 units.

- (7) Allotment Approval Process.

- (i) Category 1 Units. No allotment is required. Application for a building permit may be filed and issued at any time.

- (ii) Category 2 units.

- (A) Beginning January 2, 1992, applications may be filed for dwelling unit allotments at the planning department. The application shall include a processing fee of twelve dollars (\$12.00) for each proposed unit, proof of ownership of the subject lot(s), and evidence that the subject lot(s) is a legal lot(s) of record.
- (B) Applications shall be dated and numbered in sequence on a first-come, first-served basis and reviewed by the planning department in order to determine whether or not it qualifies as a Category 2 unit.
- (C) In the event that the planning department determines that an application does not qualify as a Category 2 unit, the applicant shall be so notified in writing.
- (D) In the event that the planning department determines that an application qualifies as a Category 2 unit, the applicant shall be so notified and an allotment shall be assigned from those available on the allotment list. The allotment shall then be issued as provided herein.
- (E) Allotments for Category 2 units within the general plan Urban Service Area may be approved for any of the available sixty (60) slots on the allotment list for the chosen year on a first-come, first-served basis. Allotments for Category 2 units outside of the general plan Urban Service Area may be approved for any of the available thirty (30) slots on the allotment list for the chosen year on a first-come, first-served basis. Future year allotments shall only be available in three increments: calendar years 1992 - 1994, 1995 - 1999, and 2000 - 2004. No allotments shall be approved for any subsequent increment until all of the available allotments have been approved for the prior increment. Separate allotment lists shall be maintained for the "Urban" and "Rural" areas.
- (F) Building permit applications for Category 2 units which are filed in the chosen year shall be filed between January 1st and June 30th of that year. The allotment shall be forfeited under any of the following circumstances:
- Failure to file a building permit application by June 30th of the calendar year assigned to the allotment;
 - Failure to be issued a building permit by December 1st of the calendar year assigned to the allotment;
 - Failure to substantially begin construction within one (1) year of the date of issuance of the building permit;

- d. Failure to receive notice of the allotment shall not excuse the failure to secure a building permit and begin construction. Property owners not receiving a notice shall have the duty to make a written inquiry of the planning department regarding their application.
- (iii) Category 3 Units.
- (A) Beginning January 1st of each calendar year, applications may be filed for Category 3 dwelling unit allotments for that calendar year at the planning department. The application shall include a processing fee of twelve dollars (\$12.00) for each proposed unit, proof of ownership of the subject lots, and evidence that the subject lots are legal lots of record.
 - (B) Applications shall be dated and numbered in sequence on a first-come, first-served basis and reviewed by the planning department in order to determine whether it qualifies as a Category 3 unit. At such time as no remaining allotments are available for that calendar year, no further applications shall be accepted.
 - (C) In the event that the planning department determines that an application does not qualify as a Category 3 unit, the applicant shall be so notified in writing.
 - (D) In the event that the planning department determines that an application qualifies as a Category 3 unit, the applicant shall be so notified of the approved allotment.
 - (E) Building permit applications for Category 3 units shall be filed between January 1st and June 30th of the year that the allotment is approved. The allotment shall be forfeited under any of the following circumstances:
 - a. Failure to file a building permit application by June 30th of the calendar year of the granting of the allotment;
 - b. Failure to be issued a building permit for the unit by December 1st of the calendar year of the granting of the allotment;
 - c. Failure to substantially begin construction within one (1) year of the date of issuance of the building permit;
 - d. Failure to receive notice of the allotment shall not excuse the failure to secure a building permit and begin construction. Property owners not receiving a notice shall have the duty to make a written inquiry of the planning department regarding their application.
- (8) Available allotments which are not approved or allotments which have been forfeited shall be carried over to the next year.
- (9) Allotments for units outside of the general plan Urban Service Area shall not be approved for more than one (1) unit per legal lot.
- (10) Allotments for units inside of the general plan Urban Service Area may be approved for more than one (1) unit per lot provided that all discretionary entitlements for such units have been approved prior to application for the allotment(s).
- (11) Allotments are granted for a specified parcel and are not transferable to another parcel.
- (12) The provisions of this section shall not be applied in a manner which would affect an unconstitutional taking of real property. A property owner alleging such a taking may appeal the refusal to accept or process an application in the manner provided in the appeal procedures set forth in this chapter.

(Ord. No. 4643, 1993; Ord. No. 4527.)

Sec. 26-02-060. - Sonoma County Area No. 6 residential growth management plan.

- (a) Notwithstanding anything contained in the Sonoma County Code to the contrary, no application for a residential subdivision or for a residential building permit in Planning Area No. 6 (as shown in Exhibit A attached to the ordinance codified in this chapter) shall be accepted, processed, issued or approved if such application would be contrary to the restrictions otherwise set forth in this section. A parcel specific delineation of Area No. 6 may be found on the large land use map adopted by the board of supervisors on March 23, 1989 in connection with the adoption of the general plan. Copies of such maps are available for public inspection at the planning department offices.
- (b) Each year, the board of supervisors shall receive from the planning department a report on the effectiveness of this growth management plan. The plan may be revised at the discretion of the board, or may be lifted at such a time that the board determines that residential development in the subject area is substantially in conformance with general plan projections.
- (c) Growth Management Measures for Subdivisions in Planning Area No. 6.
 - (1) No major subdivision application (five (5) lots or more) which is proposed to be located outside of the designated urban service area of Graton shall be approved without a condition which limits the number of building permits for new dwelling units on the subject lots to a maximum of four (4) in any single calendar year.
 - (2) Each major subdivision application (five (5) lots or more) which is proposed to be located within the designated urban service area of Graton must meet either of the following criteria:
 - (i) One hundred percent (100%) of the dwelling units on the lots within the subdivision are proposed, through a development agreement acceptable to the Sonoma County housing authority and county counsel, to be reserved for sale or rent to low, very low or moderate income households subject to the criteria provided in Section 3.1 of the housing element of the general plan; or
 - (ii) In perpetuity open space is offered.
 - (3) Notwithstanding the limitations of subsection (c) of this section, an application for subdivision which was accepted as complete for filing prior to the time of adoption of the ordinance codified in this chapter may continue to be processed and approved without compliance with subsections (c)(1) and (2) of this section. This exemption for "pipeline" applications may be forfeited at the discretion of the county in the event of the withdrawal or denial or substantial revision of the application.
 - (4) The provisions of this section shall not be applied in a manner which would affect an unconstitutional taking of real property. A property owner alleging such a taking may appeal the refusal to accept to process an application in the manner provided in Section 13.5 of Chapter 25, Sonoma County Code.
- (d) Growth Management Measures for Building Permits in Planning Area No. 6.
 - (1) No new application for a building permit or fees therefor for a new dwelling unit may be accepted, processed or issued by the county for property within Planning Area No. 6 unless and until a dwelling unit allotment has been approved, except as provided in subsection (d)(3) of this section.
 - (2) No more than the number of dwelling unit allotments shown below may be approved for the specified calendar year in Area No. 6 plus any carryover from the previous year. In the event that this limitation has been reached for any calendar year, additional bonus allotments may be approved for dwelling units which are reserved for sale or rent to low, very low or moderate income households subject to the criteria provided in Section 3.1 of the housing element of the general plan. Such bonus allotments shall be limited to a maximum of ten percent (10%) of the number of allotments available for that year, including carryover.

Calendar Year Maximum Number of Allotments

1992	46
1993	42 + carryover
1994	38 + carryover
1995	35 + carryover
1996	32 + carryover
1997	29 + carryover
1998	26 + carryover
1999	24 + carryover
2000	22 + carryover
2001	20 + carryover
2002	18 + carryover
2003	16 + carryover
2004	15 + carryover
2005	13 + carryover
Total	376

- (3) No more than four (4) dwelling unit allotments may be approved in any single calendar year for the lots created by each major subdivision located outside of the designated urban service area of Graton which is approved after the effective date of the ordinance codified in this chapter.
- (4) Notwithstanding the limitations of subsections (d)(1), (2) and (3) of this section, an application for a building permit for a new dwelling unit may be accepted, processed and issued for the following units without prior approval of a dwelling unit allotment:
- (i) Reconstruction, repair, remodeling of existing legal dwellings;
 - (ii) Farmworker housing and agricultural employee dwelling units on property which is zoned LIA, LEA or DA, and subject to the provisions of the zoning ordinance;
 - (iii) Homeless shelters;
 - (iv) Residential community care facilities as defined in and permitted by the zoning ordinance;

- (v) Second dwelling units as provided in the zoning ordinance;
 - (vi) Dwelling units for which a building or septic permit application has been accepted by the county as complete for filing including payment of all application fees prior to the time of adoption of the ordinance codified in this chapter. This exemption for pipeline applications may be forfeited at the discretion of the county in the event of the withdrawal, denial or substantial revision of the application, or in the event of expiration of the permit for failure to substantially begin construction.
- (5) Dwelling Unit Allotment Approval Process.
- (i) Application for a building permit may be filed and issued at any time for dwelling units not requiring prior approval of a dwelling unit allotment.
 - (ii) For dwelling units requiring a dwelling unit allotment:
 - (A) Beginning on the first working day each year and continuing through the end of the last working day of each year, or until the maximum number of allotments for that year have been issued, applications may be filed for dwelling unit allotments at the planning department. The application for a dwelling unit allotment shall include:
 - a. The processing fee established by the board of supervisors;
 - b. Proof of ownership of the subject lot(s).Applications for bonus allotments shall include a proposed agreement acceptable to county counsel for the required affordable units as provided in subsection (d)(2) of this section.
 - (B) Each application shall be dated and numbered in sequence on a first-come, first-served basis and reviewed by the planning department in order to determine whether or not it qualifies for an allotment under the terms of this plan. At such time that no remaining allotments are available for that calendar year, no further applications shall be accepted.
 - (C) In the event that the planning department determines that an application does not qualify for an allotment, the applicant shall be so notified in writing.
 - (D) In the event that the planning department determines that an application qualifies for an allotment, the applicant shall be so notified and an allotment shall be assigned from those available on the allotment list. The allotment shall then be issued as provided herein.
 - (E) An approved allotment shall be forfeited for failure to apply for the building permit within sixty (60) days of the date of the issuance of the allotment. Application for the building permit shall include payment of plan check fees and submittal of all working drawings and plans typically required as part of the building permit application.
 - (F) An approved allotment shall be forfeited for failure to obtain issuance of the building permit and to substantially begin construction within one calendar year of the date of issuance of the allotment.
 - (G) Failure to receive notice of the allotment shall not excuse the failure to secure a building permit and begin construction. Property owners not receiving a notice shall have the duty to make a written inquiry of the planning department regarding their application.
 - (H) Available allotments which are not approved or allotments which have been forfeited shall be carried over to the next year.
 - (I) Allotments are granted for a specified parcel and are not transferable to another parcel.

- (J) The provisions of this section shall not be applied in a manner which would affect an unconstitutional taking of real property. A property owner alleging such a taking may appeal the refusal to accept or process an application in the manner provided in the appeal procedures set forth in this chapter.

(Ord. No. 4643, 1993.)

Sec. 26-02-070. - Applicability of chapter to governmental units.

Provisions of this chapter shall apply to cities, special districts and state or federal governments or any agency of such governmental units, to the extent legally permissible. The provisions of this chapter shall not apply to public projects of the county. Private projects on leased lands owned by the county are not public projects of the county.

(Ord. No. 5961, § 4, 1-24-2012; Ord. No. 4643, 1993.)

Sec. 26-02-080. - General plan conformity of certain open space acquisitions.

In accordance with section 2-76 of this code, the board of directors of the Sonoma County agricultural preservation and open space district shall make the general plan conformity reports, as required by Government Code section 65402, for the district's acquisition of open space interests in real property in the unincorporated area of Sonoma County, and any related transactions including, but not limited to, those that result in an acquired interest being held by another public entity.

(Ord. No. 5180 § 2, 1999.)

Sec. 26-02-090. - Base districts enumerated.

The districts established by this chapter are as follows:

RR Districts	Rural Residential Districts
R1 Districts	Low Density Residential Districts
R2 Districts	Medium Density Residential Districts
R3 Districts	High Density Residential Districts
K Districts	Recreational Districts
CO Districts	Administrative and Professional Offices Districts
C1 Districts	Neighborhood Commercial Districts
C2 Districts	Retail Business Districts

C3 Districts	General Commercial Districts
MP Districts	Industrial Park Districts
M1 Districts	Limited Urban Industrial Districts
M2 Districts	Heavy Industrial Districts
M3 Districts	Limited Rural Industrial Districts
PC Districts	Planned Community Districts
PF Districts	Public Facilities Districts
P Districts	Parking Districts
TP Districts	Timberland Production Zone Districts
LIA Districts	Land Intensive Agriculture Districts
LEA Districts	Land Extensive Agriculture Districts
DA Districts	Diverse Agriculture Districts
RRD Districts	Resources and Rural Development Districts
AR Districts	Agriculture and Residential Districts
AS Districts	Agricultural Services Districts
LC Districts	Limited Commercial Districts
CR Districts	Commercial Rural Districts

([Ord. No. 6140, § II\(Exh. B\)](#), 1-5-2016; Ord. No. 4643, 1993.)

Sec. 26-02-100. - Combining districts enumerated.

In addition to the districts enumerated in Section 26-02-090, the following combining districts are established as set forth in this chapter:

	Combining District	Article
S	Study Combining District	54
F1	Floodway Combining District	56
F2	Floodplain Combining District	58
AH	Affordable Housing Combining District	59
RE	Renewable Energy Combining Zone	60
LG	Local Guidelines Combining District	63
SR	Scenic Resources Combining District	64
RC	Riparian Corridor Combining Zone	65
BH	Biotic Habitat Combining District	66
VOH	Valley Oak Habitat Combining District	67
HD	Historic Combining District	68
G	Geologic Hazard Area Combining District	70
MR	Mineral Resource Combining District	72
Z	Second Unit Exclusion Combining District	76
X	Mixed Occupancy Combining Zone	77
B	B Combining District	78
TS	Traffic Sensitive Combining District	80

([Ord. No. 6140, § II\(Exh. B\)](#)), 1-5-2016; Ord. No. 4991 § 1, 1996; Ord. No. 4774 § 1(A), 1994: Ord. No. 4643, 1993.)

Sec. 26-02-110. - Establishment of districts generally.

The districts indicated in Sections 26-02-090 and 26-02-100 are established or may be established by progressive amendments to this chapter. The designations, locations, and boundaries thereof are set forth and indicated in the official zoning database. Such database, and all notations, references, data, and other information shown therein are hereby made a part of this chapter, or may be made a part of this chapter by the progressive amendment thereto.

(Ord. No. 6051, § I, 11-5-2013; Ord. No. 5739 § 1, 2007; Ord. No. 4643, 1993.)

Sec. 26-02-120. - Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of any of the districts, the board of supervisors, upon written application or upon its own motion, shall determine the boundaries of such district.

(Ord. No. 4643, 1993.)

Sec. 26-02-130. - Official zoning database.

The official zoning database shall consist of an electronic database which shall contain zoning data for properties under provisions of Section 26-02-110, and shall be available at the Sonoma County permit and resource management department.

(Ord. No. 5739, § 1, 2007; Ord. No. 4643, 1993.)

~~Sec. 26-02-140. - Definitions.~~

~~For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~**Accessory dwelling unit.** An attached or detached residential dwelling unit provided in compliance with Sections 26-88-060, which unit provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single family dwelling. An accessory dwelling unit may also be provided as an efficiency dwelling unit and/or a manufactured home, as defined in this section.~~

~~**Accessory renewable energy system.** An on-site renewable energy system, including but not limited to wind, bioenergy, solar, low temperature geothermal heating systems, geothermal heat pump systems, and fuel cells and combinations thereof, where the energy generated is used primarily to meet the energy demands of the lawful use on the property where the system is located. Accessory renewable energy systems are subject to the applicable general development standards set forth in Section 26-88-200(a).~~

~~**Accessory use** means a use of land or a building that is related to and subordinate to the primary use of the land or building located on the same lot.~~

~~**Administrative citation** means a written citation on a form approved by the director, issued to any person or entity responsible for creating or allowing a violation of the provisions of the county code, when the agent of the county determines that a violation has occurred.~~

Adult entertainment establishment. An "adult entertainment establishment" is any place of business at which one or more of the following activities is conducted:

- (a) ~~**Adult bookstore** means an establishment that devotes more than fifty percent (50%) of the total display, shelf, rack, table, stand or floor area utilized for the display of books and periodicals to the display and sale of the following:~~
 - (1) ~~Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or~~
 - (2) ~~Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.~~

~~An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock in trade and does not devote more than fifty percent (50%) of the total floor area of the establishment to the sale of books and periodicals.~~

- (b) ~~**Adult motion picture theater** means an establishment, whether open or closed, where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons. A "substantial portion of the total presentation time" means the presentation of activities described above for viewing for more than fifty percent (50%) of the operating time.~~
- (c) ~~**Adult motion picture arcade** means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images, in which a substantial portion of the total presentation time of the images so displayed are distinguished or characterized by an emphasis for depicting or describing specified sexual activities or specified anatomical areas. A "substantial portion of the total presentation time" means the presentation of activities described above for viewing on more than fifty percent (50%) of the operating time.~~
- (d) ~~**Adult cabaret** means a nightclub, bar, restaurant or similar establishment which during a substantial portion of the total presentation time features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons. A "substantial portion of the total presentation time" means the presentation of activities described above for viewing for more than fifty percent (50%) of the operating time.~~
- (e) ~~**Adult theater** means a theater, concert hall, auditorium or similar establishment either indoor or outdoor in nature, which, for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons. A "substantial portion of the total presentation time" means the presentation of activities described above for viewing for more than fifty percent (50%) of the operating time.~~
- (f) ~~**Massage establishment** means:~~
 - (1) ~~An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a~~

~~medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state of California. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.~~

~~(2) A massage establishment which provides only specialized massage services and is operated in accordance with the following provisions shall not be considered an adult entertainment establishment. The applicant shall submit proof of proficiency in the specialized field of practice. Proficiency may be established by proof of actual practice in the field of specialization for a period of three (3) years or completion of a course of instruction in the specialized field of practice at a school authorized to provide such instruction by the state of California. The period of practice shall be attested to, in writing, by no less than three (3) persons who meet the educational qualifications described in this paragraph or are members of a professional organization which is incorporated in the state of California which fosters or promotes the specialized field of practice.~~

~~(g) **Other businesses** means any business not otherwise herein defined or identified which involves specified sexual activities or display of specified anatomical areas.~~

(Ord. No. 3340.)

~~**Affordable housing.** Affordable ownership or affordable rental housing as defined herein.~~

~~**Affordable housing agreement.** A contract with the county executed by the developer of a residential project that limits the sales price and/or monthly rent of specified dwelling units within the project, establishes a time period during which the specified units shall continue to be sold and/or rented at affordable prices, and which may contain administrative, enforcement or other provisions to ensure that the specified units are sold and/or rented to targeted households at affordable sales prices and/or monthly rent over the entire term of the agreement.~~

~~**Affordable housing project.** A project that is granted a density bonus in exchange for the provision of affordable ownership housing, or affordable rental housing, which affordable housing, or a portion thereof, is subject to an affordable housing agreement pursuant to Section 26.89.100.~~

~~**Affordable housing unit, restricted.** A unit of affordable rental or affordable ownership housing that is subject to an affordable housing agreement recorded and maintained in accordance with Sections 26.89.080 (Ownership unit occupancy and long term restrictions) and 26.89.090 (Rental unit occupancy and long term restrictions).~~

~~**Affordable ownership housing.** Home ownership housing for which the monthly housing costs (principal and interest payment on a thirty (30)-year, fixed-rate, fully amortized first mortgage, homeowners insurance, property taxes, and, as applicable, homeowners association dues and private mortgage insurance) do not exceed thirty percent (30%) of the maximum allowable income as established by the U.S. Department of Housing and Urban Development for extremely low-, very low-, low-, and moderate-income households, adjusted for household size; assuming that household size will equal the number of bedrooms contained within the unit, plus one (1).~~

~~**Affordable rental housing.** Rental housing for which the monthly housing costs (rent plus tenant-paid utilities) do not exceed thirty percent (30%) of sixty percent (60%) of median area income as established by the U.S. Department of Housing and Urban Development (HUD) for a low-income household, adjusted for household size, and, not more than thirty percent (30%) of fifty percent (50%) of HUD median area income for a very low-income household, adjusted for household size, and not more than thirty percent (30%) of thirty percent (30%) of HUD median area income for an extremely low-income household, adjusted for household size, assuming that the household size will equal the number of bedrooms contained within the unit, plus one (1).~~

Agency having jurisdiction: ~~The agency having delegated authority to adopt, determine, mandate or enforce ordinances and regulatory requirements established by the county of Sonoma and other jurisdictional governing bodies.~~

Agent of the county means any county employee or authorized representative of the county, or a designated county contractor, charged with the authority to implement or enforce any provision of the county code.

Agricultural crop: Any cultivated crop grown and harvested for commercial purposes, except for cannabis and other controlled substances, which are defined and classified separately.

Agricultural cultivation: The act of preparing the soil for the raising of agricultural crops, as defined herein.

Agricultural employee means a person employed in the operation of an agricultural enterprise.

Agricultural enterprise means an operation of a property owner/operator that derives their primary and principal income from the production of agricultural commodities for commercial purposes, including but not limited to the following: growing of crops or horticultural commodities; breeding and raising of livestock, poultry, bees, furbearing animals, horses; agricultural processing; and preparation of commodities for market. An agricultural enterprise excludes boarding of horses, forestry and lumbering operations, and commercial transportation of prepared products to market.

Agricultural lands means land designated in the General Plan within an agricultural land use category.

Agricultural processing means the act of changing an agricultural product from its natural state to a different form, as grapes to wine, apples to juice or sauce, agricultural crops to extracted oils, etc.

Agricultural production means production of food, fiber and plant materials, including, but not limited to, growing, harvesting, crop storage and milking, etc., but not including agricultural support services, processing and visitor serving uses.

Agricultural service use means the providing of services that directly support agricultural uses on the same property or on neighboring agricultural lands such as spraying, pruning or harvesting.

Agricultural support service means processing services, maintenance and repair of farm machinery and equipment, veterinary clinics, custom farming services, agricultural waste handling and disposal services and other similar services.

Alcoholic beverage retail establishment means a liquor store, convenience store, market, or other retail establishment that sells alcoholic beverages for off-premise consumption, but not winery tasting rooms.

Alley means any public thoroughfare which affords only a secondary means of access to abutting property.

Annual household income. The combined adjusted gross annual incomes for all adult persons living in a dwelling unit as reported on the Internal Revenue Code Form 1040 for individual federal annual income tax purposes.

Antenna means the transmitting and/or receiving device, including wires, rods, discs, or similar devices, that transmits or receives electromagnetic signals.

Antenna, vertical. "Vertical antenna" means a vertical type antenna with no horizontal components other than a small radial element at its base.

Apartment buildings means any structure containing more than two (2) dwelling units.

Applicant – Cannabis: A person that is applying for a permit to engage in commercial cannabis activity pursuant to this chapter.

Arboreal value means a mathematical evaluation of the arboreal component of a site for the purposes of establishing a plan for tree preservation.

Attached commercial telecommunication facility means a commercial telecommunication antenna which is affixed, fastened, or joined to a residence, business, or similar structure, other than another telecommunication facility, and which does not include a tower.

Automobile court or motel means a group of two (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 therein which group is designed and used primarily for the accommodation of transient automobile travelers.

Automobile wrecking yard. See "junk yard."

Base unit. A dwelling unit allowed on a site by the applicable zoning district, but not including a second unit, farm family unit, agricultural employee housing, or density bonus unit.

Bed and breakfast inn. A "bed and breakfast inn" means a single family dwelling, with an owner in residence, containing no more than ten (10) guest rooms used, let or hired out for transient occupancy, subject to the standards in Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns).

Biodiesel. A liquid fuel intended for consumption by compression ignition engines that is produced by chemical modification of plant oil, animal fat, or algae feedstock. Production involves reacting the feedstock with an alcohol such as ethanol in the presence of a catalyst.

Bioenergy. Renewable energy made available from materials derived from feedstocks that consist of recently living organisms or their metabolic by-products from sources such as farming, forestry, and biodegradable industrial and municipal waste.

Biotic resources means unique or significant plant or animal communities including estuaries, fresh and salt water marshes, tideland resources, riparian corridors and certain terrestrial communities as set forth in the General Plan.

Boarding of horses means the keeping and training of horses which are not owned by the occupant or owner of the property. Boarding of horses shall include the giving of private lessons (one (1) trainer/one (1) student), but shall not include group lessons, group clinics, shows or similar related activities.

Boarding house means a residential building arranged or used for lodging for compensation, with or without meals, and not occupied as a single family unit.

Building. See "structure."

Building, accessory. "Accessory building" means a subordinate building, the use of which is incidental to that of the main building on the same lot or building site. Unless provided herein to the contrary, accessory buildings shall not be constructed in advance of main permitted buildings.

Building coverage. The percentage of total lot area covered by structures, provided that pavement, driveways, uncovered decks less than thirty inches (30") in height, and roof overhangs less than two feet (2') wide may be excluded.

Building envelope means a defined location or locations on a lot.

Building, main. "Main building" means a building in which is conducted the principal use of the lot or building site on which it is situated.

Building permit means a permit issued pursuant to Chapter 7 of the Sonoma County Code to permit construction of a dwelling unit.

Building site area means an area of land which may be smaller than a recorded lot or parcel occupied or to be occupied by a main building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open areas as are required by the terms of this chapter.

Business area means property contiguous to a highway that (a) upon one (1) side of which highway, for a distance of six hundred feet (600'), fifty percent (50%) or more of the contiguous property fronting thereon is occupied by a permanent business use, or (b) upon both sides of which highway, collectively, for a distance of three hundred feet (300'), fifty percent (50%) or more of the contiguous property fronting thereon is so occupied. A business area may be longer than the distances specified in this section if the above ratio of land in use for business to the length of the highway exists.

Business, retail. "Retail business" means 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, with the exception of antique stores.

Business, wholesale. "Wholesale business" means the wholesale handling of any article, substance or commodity for 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.

Camp car means a vehicle defined as a camp car under the provisions of Division XIII, Part 2, of the State Health and Safety Code.

Campground means land or premises which are used or intended to be used, let or rented for occupancy by campers.

Cannabis: All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this section, "cannabis" does not mean "industrial hemp" as defined by Chapter 37 of the Sonoma County Code, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis is classified as an agricultural product separately from other agricultural crops.

Cannabis business owner: A person with an aggregate ownership interest of twenty percent (20%) or more in the person applying for a permit, unless the interest is solely a security, lien, or encumbrance; the chief executive officer of a nonprofit or other entity; a member of the board of directors of a nonprofit; the trustee(s) and all persons that have control of the trust and/or the commercial cannabis business that is held in trust; and/or an individual who will be participating in the direction, control, or management of the person applying for a permit.

Cannabis cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Cannabis cultivation area: The total aggregate area(s) of cannabis cultivation on a single premises as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the dripline of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses,

~~green houses, and each room or area where cannabis plants are grown, as determined by the review authority.~~

~~Cannabis cultivation – Indoor:~~ ~~Cannabis cultivation within any type of structure using exclusively artificial lighting.~~

~~Cannabis cultivation – Mixed Light:~~ ~~Cannabis cultivation in a greenhouse or other similar structure using natural light, light deprivation, and/or any combination of natural and supplemental artificial lighting.~~

~~Cannabis cultivation – Outdoor:~~ ~~Cannabis cultivation using no artificial lighting conducted in the ground or in containers outdoors.~~

~~Cannabis cultivation site:~~ ~~The premises where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed or where all or any combination of those activities occurs.~~

~~Cannabis cultivation type:~~ ~~The type of cultivation is classified as outdoor, indoor or mixed light as defined herein, consistent with the state licensing scheme.~~

~~Cannabis dispensary:~~ ~~A facility where cannabis, cannabis products, or devices for the use of cannabis are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis and/or cannabis products as part of a retail sale.~~

~~Cannabis distribution:~~ ~~The procurement, sale, and transport of cannabis and cannabis products between licensees.~~

~~Cannabis license:~~ ~~A license issued by the state of California pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).~~

~~Cannabis licensee:~~ ~~Any person issued a license by the state of California under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).~~

~~Cannabis manufacturer:~~ ~~A person that conducts the production, preparation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.~~

~~Cannabis manufacturing:~~ ~~All aspects of the extraction process, infusion process, and packaging and labeling processes, including preparing, holding, or storing of cannabis products. Manufacturing also includes any preparing, holding, or storing of components and ingredients.~~

~~Cannabis – Medical:~~ ~~Any cannabis or cannabis product intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.~~

~~Cannabis operator:~~ ~~The individual authorized to represent the person applying for or operating pursuant to a permit authorizing any commercial cannabis activity pursuant to this chapter.~~

~~Cannabis product:~~ ~~Cannabis that has undergone any process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.~~

~~Cannabis testing laboratory:~~ ~~A laboratory, facility, or entity in the state of California that offers or performs tests of cannabis or cannabis products.~~

~~Cannabis transport:~~ ~~The physical movement of cannabis or cannabis products from one (1) licensed premises to another licensed premises.~~

Capacity (Electrical). The maximum amount of electricity that a generating unit, power facility, or utility can produce under specified conditions. Capacity is measured in kilowatts (KW) or megawatts (MW).

Carport means an accessible and usable covered space not less than ten feet (10') by twenty feet (20') open on two (2) or more sides for the storage of automobiles. Such structure shall be located on the lot so as to meet all the requirements of this chapter for accessory buildings, or if made as part of the main building it shall meet all the requirements of this chapter for the main building.

Certified arborist means any person who has current certificate from the International Society of Arboriculture.

Childcare facility means a facility which provides nonmedical care to children under eighteen (18) years of age in need of personal services, etc., on less than a twenty-four (24) hour basis. "Child day care facility" includes day care center and family day care homes.

Co-generation. The successive production of electrical or mechanical energy and useful heat energy.

Co-located telecommunication facility means a telecommunication facility which is comprised of a single tower containing a combination of antennas owned or operated by more than one public or private entity.

Combining districts means a district whose regulations may supplement any other district except another combining district; for example, "RR" combined with "SR" (RR-SR) adds the requirements of the scenic resource combining district.

Commercial cannabis activity: The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided for in this chapter.

Commercial composting means a commercial facility that is operated for the purpose of producing compost from the onsite and/or offsite organic material fraction of the waste stream and is permitted, designed, and operated in compliance with the applicable regulations contained in the California Code of Regulations, Title 14, Division 7, as may be amended from time to time. Non-commercial composting that is an incidental part of an agricultural operation and relies primarily upon onsite material for onsite use is not included within this definition.

Commercial renewable energy facility. An energy generation facility using renewable fuel sources, including but not limited to wind, bioenergy, solar, geothermal, and fuel cells and combinations thereof, where the energy generated is used to meet off-site energy needs. Commercial renewable energy facilities are subject to the general development standards set forth in 26-88-200(b), as well as any applicable Special Use Regulations.

Community care facility. A facility, place, or building that is maintained and operated to provide non-medical residential care, which may include home finding and other services, for children and/or adults, including: the physically handicapped; mentally impaired, mentally disordered, or incompetent; developmentally delayed or disabled; court wards and dependents; neglected or emotionally disturbed children; the addicted; and the aged.

(a) Small community care facility means a community care facility serving six (6) or fewer persons.

(b) Large community care facility means a community care facility serving seven (7) or more persons.

Community choice aggregator (CCA). As defined in Public Utilities Code Section 331.1 refers to any of the following entities, if that entity is not within the jurisdiction of a local publicly owned electric utility that provided electrical service as of January 1, 2003: any city, county, or city and county whose governing board elects to combine the loads of its residents, businesses, and municipal facilities in a communitywide electricity buyers' program or any group of cities, counties, or cities and counties whose

~~governing boards have elected to combine the loads of their programs, through the formation of a joint powers agency established under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.~~

Community supported agriculture means system by which people purchase, typically through monthly subscription, a share from a local farm and periodically receive fresh produce or other agricultural products produced or processed on site.

Companion animals means animals normally maintained in a home as pets.

Composting means the controlled or uncontrolled biological decomposition of organic wastes.

Condominium means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential, commercial or industrial building on such property (See Civil Code Section 783.)

A condominium may also include a separate interest in other parts of the real property. For purposes of this chapter, and to the extent reasonably feasible, the term condominium apartment building and a stock cooperative, as each are defined by Sections 1103-4 of the Business and Professions Code. The creation of two (2) or more condominiums may be termed a condominium project.

Condominium conversion means the subdivision of real property containing an apartment building or buildings or dwelling group into a condominium project, a planned unit development project, a community apartment project, or a stock cooperative project.

Congregate housing means a boarding house that does not provide institutional supervision or intensive health care. Congregate housing facilities have a resident manager and let out for rent individual rooms or sleeping spaces for long term occupancy (thirty (30) days or more). Residents typically share bathrooms and kitchen/common facilities.

Contiguous riparian vegetation: Riparian vegetation that is physically touching or adjacent, and not separated by features like roads, developed land, or cropland.

Contractor's yard means any land and/or building(s) used primarily for the storage of equipment, vehicles, machinery, whether new or used, and for building materials, paints, pipe or electrical components, any of which is used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Cottage food operation means an enterprise operating from a primary residence where specified low-risk food products are prepared, packaged or sold to consumers pursuant to the California Homemade Food Act. Cottage food operations must have current food service permits from Sonoma County Environmental Health and comply with the criteria of Health and Safety Code section 113758, 11837, 114365, et al., including the allowance for one (1) cottage food employee in addition to the onsite resident cottage food operator and maximum sales of fifty thousand dollars (\$50,000.00).

Cottage housing development. Small scale, clustered housing units that are comparable in scale and intensity to single family residential uses in the surrounding neighborhood. May be provided as attached cottage housing through the conversion of an existing single family dwelling, or as a detached cottage housing development consisting of small, detached units clustered around common open space and designed with a coherent concept.

County means the unincorporated portions of Sonoma County.

County-designated area urban service area means an urban service area designated in the General Plan land use element.

County boundary means the boundary of the county, or the boundary of any city in the county.

Crop production: ~~The commercial growing and harvesting of agricultural crops including horticultural or ornamental shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops or agricultural commodities, except for cannabis or other controlled substances, which shall be defined and classified separately.~~

Cropland: ~~Land devoted to the production of agricultural crops.~~

Cultural events ~~means periodic special events such as parades, concerts, festivals, races and gatherings which attract, either by direct participation, or as spectators, a large gathering of people.~~

~~The following are not cultural events for the purposes of this chapter:~~

- ~~(a) Events conducted entirely within dedicated rights-of-way where event sponsors have secured necessary encroachment or other permits from the county surveyor and, if applicable, the California Department of Transportation;~~
- ~~(b) Events conducted entirely within a building for which all necessary county permits have been secured; provided, that the events are within the scope of the use for which the building was permitted;~~
- ~~(c) Events conducted at fairgrounds or events conducted at outdoor spectator facilities for which a use permit has been obtained, provided that the outdoor event is within the scope of the use permit;~~
- ~~(d) An event which has all of the following characteristics:~~
 - ~~(1) Has no live amplified music;~~
 - ~~(2) Does not involve an admission fee either for participants or spectators;~~
 - ~~(3) Is a one (1) day event conducted between the hours of seven a.m. and eleven p.m.;~~
 - ~~(4) Does not involve overnight sleeping of participants or spectators;~~
 - ~~(5) Is not conducted more than one (1) calendar day in a thirty (30) day period;~~
 - ~~(6) Is not accompanied by newspaper, radio or television advertising or printed leaflets distributed to the public at large, and~~
 - ~~(7) Does not involve the sale of food or beverages.~~

Cumulative diameter at breast height or cdbh ~~means the sum of diameters at breast height of one (1) or more trees.~~

Damage to a protected tree ~~means significant injury to the root system or other parts of a tree including burning, application of toxic substances, damaging through contact with equipment or machinery or compacting the soil within the dripline, changing the natural grade, interfering with the normal water requirements of the tree, trenching or excavating within the dripline, or removing more than one-third of the live wood.~~

Day care center ~~means a facility other than a family day care facility which provides nonmedical care except as an accessory use, to children under eighteen (18) years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. Day care centers include infant centers, preschools, extended day care facilities and the like.~~

DBH (diameter at breast height) ~~means trunk diameter measured at four and one-half feet above ground. For trees which are multi-stemmed at this height, the DBH measurement equals the total diameter of trunks which, if combined, are equal to or greater than the minimum size stipulated.~~

Decision maker ~~means the planning director, the design review committee, the board of zoning adjustments, the planning commission, or the board of supervisors, as appropriate.~~

Deferred-payment subordinate loan. A deferred-payment loan, in the form of a note, secured by a deed of trust, due and payable upon sale of the affordable ownership unit against which it is recorded. The loan principal is to reflect the amount of county financial assistance to the homebuyer, the imputed value of such concessions as fee reductions and waivers, modified development standards, participation in programs which finance land acquisition, predevelopment and construction activities, and density increases or bonuses, necessary to make the affordable ownership unit affordable to the homebuyer. The payoff amount of the loan shall include the principal amount of the loan plus the share of appreciation in the value of the affordable ownership unit during the period in which the borrower owns the affordable ownership unit or, as may be required by the first mortgage lender, a combination of accrued simple interest on the promissory note in evidence of the loan and a reduced share of the appreciation in value of the affordable ownership unit during the period in which the borrower owns the affordable ownership unit.

Delivery: The commercial transfer of cannabis or cannabis products to a customer, including use by a retailer of any technology platform owned and controlled by the retailer.

Density bonus. A density increase allowed pursuant to Section 26.89.050 (Density bonus programs) over the otherwise maximum allowable residential density permitted in the applicable zoning district. (See "residential density.")

Density bonus unit. A dwelling unit allowed in a project by the county in addition to base units pursuant to Section 26.89.050 (Density bonus programs).

Department. The Sonoma County permit and resource management department.

Designated stream: A river or stream mapped or identified in the Open Space and Resource Conservation Element of the General Plan, or in an adopted area plan or specific plan or other adopted stream protection standards, guidelines, or mitigation measures.

Development fee means the impact fees established by the board of supervisors for development including, but not limited to, special area development fees, countywide traffic development fee, parkland dedication fee and affordable housing in-lieu fee. Development fee does not include fees established by special districts or school districts.

Development incentive. See "Incentive."

Development permit means a discretionary permit or approval including, but not limited to, subdivisions, use permits, precise development plans, lot line adjustments, variances, design review and zoning permits. Ministerial building permits not accompanied by any other type of discretionary review or approval are exempt from this definition.

Development standard means, for purposes of Article 89 (Affordable Housing Program Requirements and Incentives), a site or construction standard or condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, General Plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

Diameter at breast height or dbh means the average diameter of a standing live tree measured outside the bark, at breast height, a point four and one half feet (1.37m) above the average ground level. For trees that are multi-stemmed at this height, diameter at breast height shall be calculated by measuring each stem individually and combining the results. Diameter at breast height may be calculated by measuring the circumference of a tree at breast height and dividing by 3.14.

Disabled household. A household with at least one (1) person who has a physical, developmental, or mental impairment that substantially limits one (1) or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and/or working (Source: 24 CFR Part 8, Sec. 8.3).

Distributed energy system or facility. ~~A small-scale electricity generation system or facility that is interconnected to the distribution network. Distributed energy systems primarily serve on-site uses, while distributed energy generation facilities generate power for both on- and off-site power needs.~~

District means 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 areas are required and certain height limits are established for buildings, all as set forth and specified in this chapter.

Drip line means the area identified by extending a vertical line from the outermost portion of the limb canopy to the ground with its axis parallel to the trunk.

Drug paraphernalia shall have the same definition as Health and Safety Code 11364.5 (d) (12), and as may be amended.

Dwelling groups means a group of two (2) or more detached or semi-detached, one (1) family duplex or multiple dwellings situated upon a permanent foundation, occupying a parcel of land having any yard, court or area in common.

Dwelling, three (3) family or triplex or apartment house. "Three (3) family or triplex or apartment house dwelling" means 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 the building, including apartment houses, apartment hotels, hotels and flats, but not including automobile courts.

Dwelling, two (2) family or duplex. "Two (2) family or duplex dwelling" means a single building containing not more than two (2) kitchens, designed or used to house not more than two (2) families, living independently of each other, including all necessary employees of each such family.

Dwelling unit. See "Residential – dwelling unit."

Efficiency dwelling unit. A small, self-contained dwelling unit containing a habitable room of not less than seventy (70) square feet of floor area and a minimum horizontal dimension of seven feet (7') Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms. An additional one hundred (100) square feet of floor area within the unit shall be provided for each occupant of such a unit in excess of two (2) occupants.

An efficiency dwelling unit not provided as a part of an SRO or similar living arrangement, as provided by ordinance, must include the following facilities:

- (a) — A separate closet;
- (b) — A separate bathroom, containing a water closet, lavatory, and bathtub or shower; and
- (c) — Kitchen facilities, including a sink, cooking appliance and refrigeration facilities.

Efficiency kitchen. A removable kitchen that contains a sink with a maximum waste line diameter of one and one-half (1.5) inches; cooking appliances that do not require natural gas, propane, or electrical service greater than 120 volts; a limited food preparation counter; and storage cabinets. The entire kitchen shall not exceed six (6) lineal feet, except that if existing counter space is being converted to efficiency kitchen use then the counter space shall not exceed eight (8) lineal feet.

Emergency homeless shelter means a building, structure or group of structures under single management that provide temporary, short-term emergency housing for individuals or families. An emergency homeless shelter is typically managed by a non-profit or group of non-profits, a church or group of churches, by other agencies, by volunteers or by a combination thereof. On-site services may be provided. Beds in an emergency shelter are generally provided dormitory-style, and meals are typically served and eaten as a group. The length of stay is generally not more than thirty (30) days, and is typically less.

Emerging renewable technology. Technology that uses a renewable power source, such as solar or wind energy, to generate electricity, and that has emerged beyond the research and development phase, is commercially available, and has significant commercial potential as determined by the Energy Commission. Emerging renewable technologies include photovoltaic, solar thermal electric, fuel cells using a renewable fuel, and small wind turbine technology no greater than fifty (50) kilowatts in size.

Employment node. An area of contiguous parcels within an urban service area that encompasses at least three (3) acres of commercial-zoned land, ten (10) acres of industrial-zoned land, or a combination that provides an equivalent ratio.

Environmental documents means environmental documents as defined in Section 15361 of the State CEQA Guidelines.

Executive director of the CDC. The executive director of the Sonoma County community development commission, and/or the designee of the director.

Exotic animal means any wild animal which the California Fish and Game Commission has declared to be a prohibited wild animal and the importation, transportation or possession of which is unlawful except under authority of a revocable permit issued by the California Department of Fish and Game.

Extremely low income household. A household whose gross annual income does not exceed thirty percent (30%) of the median income for Sonoma County as established by the U.S. Department of Housing and Urban Development, adjusted for household size.

Fair market value. The value of property as determined by an appraisal, in accordance with prevailing industry standards, prepared within the preceding six (6) months by an appraiser who is licensed or certified by the state of California.

Family day care home means a home which regularly provides care, protection and supervision to fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes the following:

- (a) Large family day care home means a home which provides family day care to nine (9) to fourteen (14) children, inclusive, including children under the age of twelve (12) who reside at the home.
- (b) Small family day care home means a home which provides family day care to eight (8) or fewer children, including children under the age of twelve (12) who reside at the home.

Farm animal means any animal, other than wild or exotic, customarily kept or raised by humans for companion and/or commercial purposes.

Farm family dwelling means an additional single family dwelling incidental to the main dwelling in terms of size, location and architecture which is not leased, subleased, rented or subrented separately from the main dwelling nor divided by sale, and which is inhabited by a member of the farm operator's family.

Farm retail sales facility means a small-scale retail facility for year-round sales of agricultural products grown or raised on the site or other properties owned or leased by the farm operator, and pre-packaged goods processed from onsite agricultural production, excluding alcoholic products. Examples include dairy and meat products that require refrigeration. Small-scale farm retail sales must be in compliance with Section 26-88-215 of the County Code. Sampling of products grown or processed on-site may be allowed with a Retail Food Facility Permit. Incidental sales of merchandise or goods not produced onsite is limited to ten percent (10%) of the floor area up to a maximum of fifty (50) square feet. See also Tasting Room or Farm Stand.

Farm stand means an area for the temporary or seasonal sales and promotion of agricultural products that are grown or raised on the site and pre-packaged, shelf-stable goods processed from onsite agricultural production, excluding alcoholic products. Examples include: produce, eggs, honey, jams,

~~pickles, nuts, olive oil, and similar products. Farm stands must be consistent with Section 47050 of the Food and Agricultural Code and Section 113778.2 of the Public Health and Safety Code. Sampling of products grown on-site may be allowed with a Retail Food Facility Permit. Incidental sales of merchandise or goods not produced on-site is limited to ten percent (10%) of the floor area up to a maximum of fifty (50) square feet. See also Tasting Room or Farm Retail Sales.~~

Farmstay or Farm Homestay. See "Lodging—Agricultural Farmstay."

Farmworker. See "Agricultural Employee."

Farmworker housing, seasonal. ~~Seasonal farmworker housing means any housing accommodation or structure of a temporary or permanent nature used as housing for farmworkers for not more than one hundred eighty (180) days in any calendar year and approved for such use pursuant to Title 25 of the California Code of Regulations.~~

Farmworker housing, year-round and extended. ~~Year-round and extended seasonal farmworker housing means any housing accommodation or structure of a temporary or permanent nature used as housing for farmworkers for more than one hundred eighty (180) days in any calendar year and approved for such use pursuant to Title 25 of the California Code of Regulations.~~

Feed yard/lot ~~means corrals or holding areas for the primary purpose of holding or feeding animals for market and not incidental to a farm or ranch.~~

~~Final inspection shall have the same meaning as described in the Uniform Building Code, as modified and adopted in Chapter 7 of this code.~~

First time home-buyer. ~~As defined by the CDC and set forth in its Sonoma County Affordable Housing Program Homeownership Policies, available at the offices of the CDC.~~

Flood proof structure ~~means a structure which, in the opinion of the chief engineer of the Sonoma County water agency and the county building inspector, is designed and constructed to resist flotation, destruction or major damage by the maximum flood predicted for the structure site.~~

Flood, selected. ~~"Selected flood" means the magnitude of flood to be used for establishing minimum flood profile levels and designating the outer limits of the part of the flood plain to be regulated, i.e., the outer limits of the floodway (F1) and floodplain (F2) districts. The selected flood shall be determined by the planning commission and the board of supervisors upon recommendation by the chief engineer of the Sonoma County water agency.~~

Floodway ~~means the portion of the stream channel and the adjacent flood plain that must be reserved in order to discharge the selected flood without cumulatively increasing the water surface more than one foot (1').~~

Forest Practice Rules ~~means the California Forest Practice Rules, California Code of Regulations, Title 14, Division 1.5, Chapter 4.~~

Freestanding commercial telecommunication facility ~~means a telecommunication facility which is operated in whole or part for commercial purposes such as mobile radio services, cellular telephone services, TV and radio broadcast, personal communication services, but which is not affixed, fastened, or joined to a residence, business, or similar structure. A facility which includes an antenna(s) placed upon a tower which is attached to a structure is considered to be a freestanding facility. Telecommunication facilities operated in whole or part by public agencies are included in this category. However, a telecommunication facility installed by a public utility for the sole purpose of monitoring and protecting its gas and electric facilities shall not be considered a telecommunication facility and shall be exempt from the telecommunication standards of this chapter.~~

~~(a) **Major Facility.** Such facility which involves a combination of towers and antennas greater than one hundred thirty feet (130') in height.~~

- (b) ~~**Intermediate Facility.** Such facility which involves a combination of towers and antennas greater than forty feet (40') and less than or equal to one hundred thirty feet (130') in height.~~
- (c) ~~**Minor Facility.** Such facility which involves a combination of towers and antennas less than or equal to forty feet (40') in height.~~

Freeway means any expressway or limited access highway, as those terms are defined by the Streets and Highways Code of the State.

Fuel cell. An advanced energy conversion device that combines hydrogen-bearing fuels with airborne oxygen in an electrochemical reaction to produce electricity very efficiently and with minimal environmental effects.

Garage means an accessible and usable covered parking space of not less than ten feet (10') by twenty feet (20') for storage of automobiles, such garage to be located on the lot so as to meet the requirements of this chapter for an accessory building.

Garden apartments means an apartment building with a minimum of two thousand (2,000) square feet of building area per dwelling unit together with outdoor living or recreation space with planting and landscaping.

Gasoline service station. A "gasoline service station" is a commercial business which is characterized by the retail sale of gasoline and related petroleum and incidental vehicular products. Where the term "auto service station" or "automobile service station" is referenced in Chapter 25, such terms shall be construed to mean a gasoline service station as defined in this paragraph.

(Ord. No. 3615.)

Geothermal. Natural heat from within the earth, captured for production of electrical power.

Greenhouse: A permanent structure, including glasshouses, conservatories, hothouses, or other similar structures for the covered propagation and growing of plants, constructed with a translucent roof and/or walls.

Guest house means an accessory building to a single family dwelling which consists of a detached living area of a permanent type of construction. A guest house may contain a full or half bathroom, but may not contain provisions for appliances or fixtures for the storage and/or preparation of food, including, but not limited to, refrigeration, dishwashers or cooking facilities. The building shall not be leased, subleased, rented or sub-rented separately from the main dwelling except that a legal, fully permitted guest house may be used as a hosted rental as provided for under 26-88-118 (Hosted Rentals). The floor area of a guest house shall be a maximum of six hundred forty (640) square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest house and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purpose of calculating the maximum size of a guest house, any storage area attached to the guest house, excluding garage, shall be included. A guest house shall be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot. The guest house shall not be located more than one hundred feet (100') from the primary dwelling on the subject lot, except where the planning director determines that a greater setback is appropriate in light of topography, vegetation or unique physical characteristics.

Hardrock quarry operations means processed or crushed rock operations which entail the extraction, stockpiling, processing and sale of bedrock geologic deposits.

(Ord. No. 3465.)

Height of buildings means 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 topmost point of the roof.

Hog or pig farms, commercial. "Commercial hog or pig farms" means the keeping of more than six (6) adult swine (i.e., boars and sows) on the premises.

Home occupation is the conduct of a business within a dwelling unit or accessory structure by occupants of the dwelling, with the business activity being subordinate to the residential use of the site. All home occupations shall be conducted in accordance with Section 26-88-121.

Hoop house – Cannabis: A temporary structure used for season extension or crop protection erected for less than one hundred eighty (180) days where the material covering the structure is removable. Hoop houses do not have any electrical components, such as ventilation or artificial lighting, and are not used for light deprivation.

Hosted rental means a single family dwelling, with an owner in residence, where no more than one (1) bedroom, sleeping area or guest house, is available, used, let or hired out for transient use, subject to standards in Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns). See also Vacation rentals.

Hotel means any building or portion thereof containing six (6) or more guest rooms each used, designed or intended to be used, let or hired out for occupancy for one (1) or more guests.

Household size, actual. The actual number of individuals in a household that reside full time in a dwelling unit.

Household size, presumed. The number of individuals equal to the number of bedrooms in the dwelling unit, plus one (1).

Housing opportunity area. A parcel or parcels of land designated by the county for affordable housing in compliance with the General Plan housing element and Section 26.89.050(F).

Hybrid alternative energy facilities. An alternative energy system using one or more renewable fuel sources to provide electricity, gas, or heat energy. Batteries or fuel cells may be a part of a hybrid alternative energy facility.

Important farmland. Lands mapped by the state Farmlands Mapping and Monitoring Program (FMMP) as Prime Farmland, Farmland of Statewide Importance, or Unique Farmlands. Does not include lands mapped by the FMMP as Farmlands of Local Importance unless specifically noted.

Incentive. For purposes of Article 89 (Affordable Housing Program Requirements and Incentives), a modification of zoning code requirements (e.g., minimum open space, minimum lot size, setbacks, parking standards); or an allowance of other regulatory incentives or measures granted in exchange for the provision of affordable ownership housing or affordable rental housing pursuant to Section 26.89.060.

Incidental use means a secondary use of land or a building that is developed or conducted so as to not significantly change the character, appearance or operation of the principal use of the building or property located on the same lot.

Indoor recreation means an establishment providing indoor only recreational sports facilities for participants for a fee or admission charge, with limited spectator space. Examples of these uses include: soccer/sports fields, paintball/laser tag, golf driving ranges, rock climbing, martial arts, ice skating and roller skating, gymnastics, ballet, bowling, inflatable play structures, handball/racquetball, archery and shooting ranges, and other indoor sports activities as primary uses. All activities must relate to and utilize the primary sports function of the facility, and not exceed the available parking nor be inconsistent with any other regulation of the County or policy of the County General Plan. No special events or weddings are allowed on site, and no cultural event permits may be applied for on site.

Industrial hemp or hemp: Has the same meaning as that term is defined by Chapter 37 of the Sonoma County Code.

Infill development means a dwelling group, consisting of detached single-family dwellings or manufactured homes, on a single parcel located in an R1 low density residential district. The number of dwelling units within such dwelling group shall not exceed the maximum residential density permitted by the General Plan land use element.

Institution use means any use, commonly consisting of offices, churches, public buildings, financial institutions, etc., whose function does not involve direct on-site sales of products or personal services.

Instream operations means sand and gravel operations which entail the extraction and sale of sand and gravel from stream and river channels.

(Ord. No. 3465.)

Junior accessory dwelling unit. A living space not exceeding five hundred (500) square feet in size and contained entirely within a legally established bedroom within the walls of an existing, fully permitted single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure.

Junkyard means any land or lot where more than one hundred (100) square feet of the area or where any portion of that land or lot which adjoins any public or private street or road is used 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.

Kennel animal means any dog or cat kept at a commercial kennel or pet fancier kennel.

Kennel, commercial. "Commercial kennel" means any lot or premises on which five (5) or more dogs and/or five (5) or more cats over four (4) months of age are kept by the owner or occupant for commercial purposes, including, but not limited to, boarding, breeding, buying, selling, renting, exhibiting or training. Commercial kennel shall not include a veterinary facility, pet shop, humane society, shelter or the county animal shelter.

Large alcoholic beverage retail establishment means an alcoholic beverage retail establishment with ten thousand (10,000) square feet or more of floor area.

Large collection facility. A "large collection facility" occupies more than five hundred (500) square feet and includes bins, boxes, cans, kiosk-type units, reverse vending machines and other containers or receptacles.

Large single room occupancy facility (SRO facility) means a property containing ten (10) or more single room occupancy (SRO) rooms, which rooms are rented as affordable to very low or extremely low-income persons, as defined in this section. All SRO facilities shall be provided in accordance with Section 26-88-125, Single room occupancy (SRO) facilities.

Large valley oak means any valley oak having a diameter at breast height greater than twenty inches (20").

Lead agency means lead agency as defined in Section 15367 of the State CEQA Guidelines.

Light deprivation: The elimination of natural light in order to induce flowering, using black out tarps or any other opaque covering.

Livestock means animals maintained as a source of food or clothing, including bovine and equine animals.

Live/work use is the conduct of a business within a dwelling unit or accessory structure by occupants of the dwelling unit and employees, with the business activities being subordinate to the residential use of the site. Live/work is distinguished from home occupation, primarily in that the use involves more intensive activities and includes employees other than the residents of the dwelling. All live/work uses shall be conducted in accordance with Section 26-88-122.

Local area development guidelines means design and other guidelines for development that apply to a specified community or local area, as a subunit of a planning area, and which provide a greater level of detail or relate special circumstances for use in that area.

Lodging—agricultural farmstay means transient lodging accommodations containing five or fewer guestrooms in a single family dwelling or guest house provided as part of a farming operation, with an on-site farmer in residence, that includes all meals provided in the price of the lodging, and that meets all of the standards in Section 26-88-085.

Lodging—hotel or motel means a building or buildings, or portion(s) thereof, containing six (6) or more guest rooms that are used, designed or intended to be used, let or hired out, for transient occupancy for one (1) or more guests. Hotels and motels have an on-site manager and may include a variety of services in addition to lodging, such as restaurants, meeting facilities, and personal services.

Lot means a legally defined parcel or contiguous group of parcels in single ownership or under single control, usually considered a unit for purposes of development.

Lot, corner. "Corner lot" means a lot, two (2) or more adjacent sides of which abut upon a street.

Lot coverage. Means "Building coverage."

Lot, frontage. "Frontage lot" means the linear measurement of the front lot line.

Lot, key. "Key lot" 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.

Lot lines means the property lines bounding the lot.

Lot line, front. "Front lot line" means any of the following: (1) each street lot line of an interior or through lot, (2) either one or the other of the two (2) street lot lines of a corner lot.

Lot line, rear. "Rear lot line" means the lot line opposite and most distant from the front line, where such lot line is not also a street lot line.

Lot line, side. "Side lot line" means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of record means a lot that is designated upon a map showing the lot, block and tract as indicated on a final map, as such map is filed in the county recorder's office, or as a lot shown on a recorded parcel map.

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 (4) straight lines, or that have curvilinear side lines, the planning director shall determine the lot width.

Low-income household. A household whose gross annual income does not exceed eighty percent (80%) of the median income for Sonoma County as established by the U.S. Department of Housing and Urban Development, adjusted for household size.

Lower income household. Includes "low income households," "very low income households" and "extremely low income households."

Lower level decision maker means the planning director, the design review committee, the board of zoning adjustments, or the planning commission, as appropriate.

Major medical facility means a state licensed institution which provides intensive professional supervision and/or medically supervised treatment to patients.

Major timberland conversion means a timberland conversion that requires a timberland conversion permit, or is exempt from a timberland conversion permit under Section 1104.2 of the Forest Practice Rule.

Manufactured cannabis means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product.

Manufactured home means a dwelling unit including mobile homes and factory-built housing as defined in Sections 18210.5 and 19971, respectively, of the California Health and Safety Code.

Marijuana: See Cannabis

Market rate unit. A dwelling unit in a residential project that is not restricted by an affordable housing agreement, and which is not expected to be provided as affordable to an extremely low-, very low-, low- or moderate-income household.

Medical cannabis dispensary includes any association, cooperative, affiliation, or collective of four (4) or more persons where the primary purpose is to provide the lawful distribution of medical cannabis that has been recommended by a licensed physician, in strict accordance with Health and Safety Code Section 11362.5 et seq.

A medical cannabis dispensary does not include dispensing by primary caregivers to qualified patients in the following locations and uses, as long as the location of such uses are otherwise regulated by this Code or applicable law:

- (a) A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code Section 1200 et seq.;
- (b) A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code Section 1250 et seq.;
- (c) A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code Section 1568.01 et seq.;
- (d) Residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code Section 1569 et seq.;
- (e) A residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code Section 1725 et seq.;
- (f) A qualified patient(s) primary place of residence.

Medical cannabis dispensary, Level 1 means a dispensary of not more than one thousand (1,000) square feet, which has less than three hundred (300) patients, where no more than twenty (20) patients per business day are served.

Medical cannabis dispensary, Level 2 means a dispensary which has over two hundred ninety-nine (299) patients, and/or which is located in a facility of greater than one thousand (1,000) square feet, and/or which serves more than twenty (20) patients per business day.

Medical marijuana: See Cannabis—Medical.

Megawatt (MW). One thousand (1,000) kilowatts. (Example: One (1) megawatt is about the amount of power needed to meet the energy demands of up to seven hundred fifty (750) homes.)

Micro apartment. A small, self-contained living unit that is part of a multifamily housing development and that contains not more than five hundred (500) square feet of living area in a multifamily housing development.

Mini-mart means a commercial business which is characterized by the retail sale of gasoline and related petroleum products in combination with the retail sale of food, beverages, or other nonvehicular related items. A mini-mart does not include gasoline service stations which are solely combined with five (5) or fewer coin-operated, self-serve vending machines which dispense prepackaged food or beverages.

Minor timberland conversion means a timberland conversion that is exempt from a timberland conversion permit under Section 1104.1, subdivision (a), of the Forest Practice Rules.

Mixed-use developments are those developments that combine residential and non-residential uses on the same project site, either vertically (such as when residential uses are located over commercial uses) or horizontally (such as when the street frontage of a site is devoted to commercial uses with residential uses behind). Mixed-use developments feature structural separations between the residential and non-residential spaces to allow the two uses to be rented, leased, sold or occupied separately.

Mobile home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation. Mobile home does not include a recreational vehicle or factory-built housing as defined in Section 19971 of the California Health and Safety Code.

Mobile home park means any area or tract of land used to accommodate two (2) or more mobile homes as single-family residential uses, where those homes are located on individual rented or leased lots consistent with Health and Safety Code Section 18214(c)(1); provided, however, that no area or tract of land zoned for agricultural purposes and used to accommodate two (2) or more mobile homes for the purpose of housing twelve (12) or fewer agricultural employees shall be deemed to be a mobile home park for purposes of this chapter.

Moderate-income household. A household whose gross annual income does not exceed one hundred twenty percent (120%) of the median income for Sonoma County as established by the U.S. Department of Housing and Urban Development, adjusted for household size.

Multiple-user telecommunication facility means a telecommunication facility which is comprised of multiple towers containing a combination of antennas owned or operated by more than one (1) public or private entity.

Multi-family housing project means rental housing project.

Natural slope means the slope of the ground prior to any grading or other land disturbing activity. Natural slope shall be determined by measuring the horizontal distance between adjacent contours on a USGS quadrangle map or other topographic map acceptable to the county with a scale of not less than 1:24000 (1" = 2000') and contour intervals of not more than twenty (20') feet, and then dividing the difference in elevation between the two contours by the measured horizontal distance. The horizontal distance shall be measured perpendicular to the contours.

Net metering. Contractual agreement or tariff wherein the system owner/generator produces more electricity than is needed to serve the onsite electrical load, and the surplus electricity is supplied to the electrical distribution grid. The owner/generator's utility meter records the difference, or net, between what the utility supplies to the owner/generator and what the owner/generator supplies to the grid.

Noncommercial telecommunication facility means a telecommunication facility which is operated solely for personal use and not for commercial purposes.

Nonconforming use means a lawful use existing on the effective date of a zoning ordinance restriction and continuing since that date in nonconformance to the zoning ordinance restriction.

Nonmanufactured cannabis: Flower, shake, kief, leaf, and pre-rolls.

Nonoperative motor vehicle means any motor vehicle which cannot be moved under its own power, or cannot be operated lawfully on a public street or highway within this state, due to removal of, damage to, or deterioration of, or inoperative condition of any component part or the lack of an engine, transmission, wheels, tires, doors, windshield or any other component part necessary for such movement or lawful operation. Nonoperative motor vehicle shall not include "vehicles of historic value" as defined by the California Vehicle Code which have current special identification plates as provided herein.

Nonoperative motor vehicle storage yard means the placing on any lot or parcel or contiguous lots or parcels of land one (1) or more nonoperative motor vehicles for a period exceeding fifteen (15) days.

Nonvolatile solvent: Any solvent used in the extraction process that is not a volatile solvent. For purposes of this chapter, 'nonvolatile solvents' include carbon dioxide and ethanol.

Nursery – Cannabis: A person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

Nursery – Retail: An establishment engaged in the propagation of trees, shrubs and horticultural and ornamental plants grown under cover or outdoors for sale to the public. Includes commercial scale greenhouses and establishments for the sale of plant materials, lawn and garden supplies, and related items. Retail nursery does not include cannabis nurseries which are classified separately.

Nursery – Wholesale: An establishment engaged in the commercial production of trees, plants, seeds, stock, and other vegetation grown on site outdoors either in the ground or in containers for wholesale distribution to other businesses. Wholesale nursery does not include cannabis nurseries which are classified separately. Wholesale nursery may include greenhouses up to two thousand five hundred (2,500) square feet in size.

Nursery – Wholesale greenhouse: An establishment engaged in the commercial production of trees, plants, seeds, stock, and other vegetation grown within a commercial greenhouse for wholesale distribution to other businesses. Wholesale greenhouse nursery does not include cannabis nurseries which are classified separately.

Objectionable activity means and includes disturbing the peace, illegal drug activity, prostitution, public drunkenness, drinking in public, harassment of passersby, littering, loitering, illegal parking, loud noise between 10:00 p.m. and 7:00 a.m., lewd conduct, or any activity that results in detention or arrest by law enforcement officers.

Old growth redwood means any redwood tree over two hundred (200) years old.

Open areas means those areas suitable for common recreational use or which provide visual relief to developed areas, exclusive of flood control channel rights-of-way, areas devoted to parking, vehicular traffic or private use, and any other area which does not significantly lend itself to the overall benefit of either the particular development or surrounding environment. Open areas may include areas in private lot ownership, provided, that such areas are not fenced. The boundaries of open areas shall be treated as property lines in determining required rear and side yard setbacks.

At least fifty percent (50%) of the required open area shall be contained as a single visually identifiable area exclusive of connecting corridors or pathways, and in no case be less than fifty feet (50') in width nor five thousand (5,000) square feet in area.

Outdoor advertising sign means any card, cloth, paper, metal, painted or wooden sign of any character (excluding appurtenant and directional signs) placed for outdoor advertising purposes, on the ground or onto any tree, wall, bush, rock, post fence, building, structure or thing. The term "placed," as used in this definition, includes erecting, constructing, maintaining, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing to, or making visible in any manner.

Outdoor advertising structures means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed for advertising purposes. The term placed, as used in this definition, includes erecting, constructing, maintaining, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing to, or making visible in any manner.

Outdoor vendor means the sale of articles and agricultural or horticultural commodities on a small scale for profit or livelihood, not conducted within a building, but not including the sale of lumber or other building material.

(Ord. No. 3348.)

Ownership housing project means a project of two (2) or more units, whether attached or detached, when those units are each placed on individual or air-space lots such that each individual unit may be owned separately.

Parking spaces means usable off-street area with independent access, not included within established front-yard setback, at least nine feet (9') by twenty feet (20') for diagonal or perpendicular vehicle parking, or at least eight feet (8') by twenty-two feet (22') for parallel vehicle parking.

Permanent supportive housing means rental housing with no limit on length of stay, occupied by a special needs population as set forth in the housing element, which is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Permit, use. "Use permit" means a permit issued after public hearing by the board of zoning adjustments or planning commission as the case may be, that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

Permit, zoning. "Zoning permit" means a permit issued by the planning director, that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

Person: An individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, tribe, or any other group or combination acting as a unit, and the plural as well as the singular.

Pet fancier facility means any lot or premises on which five (5) or more but not exceeding ten (10) dogs and/or five (5) or more but not exceeding ten (10) cats over four (4) months of age are owned and kept by the owner or occupant for personal, noncommercial purposes, including, but not limited to, hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises. No pet fancier facility shall be located on any lot or premises less than one (1) acre in size. No pet fancier facility shall sell, display, offer for sale, barter or give away more than four (4) litters of puppies and/or four (4) litters of kittens in any calendar year.

Photovoltaic (PV). A technology that uses a semiconductor to convert sunlight directly into electricity.

Planned developments means a real estate development other than a community apartment project, a stock cooperative or a cooperative, or a condominium and which is more particularly defined in Sections 11003 and 11003.1 of the California Business and Professions Code and subsequent amendments thereto, and having either or both of the following features:

- (a) Any contiguous or noncontiguous lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas consisting of areas or facilities the beneficial use and enjoyment of which is reserved to same or all of the owners of separately owned lots, parcels or areas;

~~(b) Any power existing to enforce any obligation in connection with membership in the owners association, or any obligation pertaining to the beneficial use and enjoyment of any portion of, or any interests in, either the separately or commonly owned lots, parcels or areas by means of a levy or assessment which may become a lien upon the separately owned lots, parcels or areas of defaulting owners or members, which said lien may be foreclosed in any manner provided by law for the foreclosure of mortgages or deeds of trust, with or without a power of sale.~~

Planning department for purposes of this chapter is the permit and resource management department.

Planning director for purposes of this chapter is the director of permit and resource management department.

Premises – Cannabis: The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or person holding a valid permit where commercial cannabis activity will be or is conducted.

Primary caregiver has the same meaning as Health and Safety Code Section 11362.7(d), as may be amended.

Primary owner means the property owner who resides in the property for a majority of the year, and does not have another primary residence. Primary owner does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests.

Prime soils means soils classified by the United States Department of Agriculture Soil Conservation Service as Class I or Class II.

Principal residence. The place where one actually lives for the greater part of the time, or the place where one remains when not called elsewhere for some temporary or special purpose, and to which one returns frequently and periodically, as from work or vacation.

Process, processing, or processes – Cannabis: All activities associated with drying, curing, grading, trimming, rolling, storing, packaging, and labeling of nonmanufactured cannabis.

Processing services means support services which are related to and necessary for agricultural processing activities.

Processing, timber. "Timber processing" means initial on-site activities and mill activities which transform the resource to a finished product.

Professional offices means buildings, structures or establishments for the purpose of establishing or maintaining offices for doctors, attorneys, registered engineers or architects, licensed surveyors, accountants or realtors, but not including barbers, beauticians, cosmetologists or other service establishments.

Protected perimeter means the tree dripline.

Protected tree means Big Leaf Maple *Acer macrophyllum*, Black Oak *Quercus kelloggii*, Blue Oak *Quercus douglasii*, Coast Live Oak *Quercus agrifolia*, Interior Live Oak *Quercus wislizenii*, Madrone *Arbutus menziesii*, Oracle Oak *Quercus morehus*, Oregon Oak *Quercus garryana*, Redwood *Sequoia sempervirens*, Valley Oak *Quercus lobata*, California Bay *Umbellularia californica* and their hybrids.

Protected tree of special significance means Valley Oak *Quercus lobata*.

Public garage means any premises, except those herein defined as a private or storage garage, used for the storage or care of motor vehicles or where any such vehicles are equipped for operation or repair or kept for remuneration, hire or sale.

Public service use or facility means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, utilities, hospitals, or other public service uses.

Public use or facility 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.

Qualified patient has the same meaning as Health and Safety Code Section 11362.7(f), as may be amended.

Qualifying unit. An affordable housing unit or special needs housing unit that qualifies a project for a density bonus pursuant to Section 26.89.050 (Density bonus programs).

Quasi-public use or facility means a use operated by a private nonprofit, educational, religious, charitable or medical institution, having the primary purpose 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.

Recyclable material is reusable material including but not limited to aluminum, glass, plastic and paper which are intended for reuse, remanufacture, or reconstruction in altered form. Recyclable material includes used motor oil collected and transported in accordance with Section 25250.11 and 25143.2(b)(f) of the California Health and Safety Code.

Recycling facility. "Recycling facility" means a center for collection and/or processing of recyclable materials.

Recycling collection facility. "Recycling collection facility" means a center for the acceptance of recyclable materials and includes reverse vending machines, small collection facilities and large collection facilities.

Recycling processing facility. "Recycling processing facility" means a building or enclosed space used for the collection and processing of recyclable material and/or used motor oil, by such means as flattening, sorting, compaction, bailing, shredding, grinding and crushing. "Processing" includes the following:

- (a) Light processing facilities have up to forty five thousand (45,000) square feet of gross collection. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers;
- (b) Heavy processing facilities are all other processing facilities other than a light processing facility.

Registered professional forester means registered professional forester as defined in Section 895.1 of the Forest Practice Rules.

Rental housing project means a project of two (2) or more units on a single lot, such that the individual units cannot be separately owned.

Residential density. The maximum number of dwelling units per acre or the minimum number of acres per dwelling unit as permitted in the applicable zoning district.

Residential development, as used in Section 26.88.010(k), is defined as a project, a group of projects being developed simultaneously by the same developer within the same unincorporated planning area, including condominium conversion, that contains five (5) or more dwelling units or parcels. A residential development may include one (1) or more housing types designed for permanent occupancy including, but not limited to, single family dwellings and/or multiple family dwellings (both ownership and rental), and

condominium conversion. A residential development may also include a land division within the urban unincorporated area, proposed with the intent to facilitate future housing construction.

Residential – dwelling unit means a room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one (1) kitchen, which constitute an independent housekeeping unit, occupied by or intended for one (1) household on a long-term basis. Dwelling unit does not include a tent, travel trailer, recreational vehicle or similar vehicle or structure.

Residential project. For the purposes of Article 89 (Affordable Housing Program Requirements and Incentives), one (1) or more dwelling units on a single site, including residential units provided within a mixed-use development.

Resocialization facility means a facility, including but not limited to a single-family residence which provides adult supervision and residence services to six (6) or less individuals who are not related to the resident household, and who are mentally handicapped and may be receiving some case work services from psychiatric social workers or welfare workers. A resocialization facility may be a licensed or unlicensed home for persons who are placed in or referred to the facility by a state agency.

Resource agency: A federal or state agency having jurisdiction by law over natural resources affected by an activity or use. Resource agencies include the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, NOAA Fisheries, California Department of Fish and Wildlife, North Coast and San Francisco Bay Regional Water Quality Control Boards, State Water Resources Control Board, and other similar federal and state agencies.

Rest home means a structure for housing ambulatory guests and requiring a license from another agency.

Restoration: Actions taken with the primary goal to maintain, improve, or restore physical, chemical, and biological functions of a stream, wetland, or other sensitive habitat.

Reverse vending machine means a mechanical device which accepts and temporarily stores one or more types of empty beverage containers, including aluminum cans, glass and plastic bottles and cartons and issues a cash refund or redeemable credit slip with a value not less than the container's redemption value.

Review authority: The individual or official county body (the Director, Commission, or Board) and others as identified in the county code as having the responsibility and authority to review and approve or deny land use permit applications.

Riparian corridor: The area occupied by a river or stream and related plant and animal communities.

Riparian corridor, 50-foot: A riparian corridor with a streamside conservation area of 50 feet on each side of a designated stream measured from the top of the higher bank.

Riparian corridor, 100-foot: A riparian corridor with a streamside conservation area of 100 feet on each side of a designated stream measured from the top of the higher bank.

Riparian corridor, 200-foot: A riparian corridor with a streamside conservation area of 200 feet on each side of a designated stream measured from the top of the higher bank.

Riparian functions: The beneficial uses of areas in and along streams, including: providing food, water, and breeding, egg deposition and nesting areas for fish, amphibians, reptiles, birds, insects, and mammals; providing protective cover, shade and woody debris to stream channels as habitat for coho salmon, steelhead, freshwater shrimp, and other protected and common aquatic dependent species; providing movement opportunities, protective cover, and breeding, roosting, and resting habitat for terrestrial wildlife; filtering sediment and pollutants in runoff into streams; providing erosion protection for stream banks; and facilitating groundwater recharge.

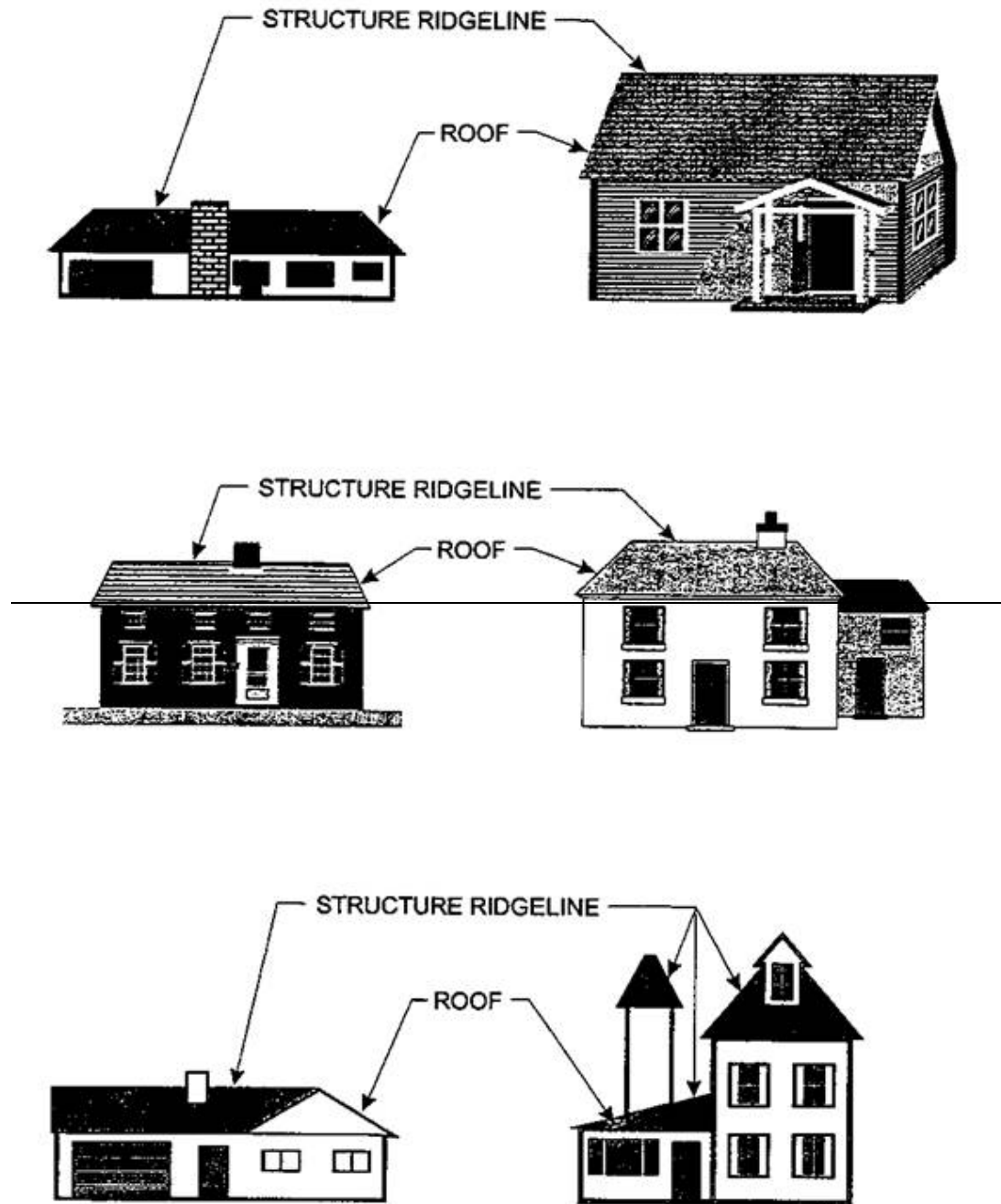
Riparian tree: A woody perennial plant growing in a riparian corridor, typically larger than fourteen (14) feet at maturity with a well-defined stem and definite crown having a single or multi-trunk structure, with a minimum diameter at breast height of two (2) inches for a single stem or aggregate of multi-trunk stems of five (5) inches, and a minimum height of ten (10) feet.

Riparian vegetation: Plant communities contiguous to and affected by surface and subsurface hydrologic features of water bodies (rivers, streams, lakes, or wetlands) that have one (1) or both of the following characteristics: 1) distinctly different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian vegetation is usually transitional between wetland and upland.

River terrace operation means sand and gravel operations which entail the extraction, stockpiling, processing and sale of sand and gravel from terrace floodplain deposits.

Roof means the exterior surface on the top of a building or structure, as shown in the accompanying illustration.

Roof Structure Ridgeline



Scenic corridor means as designated on Figure OS-2 of the General Plan open space element, a strip of land of high visual quality along a certain roadway.

Scenic highway means those roadways in Sonoma County that have been so designated by the state of California.

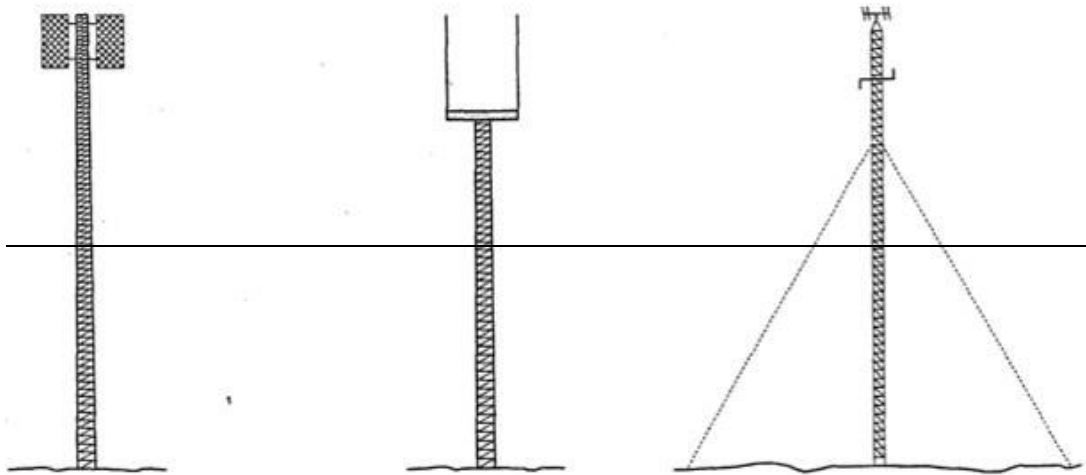
Seasonal farmworker housing means any housing accommodation or structure of a temporary or permanent nature used as housing for farmworkers for not more than one hundred eighty (180) days in any calendar year and approved for such use pursuant to Title 25 of the California Code of Regulations.

Secondary use means a use of land or a building that is subordinate to, but may be different from the primary use of the land or building located on the same lot.

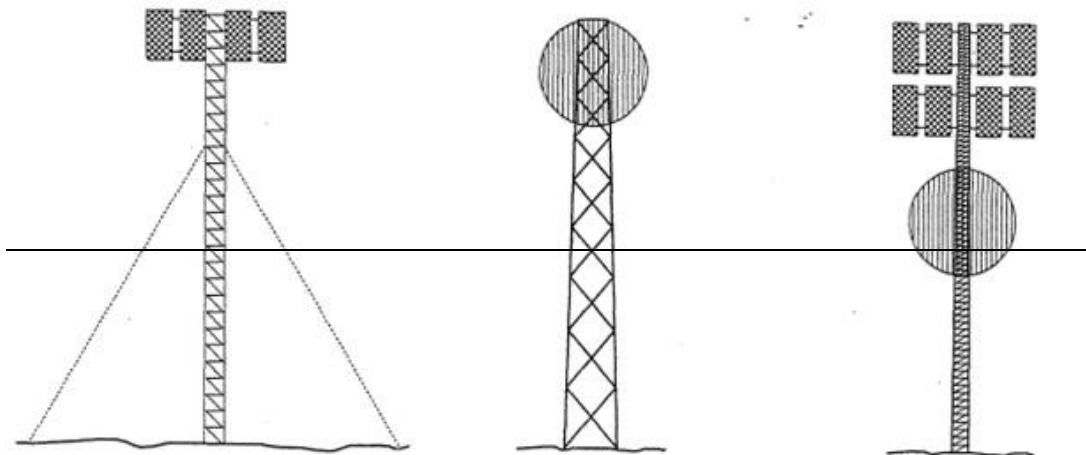
Senior household. A household with at least one (1) person who is sixty two (62) years of age or older.

Silent second mortgage. See "Deferred payment subordinate loan."

Silhouette means a calculation of the exposed surface area of the towers and antennas associated with a telecommunication facility, as seen from an elevation perspective, as shown in the accompanying illustration.



The silhouette is a calculation of the physical surfaces of the combined tower and antenna(s) included in a telecommunication facility. Only the physical surfaces, and not the air spaces in between, are counted in the calculation. The silhouette calculation is measured from the viewing angle which presents the largest exposure from an elevation perspective.



Single room occupancy (SRO) room means a living unit intended for occupancy by not more than two (2) persons, with a minimum floor area of one hundred fifty (150) square feet. Single room occupancy units may have partial kitchen and/or bathroom facilities pursuant to H & S Code Section 17958.1. (See also Efficiency dwelling unit, Large single room occupancy (SRO) facility, Small single room occupancy (SRO) facility.)

Site Class I timberland means Site Class I timberland as defined in Section 1060 of the Forest Practice Rules.

Site Class II timberland means Site Class II timberland as defined in Section 1060 of the Forest Practice Rules.

Site classification means site classification as defined in Section 4528 of the Public Resources Code.

Site coverage. The percentage of total lot area encumbered by impervious surfaces, including all structures, buildings and paved or compacted driveways, parking areas, patios and walkways and similar features.

Slope means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance (e.g., 2:1) or as a percentage (e.g., fifty percent (50%)).

Sludge means solid material produced through sewage treatment processes.

Small alcoholic beverage retail establishment means an alcoholic beverage retail establishment with less than ten thousand (10,000) square feet of floor area.

Small collection facility means a small collection facility which occupies an area of not more than five hundred (500) square feet and includes:

- (a) Reverse vending machines occupying more than fifty (50) square feet;
- (b) Bins, boxes, cans, kiosk type units and other containers or receptacles; and/or
- (c) A properly licensed automobile, truck, trailer or van.

Small-scale homeless shelter means a residential or mixed-use structure which provides temporary or transitional housing for up to ten (10) persons, and may include support services for the residents.

Small single room occupancy facility (SRO facility) means a property containing at least two (2) but not more than nine (9) single room occupancy (SRO) rooms, which rooms are rented as affordable to very low or extremely low income persons, as defined in this section. All SRO facilities shall be provided in accordance with Section 26-88-125, Single room occupancy (SRO) facilities.

Small valley oak means any valley oak having a diameter at breast height twenty inches (20") or less.

Small wind energy system means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce onsite consumption of utility power.

Soils, highly erodible: Soils in the Diablo, Dibble, Goldridge, Laughlin, Los Osos, Steinbeck, and Suther soil series as mapped by the U.S. Department of Agriculture.

Soils, less erodible: Any soils that are not highly erodible soils.

Solar energy system. An system of photovoltaic cells, panels or arrays designed to collect and convert solar power into energy for onsite use. See also Accessory Renewable Energy System.

Solar thermal electric. The conversion of sunlight to heat and its concentration and use to power a generator to produce electricity. Typically, solar concentrators boil water with focused sunlight, generating high-pressure steam which drives conventional turbine generators.

Specified anatomical areas means (1) less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, (2) human male genitals in a discernibly turgid state whether or not opaquely covered.

Specified sexual activities means (1) human genitals in a state of sexual stimulation or arousal, (2) acts of human masturbation, sexual intercourse, sodomy or bestiality, (3) fondling or other erotic handling of human genitals, pubic region, buttock or female breast.

Stable, commercial. "Commercial stable" means housing for horses owned and used by someone other than the occupant or owner of the residence and including related shows, lessons, clinics and similar activities.

State CEQA Guidelines means the State CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. State stocking standards means stocking standards as defined in Section 895.1 of the Forest Practice Rules.

Street means a public or private thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road and any other thoroughfare except an alley as defined herein.

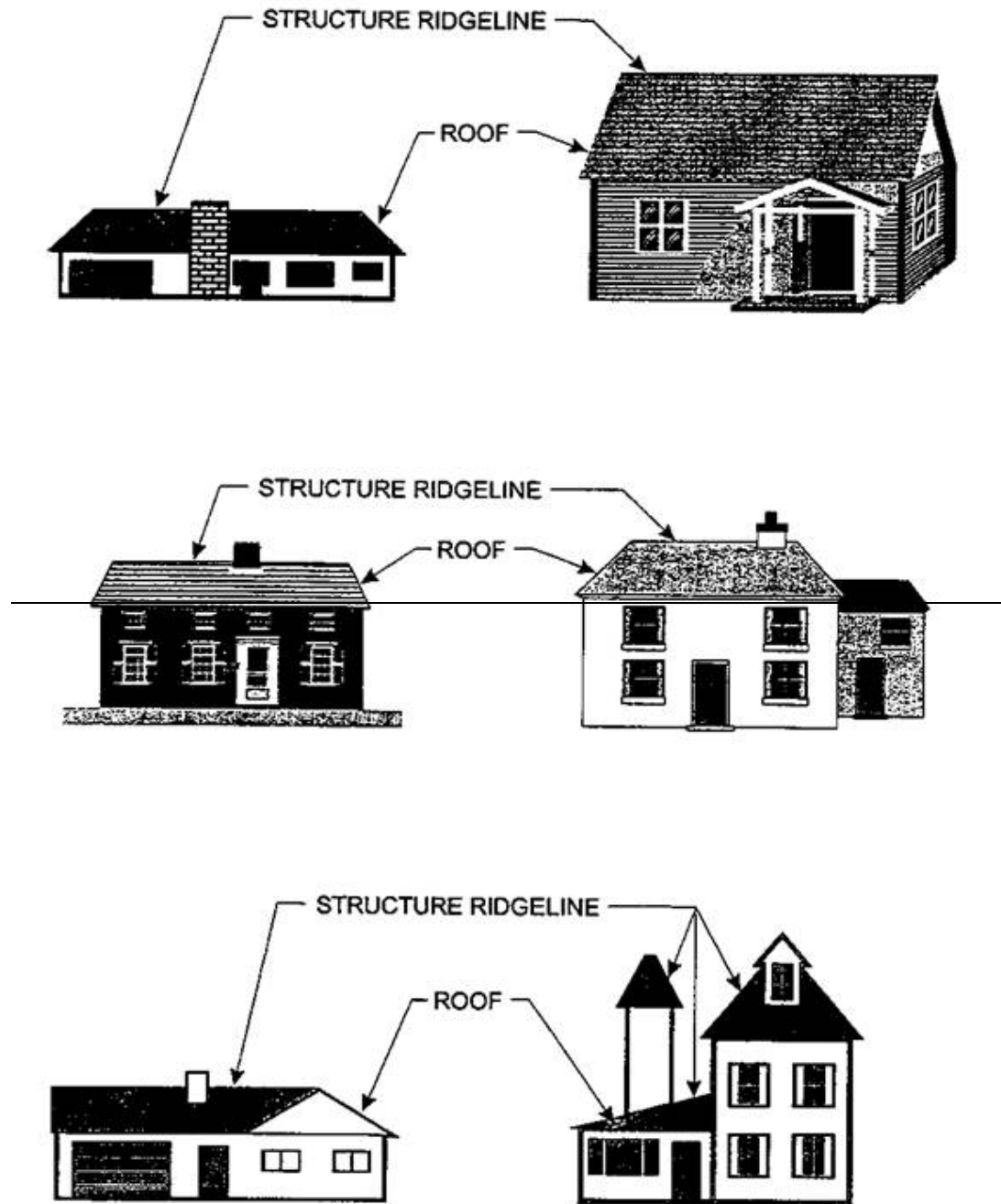
Street line means the boundary between a street and property.

Structure means anything constructed or erected, the use of which requires location on the ground attachment to something having location on the ground.

Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Structure ridgeline means the long, narrow crest at the top of the juncture of two (2) or more surfaces making up the roof of a building or structure, as shown in the accompanying illustration.

Roof Structure Ridgeline



Tasting room means a retail food facility in which one (1) or more agricultural products grown or processed in the county may be tasted and sold. Agricultural products sold may include alcoholic beverages.

Telecommunication facility means a facility that sends and/or receives electromagnetic signals, including antennas and towers to support receiving and/or transmitting devices along with accessory structures, and the land on which they are all situated.

Timber means those species of trees listed as commercial species for the Coast Forest District, Group A, in Section 895.1 of the Forest Practice Rules.

Timber harvesting plan means a timber harvesting plan approved by the Director of the California Department of Forestry and Fire Protection, or by the State Board of Forestry and Fire Protection upon appeal, pursuant to Section 1032 et seq. of the Forest Practice Rules.

Timberland means timberland as defined in Section 1100 of the Forest practice Rules.

Timberland conversion means timberland conversion as defined in Section 1100 of the Forest Practice Rules, except that timberland conversion shall not include the conversion of less than three (3) acres of timberland for the purpose of constructing a structure in accordance with a valid building permit where the conversion is limited to the cutting and removal of the minimum number of trees necessary to accommodate the structure and related improvements.

Timberland conversion permit means a timberland conversion permit issued by the Director of the California Department of Forestry and Fire Protection, or by the State Board of Forestry and Fire Protection upon appeal, pursuant to Section 1100 et seq. of the Forest Practice Rules.

Timber operations means timber operations as defined in Section 4527 of the Public Resources Code.

Timber production means growing and harvesting timber for commercial purposes.

Tower means the support structure, including guyed, monopole and lattice types, upon which antennas are located as part of a telecommunication facility or upon which a wind turbine (or other mechanical device) is mounted as part of a small wind energy system.

Tower height means the height above grade of the fixed portion of the tower, excluding any telecommunication antennas or a wind energy system or its blades.

Transient use or transient occupancy means occupancy of a lodging facility or residence by any person other than the primary owner by concession, permit, right of access, license, gift or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days.

Transitional housing means supportive housing for persons or families in transition from homelessness to permanent housing. A homeless person or family may live in a transitional unit for a period of from six (6) months to two (2) years while receiving supportive services that enable independent living, after which time the assisted unit shall recirculate to another eligible recipient.

Travel trailer means a vehicle, other than a motor vehicle or mobile home which is designed or used for human habitation and for travel or recreational purposes, which is not more than eight feet (8') in width and is less than forty feet (40') in length, and which may be moved upon a public highway without special permit or chauffeur's license or both, without violating any provision of the Vehicle Code of the state.

Travel trailer park or recreational trailer park means any area or tract of land where one (1) or more lots accommodate owners or users of travel trailers used for travel or recreational purposes wherein occupancy by any one individual does not exceed ninety (90) consecutive days in any one (1) calendar year.

Tree means a healthy living large woody plant which ordinarily has a central trunk and at maturity exceeds a height of fourteen feet (14').

Truck or equipment terminal or depot means a space, area or building 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 agricultural uses on the premises.

Universal design means an environment designed and built to be accessed and used by all persons, regardless of ability or mobility. See also Universally Designed Housing.

Universally designed housing means housing units that are designed and built to be fully functional for all persons in all stages of life, regardless of ability or mobility. To be considered a Universally Designed Housing Unit, a home must at a minimum meet the three basic tenets of residential universal design: at least one stepless entry on an accessible path of travel; a complete livable entry floor, including 32" clear width doorways & hallways, a $\frac{3}{4}$ or full bathroom with either a 60" turning radius or a 36" t turn configuration, and a bedroom or flexroom on the entry level; and the provision of all environmental controls at accessible heights. The inclusion of optional universal design components, as established by AB 2787 (2010) in Section 17959 of the Health & Safety Code, is strongly encouraged. Housing units that are constructed as accessible under the ADA shall be considered to already meet the minimum criteria for universal design.

Upland area: An area with less erodible soils and a natural slope steeper than fifteen percent (15%), or highly erodible soils and a natural slope steeper than ten percent (10%).

Urban service area means an area designated in the General Plan within which the full range of public services and infrastructure, such as sewer, water, police and fire protection, roads and transit, and other services necessary for urban development are available or planned to be available. The area bounded by an urban service boundary.

Urban service boundary means a designated limit to the urban development of cities and unincorporated communities of the county.

Use, accessory. "Accessory use" means a use incidental and accessory to the principal use of a lot or a building located on the same lot.

Vacation rental means a dwelling unit, or a dwelling unit and a guest house intended for permanent occupancy that is available, used, let or hired out for transient occupancy by any person other than the primary owner; or is otherwise occupied or utilized on a transient basis. Vacation rental does not include occasional home exchanges that are not otherwise subject to transient occupancy tax, hosted rentals, or a bed and breakfast inn.

Valley oak means *Quercus lobata*, a member of the white oak group whose acorns form and ripen in one (1) growing season and are relatively large and oblong in shape, whose leaves are deciduous and are lobed to deeply lobed, and whose bark is checkered to deeply checkered.

Valley oak woodland means habitat that varies from savanna-like to forest-like stands with partially closed canopies, where valley oaks are the dominant native tree species.

Vegetation removal: The cutting, breaking, burning or uprooting of vegetation, the application of herbicide to vegetation, the covering over of vegetation with earth, or the compacting of the soil under and around vegetation. For the purposes of this chapter, vegetation means all natural, non-cultivated plant life including the root system, stem, trunk, crown, branches, leaves or blades.

Very low income household. A household whose gross annual income does not exceed fifty percent (50%) of the median income for Sonoma County as established by the U.S. Department of Housing and Urban Development, adjusted for household size.

Veterinary clinic means a facility for the provision of medical services for animals, unless otherwise specified, including incidental retail sales of pharmaceuticals for the health care of the animals. Animals may be kennelled on-site.

Volatile solvent: Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.

Wind energy conversion system means a machine used to convert the kinetic energy of the wind into a usable form of electrical energy, including wind turbine generators, rotors, and blades.

Wind energy system height means the height above grade of the fixed portion of the tower including the vertical length of any extensions such as the rotor blade.

Work/live unit. A single unit comprised of one (1) or more rooms, occupied and utilized by a single household, which accommodates both work activity and residential occupancy, in which the working space is predominant and the residential facilities secondary, and which includes:

- (a) ~~Working space reserved for and regularly used for commercial or industrial use by one (1) or more residents of the unit; and~~
- (b) ~~Complete residential cooking, sleeping and sanitary facilities in compliance with all applicable building codes.~~

Yard means 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 this chapter.

Yard, front. "Front yard" means 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 lines 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.

Yard, rear. "Rear yard" means 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.

Yard, side. "Side yard" means a yard between the line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Year-round or extended seasonal farmworker housing means any housing accommodation or structure of a temporary or permanent nature used as housing for farmworkers for more than one hundred eighty (180) days in any calendar year and approved for such use pursuant to Title 25 of the California Code of Regulations.

Zoning district means a portion of the county within which certain uses of land and buildings are specified and within which certain yards and other open areas are required and certain height limits are established for buildings, all as set forth and specified in this chapter.

(Ord. No. ~~6298~~, § III(Exh.), 2-4-2020; Ord. No. ~~6247~~, § II(Exh. A), 10-23-2018; Ord. No. ~~6245~~, § II(Exh. A), 10-16-2018; Ord. No. ~~6191~~, § IV(Exh. C), 1-24-2017; Ord. No. ~~6189~~, § II(A)(Exh. A-1), 12-20-2016; ~~Ord. No. 6140, § II(Exh. B)~~, 1-5-2016; ~~Ord. No. 6145, § II(Exh. A)~~, 3-15-2016; Ord. No. 6089, § I(a), 11-24-2014; Ord. No. 6085, § II(Exh. A), 10-7-2014; Ord. No. 6081, § II, 7-29-2014; Ord. No. 6046, § II(a), 9-10-2013; Ord. No. 5964, § II, 1-31-2012; Ord. No. 5933, § II(a), 5-10-2011; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5883, § II, 3-30-2010; Ord. 5790 § 1(a) — (e), 2008; Ord. No. 5715 § 2, 2007; Ord. No. 5711 § 2 (Exh. A), 2007; Ord. No. 5695 § 1, 2006; Ord. No. 5651 § 1(a) — (s) 2006; Ord. No. 5569 § 2, 2005; Ord. No. 5537 § 2(a), 2004; Ord. No. 5435 § 2(a), 2003; Ord. No. 5429 § 2, 2003; Ord. No. 5342 § 2, 2002; Ord. No. 5265 § 1(a), 2001; Ord. No. 5009 § 1(B), 1997; Ord. No. 4991 § 1(b) — (g), 1996; Ord. No. 4985 § 1 (a), 1996; Ord. No. 4973 § 2(a), (b), 1996; Ord. No. 4906 § 8, 1995; Ord. No. 4839 § 1(A), 1994; Ord. No. 4781 § 2(A), 1994; Ord. No. 4723 § 1(a), 1993; Ord. No. 4653 § 1(a, b), 1993; Ord. No. 4643, 1993; Ord. No. 3805; Ord. No. 3615; Ord. No. 3465; Ord. No. 3376; Ord. No. 3349; Ord. No. 3340.)

Article 04. ~~LIA Land Intensive Agriculture District.~~

Sec. 26-04-005. ~~Purpose.~~

~~Purpose: to enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land; and to implement the provisions of the land intensive agriculture land use category of the General Plan and the policies of the agricultural resources element.~~

~~(Ord. No. 5964, § III, 1-31-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-04-010. – Permitted uses.~~

~~(a) On parcels exceeding two (2) acres, raising, feeding, maintaining and breeding of farm animals. When such farming involves animals which are continuously confined, such as veal calves, poultry, hogs and pigs, dairy cows, or similar livestock which may result in concentrations of animal waste, the use shall be subject to issuance of a zoning permit based upon written approval of the Sonoma County Health Services Department and the applicable regional water quality control board of a confined animal management plan. Horses, goats, sheep and similar farm animals are not considered to be confined animals for purposes of this chapter. The plan shall include provisions for:~~

- ~~(1) Containment of waste to the site,~~
- ~~(2) Reuse or disposal of waste in accordance with health and/or water quality regulations,~~
- ~~(3) Mitigation of potential water quality impacts due to surface runoff of waste,~~
- ~~(4) Control of vectors,~~

~~In the event that the confined animal use is proposed within five hundred feet (500') of a nonagricultural land use category, it shall require prior approval of a use permit;~~

~~(b) On parcels of two (2) acres or less, raising, feeding, maintaining and breeding of not more than one (1) of the following per twenty thousand (20,000) square feet of area:~~

- ~~(1) Five (5) hogs or pigs,~~
- ~~(2) One (1) horse, mule, cow or steer,~~
- ~~(3) Five (5) goats, sheep or similar animals,~~
- ~~(4) Fifty (50) chickens or similar fowl,~~
- ~~(5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals,~~
- ~~(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses,~~
- ~~(7) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size, provided that the parcel contains at least twenty thousand (20,000) square feet and provided further a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;~~

~~(c) Beekeeping;~~

~~(d) Outdoor crop production including wholesale nurseries, for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~

~~(e) Agricultural support services involving no more than one (1) employee and occupying no more than one-half (1/2) acre of land and subject, at a minimum to the criteria of General Plan Policies AR-5e~~

~~and AR-5f. Such services may include incidental sales of products related to the support service use but shall not include additional walk-in, over the counter retail sales;~~

~~The following factors shall be considered in determining an agricultural support service to be "clearly subordinate to on-site agricultural production" as provided in above Policy AR-5e:~~

- ~~(1) The geographic area of the lot devoted to the support service use in comparison to that remaining in agricultural production;~~
- ~~(2) Whether or not new structures or significant expansion of existing structures are needed to accommodate the support service use;~~
- ~~(3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production;~~
- ~~(4) Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(f) Incidental cleaning, grading, packing, polishing, sizing, storage and similar preparation of crops which are grown on the site, but not including agricultural processing;~~
- ~~(g) (1) Farm stand for the temporary or seasonal sales and promotion of crops grown or animals raised on the site including community supported agriculture, U-Pick and U-Cut operations.~~
~~(2) Farm retail sales facility subject to issuance of a zoning permit and compliance with Section 26-88-245;~~
- ~~(h) Residential uses include the following:~~
 - ~~(1) Single family detached dwelling unit(s) in accordance with the residential density permitted by the General Plan land use element, or permitted by a "B" combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation.~~

~~A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-92-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:~~

 - ~~(i) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter;~~
 - ~~(ii) The manufactured home shall be skirted. All skirting shall be of a type approved by the state of California;~~
 - ~~(iii) The manufactured home shall have one patio awning with a minimum dimension of nine feet (9') by twenty feet (20') and either a garage, carport or awning with a minimum dimension of ten feet (10') by twenty feet (20') for covered parking;~~
 - ~~(iv) All manufactured home sites shall be landscaped;~~
 - ~~(v) The manufactured home shall be occupied by the owner of the property or a relative of the owner;~~
 - ~~(2) One (1) detached farm family dwelling unit per lot provided that a Williamson Act contract is in effect and that the following requirements are met:~~
 - ~~(i) An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application;~~
 - ~~(ii) A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the farm family dwelling shall become a nonconforming residential use;~~

- ~~(3) One (1) dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:~~
- ~~(i) At least fifty (50) dairy cows, dairy sheep, or dairy goats,~~
 - ~~(ii) At least twenty (20) acres of grapes, apples, pears, prunes,~~
 - ~~(iii) At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg layers or three thousand (3,000) turkeys,~~
 - ~~(iv) At least one hundred (100) non-dairy sheep, goats, replacement heifers, beef cattle, or hogs,~~
 - ~~(v) At least thirty (30) mature horses,~~
 - ~~(vi) Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials,~~
 - ~~(vii) Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as Subsections (h)(3)(i) through (vi) of this section;~~

~~The dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations); provided, that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in Subsection (h)(1) of this section. Agricultural employee units may be established within designated Class 4 water-scarce areas only where a hydrogeology report, as defined, certifies that the establishment and continuation of the additional residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield,~~

~~Prior to the issuance of building or zoning permits for the employee unit(s), the property owner shall place on file with the planning department an affidavit that the unit(s) will be used to house persons employed on the premises for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that in the event that the agricultural use is terminated on the property, the agricultural employee dwelling shall become a nonconforming residential use,~~

- ~~(4) Temporary farm worker camps consisting of up to four (4) self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:~~

~~The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona fide agricultural enterprise. The camp shall be subject to applicable septic regulations. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the premises site;~~

- ~~(5) Seasonal farmworker housing which meets the standards set forth in Section 26-88-010(l). Seasonal farmworker housing shall also conform to such public health, building and fire safety criteria as may be established by resolution or ordinance of the board of supervisors,~~
- ~~(6) Year-round and extended seasonal farmworker housing which meets the standards set forth in Section 26-88-010(o). Year-round and extended seasonal farmworker housing shall also conform to such public health, building, and fire safety criteria as may be established by resolution or ordinance of the board of supervisors,~~
- ~~(7) One caretaker unit for properties with seasonal farmworker housing, subject to the provisions of Section 26-88-010 (l)(8),~~
- ~~(8) One guest house per lot,~~

- ~~(9) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually,~~
- ~~(10) One (1) accessory dwelling unit per lot, pursuant to Section 26-88-060. Accessory dwelling units are not permitted on land subject to a Williamson Act contract;~~
- ~~(11) One junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~
- ~~(i) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the agricultural resources element:~~
 - ~~(1) Boarding and training of horses subject to issuance of a zoning permit. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(2) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any home occupation use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(3) Small residential community care facilities, except on land subject to a Williamson Act contract;~~
 - ~~(4) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice," is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(5) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, where these uses are incidental to the primary use;~~
 - ~~(6) Small family day care. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(7) Large family day care, subject to the issuance of a zoning permit and the standards of Sec. 26-88-080, except on land subject to a Williamson Act contract;~~
 - ~~(8) Pet fancier facilities, provided that a pet fancier license is obtained from the division of animal regulation and renewed annually. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(9) Public parks;~~
 - ~~(10) Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;~~
 - ~~(11) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
 - ~~(12) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal~~

~~pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~

- ~~(13) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(14) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated Urban Service Area, subject to zoning permit approval and the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(15) Agricultural farmstay, subject to issuance of a zoning permit and the standards set forth in Section 26-88-085. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(16) Non-commercial arts and crafts studios not involving retail or wholesale sales. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(17) Non-commercial composting when the source materials are obtained primarily onsite and the product is used to amend soils onsite or on adjacent parcels owned or operated by same property owner.~~
- ~~(j) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(k) Minor timberland conversions, subject to compliance with the requirements of Section 26-88-140;~~
- ~~(l) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this Section;~~
- ~~(m) Small-scale agricultural processing facility subject to issuance of a zoning permit in compliance with Section 26-88-210;~~
- ~~(n) Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- ~~(o) Indoor crop production including wholesale nurseries for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, in greenhouses or similar structures less than two thousand five hundred (2,500) square feet, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(p) Commercial cannabis uses in compliance with Section 26-88-250 through 26-88-256;~~
- ~~(q) Permanent supportive housing, subject to density limitations;~~
- ~~(r) Hosted rentals subject to issuance of a zoning permit in compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns).~~

(Ord. No. ~~6298~~, § III(Exh.), 2-4-2020; Ord. No. ~~6255~~, § III, 1-8-2019; Ord. No. ~~6245~~, § II, 10-16-2018; Ord. No. ~~6223~~, § V, 5-8-2018; Ord. No. ~~6191~~, § V(Exh. D), 1-24-2017; Ord. No. ~~6189~~, §§ II(B), (G), (I), (J), 12-20-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 6081, §§ III, IV, 7-29-2014; Ord. No. 5964, § III, 1-31-2012; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(b), 2003; Ord. No. 5429 § 3(a), 2003; Ord. No. 5361 § 2(a), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5016 § 1(A), 1997; Ord. No. 4985 § 1(b), 1996; Ord. No. 4973 § 3(a), 1996; Ord. No. 4723 § 1(b), 1993; Ord. No. 4653 § 1(c), 1993; Ord. No. 4643, 1993.)

Sec. 26-04-020. ~~Uses permitted with a use permit:~~

- (a) ~~Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26-04-010(d):~~
 - (1) ~~Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor;~~
 - (2) ~~Within fifty feet (50') from the top of the bank in designated Flatland Riparian Corridors;~~
 - (3) ~~Within twenty five feet (25') from the top of the bank in designated Upland Riparian Corridors;~~
- (b) ~~Livestock feed yards, animal sales yards;~~
- (c) ~~Commercial mushroom farming;~~
- (d) ~~Commercial stables not permitted under Section 26-04-010(i)(1), riding academies, and equestrian riding clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- (e) ~~Agricultural support services with more than one (1) and a maximum of three (3) employees or occupying more than one half (½) acre of land, but otherwise subject to the same criteria as Section 26-04-010(e). Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- (f) ~~Preparation of agricultural products which are not grown on site, processing of agricultural product of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g;~~
- (g) ~~Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area and subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- (h) ~~Retail nurseries involving crops/plants which are not grown on the site, except on land subject to a Williamson Act contract;~~
- (i) ~~Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of General Plan Policies AR-6d and AR-6f. This Subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-04-010(g);~~
- (j) ~~Marketing accommodations in compliance with Section 26-88-086;~~
- (k) ~~Dwelling unit(s) for full time agricultural employees which are transferred from another lot within this district and which are under the same ownership as the subject property. The number of units allowed shall be determined by the standards in Section 26-04-010(h)(3). The units shall be located on the receiving parcel such that they are closer to the primary dwelling unit than to the property line;~~
- (l) ~~Temporary farm worker camps not permitted by Section 26-04-010(h);~~

- ~~(m) Seasonal farmworker housing that does not meet the road access, occupancy or setback standards of Section 26-88-010(l);~~
- ~~(n) Year-round and extended seasonal farmworker housing that does not meet the road access, occupancy limits, parcel size or setback standards of Section 26-88-010(o);~~
- ~~(o) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the agricultural resources element:~~
 - ~~(1) Game preserves, refuges, and hunting clubs; however, any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(2) Cemeteries, except on land subject to a Williamson Act contract;~~
 - ~~(3) Commercial kennels, except on land subject to a Williamson Act contract;~~
 - ~~(4) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including, but not limited to reservoirs, storage tanks, pumping stations, and transformer stations. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(5) Fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2 t and which are not otherwise exempt by state law. Such facilities are not permitted on land subject to a Williamson Act contract;~~
 - ~~(6) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(7) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
 - ~~(8) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(9) Application of clean dredge material or biosolids from wastewater treatment plants subject, at a minimum, to the criteria of General Plan Policies PF-2s;~~
 - ~~(10) Granges and similar community service facilities which do not adversely impact agriculture in the area. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(11) Large residential community care facility, except on land subject to a Williamson Act contract;~~
 - ~~(12) Day care center, except on land subject to a Williamson Act contract;~~
 - ~~(13) Reserved.~~
 - ~~(14) Golf courses and driving ranges shall be at the sole discretion of the county and subject, at a minimum, to the following criteria:~~
 - ~~(i) The proposed use is adjacent to a designated urban service boundary or includes an irrevocable offer of offsite unutilized development rights for all lands between the use and the urban service boundary;~~
 - ~~(ii) Permanent open space or agricultural preservation is provided for the site of the proposed use and all areas for which development rights are acquired;~~

- ~~(iii) The use is located in close proximity to an existing wastewater treatment facility and includes the use of reclaimed wastewater in accordance with the regulations of the applicable regional water quality control agency,~~
- ~~(iv) The use is subject to design review approval and includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area,~~
- ~~(v) Under no circumstances shall housing be included as part of the use, provided that a caretaker unit may be considered,~~
- ~~(vi) The use must be compatible with and not result in limitations on any agricultural operation,~~
- ~~(vii) The use shall not be conducted on lands subject to a Williamson Act contract or included in a timber production zone,~~
- ~~(viii) Facilities associated with the golf course and/or driving range shall be limited to those which serve golfers on the course or range, such as locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations. Such facilities shall not include restaurants, other retail sales, lodging or similar uses,~~
- ~~(ix) Driving ranges shall not be operated during nighttime hours;~~

~~In the event that the above uses are proposed within a designated Community Separator, the criteria established by General Plan Policy OSRC 1c shall supersede the above criteria;~~

- ~~(15) Craft sales and garage sales involving three (3) or four (4) sales days per year,~~
- ~~(16) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
- ~~(p) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any live/work use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(q) Other nonresidential uses which in the opinion of the planning director area of a similar and compatible nature to those uses described in this section;~~
- ~~(r) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6255, § IV, 1-8-2019; Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, § II(C), 12-20-2016; Ord. No. 5964, § III, 1-31-2012; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(e), 2003; Ord. No. 5429 § 3, 2003; Ord. No. 5361 § 2(i), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 4973 § 3(b), 1996; Ord. No. 4781 § 2(B), 1994; Ord. No. 4643, 1993.)~~

~~Sec. 26-04-030. Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Density. Residential density shall be between twenty (20) and one hundred (100) acres per dwelling unit as shown in the General Plan land use element or permitted by a "B" combining~~

~~district, whichever is more restrictive. However, dwelling units described in Section 26-04-010(h)(2) through (7) inclusive may be permitted in addition to the residential density.~~

~~(b) Minimum Lot Size. The minimum lot size for creation of new parcels shall be twenty (20) acres, provided, that it shall also meet the criteria of General Plan Policy AR-8c. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.~~

~~(c) Minimum Lot Width. The minimum average lot width within each lot is one hundred twenty five feet (125').~~

~~(d) Maximum Building Height.~~

~~(1) Thirty five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured,~~

~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~

~~(e) Maximum Lot Coverage.~~

~~(1) On parcels of two acres in size or less: twenty percent (20%);~~

~~(2) On parcels greater than two acres up to and including five acres in size: 18,000 SF or fifteen percent (15%), whichever is greater;~~

~~(3) On parcels greater than five acres up to and including 20 acres in size: 30,000 SF or ten percent (10%), whichever is greater; and~~

~~(4) On parcels greater than 20 acres in size: 85,000 SF or five percent (5%), whichever is greater.~~

~~Exceptions may be allowed by the planning director for commercial greenhouses, large animal operations, and buildings required for the farm operation to meet water quality or other environmental protection regulations.~~

~~(f) Yard Requirements.~~

~~(1) Front or Street Side Yard. Thirty feet (30') except where combined with any B district and in no case shall the setback be less than fifty five feet (55') from the centerline of all roads and streets, except as may be otherwise indicated on the district maps;~~

~~(2) Side Yard. Minimum ten feet (10'), except that in the case of a corner lot, the street side yard shall be the same as the front yard;~~

~~(3) Rear Yard. Twenty feet (20');~~

~~(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property;~~

~~(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.~~

~~Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of Administrative Design Review.~~

- ~~(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard,~~
- ~~(7) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of subsection (f)(5) of this section,~~
- ~~(8) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the California Building Code. (Ord. No. 3932.)~~
- ~~(9) The yard requirements of Subsections (f)(1) and (2) of this section may be reduced up to fifty percent (50%) for agricultural buildings and structures if necessary for efficient farming operation.~~
- ~~(g) In compliance with applicable sections of the State Subdivision Map Act and the subdivision ordinance, a two (2) way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:~~
 - ~~(1) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purposes of this section, "agricultural employee" shall have the same meaning as defined by Subdivision (b) of Section 1140.4 of the Labor Code,~~
 - ~~(2) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease,~~
 - ~~(3) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel,~~
 - ~~(4) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract,~~
 - ~~(5) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.~~

~~(6) The farmworker housing project is provided pursuant to Section 26-88-010(l) (Seasonal farmworker housing) or Section 26-88-010(o) (Year-round and extended seasonal farmworker housing), and includes provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses,~~

~~A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.~~

~~(Ord. No. 5964, § III, 1-31-2012; Ord. No. 5711 § 7 (Exh. H), 2007; Ord. No. 5569 § 9, 2005; Ord. No. 4973 § 1(c), 1996; Ord. No. 4927 §§ 1, 6, 11, 1996; Ord. No. 4643, 1993.)~~

~~Article 06. LEA Land Extensive Agriculture District.~~

~~Sec. 26-06-005. Purpose.~~

~~Purpose: To enhance and protect lands best suited for permanent agricultural use and capable of relatively low production per acre of land; and to implement the provisions of the Land Extensive Agriculture land use category of the General Plan and the policies of the Agricultural Resources Element.~~

~~(Ord. No. 5964, § IV, 1-31-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-06-010. Permitted uses.~~

~~(a) On parcels exceeding two (2) acres, raising, feeding, maintaining and breeding of farm animals. When such farming involves animals which are continuously confined, such as veal calves, poultry, hogs and pigs, dairy cows or similar livestock which may result in concentrations of animal waste, the use shall be subject to issuance of a zoning permit based upon written approval of the Sonoma County Health Services Department and the applicable regional water quality control board of a confined animal management plan. Horses, goats, sheep and similar farm animals are not considered to be confined animals for purposes of this chapter. The plan shall include provisions for:~~

- ~~(1) Containment of waste to the site,~~
- ~~(2) Reuse or disposal of waste in accordance with health and/or water quality regulations,~~
- ~~(3) Mitigation of potential water quality impacts due to surface runoff of waste,~~
- ~~(4) Control of vectors,~~

~~In the event that the confined animal use is proposed within five hundred feet (500') of a nonagricultural land use category, it shall require prior approval of a use permit;~~

~~(b) On parcels of two (2) acres or less, raising, feeding, maintaining and breeding of not more than one of the following per twenty thousand (20,000) square feet of area:~~

- ~~(1) Five (5) hogs or pigs,~~
- ~~(2) One (1) horse, mule, cow or steer,~~
- ~~(3) Five (5) goats, sheep or similar animals,~~
- ~~(4) Fifty (50) chickens or similar fowl,~~
- ~~(5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals,~~
- ~~(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning~~

~~director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses;~~

- ~~(7) 4 H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and provided further, a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;~~

~~(c) Beekeeping;~~

~~(d) Outdoor crop production including wholesale nurseries, for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~

~~(e) Agricultural support services involving no more than one (1) employee and occupying no more than one-half (1/2) acre of land and subject, at a minimum to the criteria of General Plan Policies AR-5e and AR-5f. Such services may include incidental sales of products related to the support service use but shall not include additional walk-in, over the counter retail sales;~~

~~The following factors shall be considered in determining an agricultural support service to be "clearly subordinate to on-site agricultural production" as provided in above Policy AR-5e:~~

~~(1) The geographic area of the lot devoted to the support service use in comparison to that remaining in agricultural production;~~

~~(2) Whether or not new structures or significant expansion of existing structures are needed to accommodate the support service use;~~

~~(3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production;~~

~~(4) Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~

~~(f) Incidental cleaning, grading, packing, polishing, sizing, storage and similar preparation of crops which are grown on the site, but not including agricultural processing;~~

~~(g) (1) Farm stand for the temporary or seasonal sales and promotion of crops grown or animals raised on the site including community supported agriculture, U-Pick and U-Cut operations.~~

~~(2) Farm retail sales facility subject to issuance of a zoning permit and compliance with Section 26-88-215;~~

~~(h) Residential uses include the following:~~

~~(1) Single family detached dwelling unit(s) in accordance with the residential density permitted by the General Plan land use element, or permitted by a "B" combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation;~~

~~A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-92-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:~~

~~(i) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter;~~

~~(ii) The manufactured home shall be skirted. All skirting shall be of a type approved by the State of California;~~

- ~~(iii) The manufactured home shall have one (1) patio awning with a minimum dimension of nine feet (9') by twenty feet (20') and either a garage, carport or awning with a minimum dimension of ten feet (10') and twenty feet (20') for covered parking,~~
- ~~(iv) All manufactured home sites shall be landscaped,~~
- ~~(v) The manufactured home shall be occupied by the owner of the property or a relative of the owner;~~
- ~~(2) One (1) detached farm family dwelling unit per lot, provided that the following requirements are met:~~
 - ~~(i) An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application,~~
 - ~~(ii) A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the farm family dwelling shall become a nonconforming residential use;~~
- ~~(3) One (1) dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:~~
 - ~~(i) At least fifty (50) dairy cows, dairy sheep or dairy goats,~~
 - ~~(ii) At least twenty (20) acres of grapes, apples, pears, prunes,~~
 - ~~(iii) At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg layers, or three thousand (3,000) turkeys,~~
 - ~~(iv) At least one hundred (100) non-dairy sheep, goats, beef cattle, replacement heifers, or hogs,~~
 - ~~(v) At least thirty (30) mature horses,~~
 - ~~(vi) Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials,~~
 - ~~(vii) Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as Subsections (h)(3)(i) through (vi) of this section;~~

~~The dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations), provided that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in Section 26-06-010(h)(1). Agricultural employee units may be established within designated Class 4 water-scarce areas only where a hydro-geology report, as defined, certifies that the establishment and continuation of the additional residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield,~~

~~Prior to the issuance of building or zoning permits for the employee unit(s), the property owner shall place on file with the planning department an affidavit that the unit(s) will be used to house persons employed on the premises for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that in the event that the agricultural use is terminated on the property, the agricultural employee dwelling shall become a nonconforming residential use,~~

- ~~(4) Temporary farm worker camps consisting of up to four (4) self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:~~

~~The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona fide agricultural enterprise. The camp shall be subject to applicable septic~~

~~regulations. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the premises site;~~

- ~~(5) Seasonal farmworker housing which meets the standards set forth in Section 26-88-010(l). Seasonal farmworker housing shall also conform to such public health, building and fire safety criteria established by resolution or ordinance of the board of supervisors;~~
- ~~(6) Year-round farmworker and extended seasonal housing which meets the standards set forth in Section 26-88-010(o). Year-round and extended seasonal farmworker housing shall also conform to such public health, building, and fire safety criteria as may be established by resolution or ordinance of the board of supervisors;~~
- ~~(7) One caretaker unit for properties with seasonal farmworker housing, subject to the provisions of Section 26-88-010(l)(8);~~
- ~~(8) One (1) guest house per lot;~~
- ~~(9) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(g) and provided that a travel trailer administrative permit is obtained and renewed annually;~~
- ~~(10) One (1) accessory dwelling unit per lot, pursuant to Section 26-88-060. Accessory dwelling units are not permitted on land subject to a Williamson Act contract;~~
- ~~(11) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~
- ~~(i) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the agricultural resources element:~~
 - ~~(1) Boarding and training of horses subject to issuance of a zoning permit. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(2) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any home occupation use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(3) Small residential community care facilities, except on land subject to a Williamson Act contract;~~
 - ~~(4) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: Sheriff, Public Health, Fire Services, Building Inspection and Public Works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(5) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, where these uses are incidental to the primary use;~~
 - ~~(6) Small family day care. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(7) Large family day care, provided that the applicant shall meet all performance standards listed in Section 26-88-080, except on land subject to a Williamson Act contract;~~
 - ~~(8) Pet fancier facilities, provided that a pet fancier license is obtained from the division of animal regulation and renewed annually. Any such use on a parcel under a Williamson Act contract~~

must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;

- ~~(9) Public parks;~~
- ~~(10) Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;~~
- ~~(11) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(12) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(13) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(14) Small wind energy systems not located within a county-designated Urban Service Area or within two thousand five hundred feet (2,500') of a county-designated Urban Service Area, subject to zoning permit approval and the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(15) Non-commercial arts and crafts studios not involving retail or wholesale sales. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(j) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(k) Minor timberland conversions, subject to compliance with the requirements of Section 26-88-140;~~
- ~~(l) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(m) Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- ~~(n) Vacation rentals subject to issuance of a zoning permit and conformance with the standards in Section 26-88-120, except on lands under a Williamson Act contract;~~
- ~~(o) Agricultural farmstays, subject to issuance of a zoning permit and the standards set forth in Section 26-88-085. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~

- ~~(p) Non-commercial composting when the source materials are obtained primarily onsite and the product is used to amend soils onsite or on adjacent parcels owned or operated by same property owner;~~
- ~~(q) Small-scale agricultural processing facility subject to issuance of a zoning permit in compliance with Section 26-88-210;~~
- ~~(r) Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- ~~(s) Indoor crop production including wholesale nurseries for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, in greenhouses or similar structures less than two thousand five hundred (2,500) square feet, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining-Zone;~~
- ~~(t) Commercial cannabis uses in compliance with Section 26-88-250 through 26-88-256;~~
- ~~(u) Permanent supportive housing, subject to density limitations.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6245, § II, 10-16-2018; Ord. No. 6223, § VI, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, §§ II(B), (G), (I), (J), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 6081, §§ III, IV, 7-29-2014; Ord. No. 5964, § IV, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5569 § 7, 2005; Ord. 5435 § 2(d), 2003; Ord. 5429 § 3(a), 2003; Ord. No. 5361 § 2(b), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5265 § 1(b), 2001; Ord. No. 5016 § 1(B), 1997; Ord. No. 4985 § 1(b), 1996; Ord. No. 4973 § 3(a), 1996; Ord. No. 4723 § 1(c), 1993; Ord. No. 4653 § 1(d), 1993; Ord. No. 4643, 1993.)~~

~~Sec. 26-06-020. Uses permitted with a use permit.~~

- ~~(a) Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26-06-010(d):~~
 - ~~(1) Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor,~~
 - ~~(2) Within fifty feet (50') from the top of the bank in designated flatland riparian corridors,~~
 - ~~(3) Within twenty-five feet (25') from the top of the bank in designated upland riparian corridors;~~
- ~~(b) Livestock feed yards, animal sales yards;~~
- ~~(c) Commercial mushroom farming;~~
- ~~(d) Commercial stables not permitted under Section 26-06-010(i)(1), riding academies, and equestrian riding clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(e) Commercial aquaculture, provided that, at a minimum, the use does not adversely affect biotic resources and does not take place on prime soils;~~
- ~~(f) Agricultural support services with more than one (1) employee or occupying more than one-half acre of land, but otherwise subject to the same criteria as Section 26-06-010(e); Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(g) Preparation of agricultural products which are not grown on site, processing of agricultural products of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g;~~

- ~~(h) Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area and subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(i) Retail nurseries involving crops/plants which are not grown on the site, except on land subject to a Williamson Act contract;~~
- ~~(j) Tasting rooms and other temporary, seasonal or year round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of General Plan Policies AR-6d and AR-6f. This Subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-06-010(g);~~
- ~~(k) Marketing accommodations in compliance with Section 26-88-086;~~
- ~~(l) Dwelling unit(s) for full-time agricultural employees which are transferred from another lot within this district and which are under the same ownership as the subject property. The number of units allowed shall be determined by the standards in Section 26-06-010(h)(3). The units shall be located on the receiving parcel such that they are closer to the primary dwelling unit than to the property line;~~
- ~~(m) Temporary farm worker camps not permitted by Section 26-06-010(h);~~
- ~~(n) Seasonal farmworker housing that does not meet the road access, occupancy, or setback standards of Section 26-88-010(l);~~
- ~~(o) Year round and extended seasonal farmworker housing that does not meet the road access, occupancy limits, parcel size, or setback standards of Section 26-88-010(o);~~
- ~~(p) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the agricultural resources element:
 - ~~(1) Game preserves, refuges, and hunting clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(2) Public schools; private nursery, primary and secondary schools; places of religious worship; and places of public or community assembly, all subject, at a minimum, to the criteria of General Plan Policy LU-6e, except in lands subject to a Williamson Act contract;~~
 - ~~(3) Campgrounds with a maximum of thirty (30) sites; provided, that the subject area is not under a Williamson Act contract, and subject, at a minimum, to the criteria of General Plan Policy AR-6f.~~
 - ~~(4) Cemeteries, except on land subject to a Williamson Act contract;~~
 - ~~(5) Commercial kennels. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(6) Private landing strips. On land subject to a Williamson Act contract, such use shall be limited to that necessary for aircraft dedicated to aerial spraying and other agricultural purposes and not for private passenger aircraft for personal convenience and transportation;~~
 - ~~(7) Bed and breakfast inns containing not more than five (5) guest rooms, subject to design review and compliance with Section 26-88-118;~~
 - ~~(8) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including, but not limited to reservoirs, storage tanks, pumping stations, and transformer stations. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~~~

- ~~(9) Fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of General Plan Policy PF 2(t) and which are not otherwise exempt by state law. Such facilities are not permitted on land subject to a Williamson Act contract;~~
- ~~(10) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(11) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(12) Exploration and development of low temperature geothermal resources for other than power development purposes, provided that, at a minimum, it is compatible with surrounding land uses. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(13) Application of clean dredge material or biosolids from wastewater treatment plants subject, at a minimum, to the criteria of General Plan Policies PF 2s;~~
- ~~(14) Granges and similar community service facilities which do not adversely impact agriculture in the area. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(15) Large residential community care facility, except on land subject to a Williamson Act contract;~~
- ~~(16) Day care center, except on land subject to a Williamson Act contract;~~
- ~~(17) Reserved;~~
- ~~(18) Golf courses and driving ranges shall be at the sole discretion of the county and subject, at a minimum, to the following criteria:~~
 - ~~(i) The proposed use is adjacent to a designated urban service boundary or includes an irrevocable offer of offsite unutilized development rights for all lands between the use and the urban service boundary;~~
 - ~~(ii) Permanent open space or agricultural preservation is provided for the site of the proposed use and all areas for which development rights are acquired;~~
 - ~~(iii) The use is located in close proximity to an existing wastewater treatment facility and includes the use of reclaimed wastewater in accordance with the regulations of the applicable regional water quality control agency;~~
 - ~~(iv) The use is subject to design review approval and includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area;~~
 - ~~(v) Under no circumstances shall housing be included as part of the use, provided that a caretaker unit may be considered;~~
 - ~~(vi) The use must be compatible with and not result in limitations on any agricultural operation;~~
 - ~~(vii) The use shall not be conducted on lands subject to a Williamson Act contract or included in a timber production zone;~~
 - ~~(viii) Facilities associated with the golf course and/or driving range shall be limited to those which serve golfers on the course or range, such as locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations. Such facilities shall not include restaurants, other retail sales, lodging or similar uses;~~
 - ~~(ix) Driving ranges shall not be operated during nighttime hours.~~

~~In the event that the above uses are proposed within a designated community separator, the criteria established by General Plan Policy OSRC-1c shall supersede the above criteria.~~

- ~~(19) Craft sales and garage sales involving three (3) or four (4) sales days per year;~~
- ~~(20) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated Urban Service Area, subject to the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(21) Commercial composting facilities incidental to the agricultural use, subject to Policy AR-4a of General Plan agricultural resources element. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.~~
- ~~(q) Vacation rentals subject to the standards in Section 26-88-120, except on lands under a Williamson Act contract;~~
- ~~(r) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any live/work use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(s) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in Section 26-06-020;~~
- ~~(t) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6255, § V, 1-8-2019; Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, § II(C), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 5964, § IV, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(c), 2003; Ord. No. 5429 § 3, 2003; Ord. No. 5361 § 2(j), 2002; Ord. No. 5342 § 5, 2002; Ord. No. 5265, § 1(c), 2001; Ord. 4973 § 3(b), 1996; Ord. No. 4781 § 2(B), 1994; Ord. No. 4643, 1993; Ord. No. 3662.)~~

~~Sec. 26-06-030. Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Density. Residential density shall be between sixty (60) and three hundred twenty (320) acres per dwelling unit as shown in the General Plan land use element or permitted by a B-combining district, whichever is more restrictive. However, dwelling units described in Section 26-06-040(h)(2) through (7) inclusive may be permitted in addition to the residential density.~~
- ~~(b) Minimum Lot Size. Except on land subject to a Williamson Act contract, the minimum lot size for creation of new parcels shall be 1.5 acres, provided that it shall also meet the criteria of General Plan Policies AR-8c and AR-3b. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area. On parcels subject to a Williamson Act contract, the minimum parcel size shall conform to the requirements of the contract type and General Plan Policy AR-8c.~~
- ~~(c) Minimum Lot Width. The minimum average lot width within each lot is one hundred twenty-five feet (125').~~
- ~~(d) Maximum Building Height.~~

- ~~(1) Thirty five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured;~~
- ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130;~~

~~(e) Maximum Lot Coverage.~~

- ~~(1) On parcels of two acres in size or less: twenty percent (20%);~~
- ~~(2) On parcels greater than two acres up to and including five acres in size: 18,000 SF or fifteen percent (15%), whichever is greater;~~
- ~~(3) On parcels greater than five acres up to and including 20 acres in size: 30,000 SF or ten percent (10%), whichever is greater; and~~
- ~~(4) On parcels greater than 20 acres in size: 85,000 SF or five percent (5%), whichever is greater.~~

~~Exceptions may be allowed by the planning director for commercial greenhouses, large animal operations, and buildings required for the farm operation to meet water quality or other environmental protection regulations.~~

~~(f) Yard Requirements.~~

- ~~(1) Front or Street Side Yard. Thirty feet (30') except where combined with any B district and in no case shall the setback be less than fifty five feet (55') from the centerline of all roads and streets, except as may be otherwise indicated on the district maps;~~
- ~~(2) Side Yard. Minimum ten feet (10'), except that in the case of a corner lot, the street side yard shall be the same as the front yard;~~
- ~~(3) Rear Yard. Twenty feet (20');~~
- ~~(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property;~~
- ~~(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty five percent (25%) or more of the lots on any one block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard;~~

~~Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of Administrative Design Review;~~

- ~~(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard;~~

- ~~(7) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of Section 26-06-030(f)(5),~~
- ~~(8) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such building(s) shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the California Building Code.~~
- ~~(9) The yard requirements of subsections (f)(1) and (2) of this section may be reduced up to fifty percent (50%) for agricultural buildings and structures if necessary for efficient farming operation.~~
- ~~(g) In compliance with applicable sections of the State Subdivision Map Act and the subdivision ordinance, a two (2) way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:~~
- ~~(1) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five () acres in size. For the purpose of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code,~~
- ~~(2) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease,~~
- ~~(3) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel.~~
- ~~(4) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract,~~
- ~~(5) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses,~~
- ~~(6) The farmworker housing project is provided pursuant to Section 26-88-010(l) (Seasonal farmworker housing) or Section 26-88-010(o) (Year round and extended seasonal farmworker housing), and includes provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.~~

~~A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.~~

~~(Ord. No. 5964, § IV, 1-31-2012; Ord. No. 5711 § 7 (Exh. H), 2007; Ord. No. 5569 § 9, 2005; Ord. No. 4973 § 3(c), 1996; Ord. No. 4927 §§ 1, 6, 11, 1996; Ord. No. 4643, 1993; Ord. No. 3932.)~~

~~Article 08. DA Diverse Agriculture District.~~

~~Sec. 26-08-005. Purpose.~~

~~Purpose: to enhance and protect those land areas where soil, climate and water conditions support farming but where small acreage intensive farming and part-time farming activities are predominant, but where farming may not be the principal occupation of the farmer; and to implement the provisions of the diverse agriculture land use category of the General Plan and the policies of the Agricultural Resource Element.~~

~~(Ord. No. 5964, § V, 1-31-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-08-010. Permitted uses.~~

~~Permitted uses include the following:~~

~~(a) On parcels exceeding two (2) acres, raising, feeding, maintaining and breeding of farm animals. When such farming involves animals which are continuously confined, such as veal calves, poultry, hogs and pigs, dairy cows or similar livestock which may result in concentrations of animal waste, the use shall be subject to issuance of a zoning permit based upon written approval of the Sonoma County Health Services Department and the applicable regional water quality control board of a confined animal management plan. Horses, goats, sheep, and similar farm animals are not considered to be confined animals for purposes of this chapter. The plan shall include provisions for:~~

- ~~(1) Containment of waste to the site,~~
- ~~(2) Reuse or disposal of waste in accordance with health and/or water quality regulations,~~
- ~~(3) Mitigation of potential water quality impacts due to surface runoff of waste,~~
- ~~(4) Control of vectors.~~

~~In the event that the confined animal use is proposed within five hundred feet (500') of a nonagricultural land use category, it shall require prior approval of a use permit;~~

~~(b) On parcels of two (2) acres or less, raising, feeding, maintaining and breeding of not more than one (1) of the following per twenty thousand (20,000) square feet of area:~~

- ~~(1) Five (5) hogs or pigs,~~
- ~~(2) One (1) horse, mule, cow or steer,~~
- ~~(3) Five (5) goats, sheep, or similar animals,~~
- ~~(4) Fifty (50) chickens or similar fowl,~~
- ~~(5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals,~~
- ~~(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses,~~

- ~~(7) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and provided further, a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;~~
- ~~(c) Beekeeping;~~
- ~~(d) Outdoor crop production including wholesale nurseries, for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(e) Agricultural support services involving no more than one (1) employee and occupying no more than one half (½) acre of land and subject, at a minimum to the criteria of General Plan Policies AR-5e and AR-5f. Such services may include incidental sales of products related to the support service use but shall not include additional walk-in, over-the-counter retail sales.~~
- ~~The following factors shall be considered in determining an agricultural support service to be "clearly subordinate to on-site agricultural production" as provided in above Policy AR-5e:~~
- ~~(1) The geographic area of the lot devoted to the support service use in comparison to that remaining in agricultural production;~~
- ~~(2) Whether or not new structures or significant expansion of existing structures are needed to accommodate the support service use;~~
- ~~(3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production;~~
- ~~(4) Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(f) Incidental cleaning, grading, packing, polishing, sizing, storage and similar preparation of crops which are grown on the site, but not including agricultural processing;~~
- ~~(g) (1) Farm stand for the temporary or seasonal sales and promotion of crops grown or animals raised on the site including community supported agriculture, U-Pick and U-Cut operations.~~
- ~~(2) Farm retail sales facility subject to issuance of a zoning permit and compliance with Section 26-88-245;~~
- ~~(h) Residential uses include the following:~~
- ~~(1) Single family detached dwelling unit(s) in accordance with the residential density permitted by the General Plan land use element or permitted by a "B" combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation,~~
- ~~A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-92-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:~~
- ~~(i) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter;~~
- ~~(ii) The manufactured home shall be skirted. All skirting shall be of a type approved by the state of California;~~

- ~~(iii) The manufactured home shall have one (1) patio awning with a minimum dimension of nine feet (9') by twenty feet (20') and either a garage, carport, or awning with a minimum dimension of ten feet (10') by twenty feet (20') for covered parking,~~
- ~~(iv) All manufactured home sites shall be landscaped,~~
- ~~(v) The manufactured home shall be occupied by the owner of the property or a relative of the owner;~~
- ~~(2) One (1) dwelling unit for full time agricultural employees for each of the following agricultural uses conducted on the site:~~
 - ~~(i) At least fifty (50) mature dairy cows, dairy sheep, or dairy goats~~
 - ~~(ii) At least twenty (20) acres of grapes, apples, pears, prunes,~~
 - ~~(iii) At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg layers or three thousand (3,000) turkeys,~~
 - ~~(iv) At least one hundred (100) non-dairy sheep, goats, beef cattle, replacement heifers, or hogs,~~
 - ~~(v) At least thirty (30) mature horses,~~
 - ~~(vi) Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field grown plant materials,~~
 - ~~(vii) Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as Subsections (h)(3)(i) through (vi) of this section;~~

~~The dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations), provided that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in subsection (h)(1) of this section. Agricultural employee units may be established within designated Class 4 water scarce areas only where a hydrogeology report, as defined, certifies that the establishment and continuation of the additional residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield.~~

~~Prior to the issuance of building or zoning permits for the employee unit(s), the property owner shall place on file with the planning department an affidavit that the unit(s) will be used to house persons employed on the premises for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that in the event that the agricultural use is terminated on the property, the agricultural employee dwelling shall become a nonconforming residential use,~~

- ~~(3) Temporary farm worker camps consisting of up to four (4) self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:~~

~~The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona fide agricultural enterprise. The camp shall be subject to applicable septic regulations. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the premises site,~~
- ~~(4) Seasonal farmworker housing which meets the standards set forth in Section 26-88-010(I). Seasonal farmworker housing shall also conform to such public health, building and fire safety criteria as may be established by resolution or ordinance of the Board of Supervisors,~~

- ~~(5) Year round and extended seasonal farmworker housing which meets the standards set forth in Section 26-88-010(e). Year round and extended seasonal farmworker housing shall also conform to such public health, building, and fire safety criteria as may be established by resolution or ordinance of the Board of Supervisors,~~
- ~~(6) One caretaker unit for properties with seasonal farmworker housing, subject to the provisions of Section 26-88-010 (l)(8),~~
- ~~(7) One (1) guest house per lot,~~
- ~~(8) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually,~~
- ~~(9) One (1) accessory dwelling unit per lot, pursuant to Section 26-88-060. Accessory dwelling units are not permitted on land subject to a Williamson Act contract;~~
- ~~(10) One junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~
- ~~(i) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR 4.1 and Policy AR 4a of the Agricultural Resources Element:~~
 - ~~(1) Boarding and training of horses subject to issuance of a zoning permit. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
 - ~~(2) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any home occupation use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
 - ~~(3) Small residential community care facilities, except on land subject to a Williamson Act contract,~~
 - ~~(4) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
 - ~~(5) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, where these uses are incidental to the primary use,~~
 - ~~(6) Small family day care. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
 - ~~(7) Large family day care, provided that the applicant shall meet all performance standards listed in Section 26-88-080, except on land subject to a Williamson Act contract;~~
 - ~~(8) Pet fancier facilities, provided that a pet fancier license is obtained from the division of animal regulation and renewed annually. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
 - ~~(9) Public parks,~~

- ~~(10) Craft sales and garage sales not exceeding two (2) sales days per calendar year, provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;~~
- ~~(11) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(12) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(13) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(14) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(15) Agricultural farmstay, subject to issuance of a zoning permit and the standards set forth in Section 26-88-085. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(16) Non-commercial arts and crafts studios not involving retail or wholesale sales. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(j) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(k) Minor timberland conversions, subject to compliance with the requirements of Section 26-88-140;~~
- ~~(l) Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- ~~(m) Vacation rentals subject to issuance of a zoning permit and conformance with the standards in Section 26-88-120, except on lands under a Williamson Act contract;~~
- ~~(n) Non-commercial composting when the source materials are obtained primarily onsite and the product is used to amend soils onsite or on adjacent parcels owned or operated by same property owner;~~

- ~~(o) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(p) Small-scale agricultural processing facility subject to issuance of a zoning permit in compliance with Section 26-88-210;~~
- ~~(q) Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- ~~(r) Indoor crop production including wholesale nurseries for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, in greenhouses or similar structures less than two thousand five hundred (2,500) square feet, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(s) Commercial cannabis uses in compliance with Section 26-88-250 through 26-88-256;~~
- ~~(t) Permanent supportive housing, subject to density limitations.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6245, § II, 10-16-2018; Ord. No. 6223, § VII, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, §§ II(B), (G), (I), (J), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 6081, §§ III, IV, 7-29-2014; Ord. No. 5964, § V, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5569 § 7, 2005; Ord. 5435 § 2(f), 2003; Ord. No. 5429 § 3(a), 2003; Ord. No. 5361 § 2(e), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5265 § 1(d), 2001; Ord. No. 5016 § 1(C), 1997; Ord. No. 4985 § 1(b), 1996; Ord. No. 4973 § 3(a), 1996; Ord. No. 4723 § 1(d), 1993; Ord. No. 4653 § 1(e), 1993; Ord. No. 4643, 1993.)~~

~~Sec. 26-08-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26-08-010(d):~~
 - ~~(1) Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor;~~
 - ~~(2) Within fifty feet (50') from the top of the bank in designated flatland riparian corridors;~~
 - ~~(3) Within twenty-five feet (25') from the top of the bank in designated upland riparian corridors;~~
- ~~(b) Livestock feed yards, animal sales yards;~~
- ~~(c) Commercial mushroom farming;~~
- ~~(d) Commercial stables not permitted under Section 26-04-010(i)(1), riding academies, equestrian riding clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(e) Commercial aquaculture, provided that, at a minimum, the use does not adversely affect biotic resources and does not take place on prime soils;~~
- ~~(f) Agricultural support services with more than one (1) employee or occupying more than one-half acre of land, but otherwise subject to the same criteria as Section 26-08-010(e). Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(g) Preparation of agricultural products which are not grown on site, processing of agricultural products of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products~~

~~grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g;~~

- ~~(h) Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area and subject, at a minimum, to the criteria of General Plan Policies AR-5c and AR-5g;~~
- ~~(i) Retail nurseries involving crops/plants which are not grown on the site, except on land subject to a Williamson Act contract;~~
- ~~(j) Tasting rooms and other temporary, seasonal or year round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of General Plan Policies AR-6d and AR-6f. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-08-010(g);~~
- ~~(k) Marketing accommodations in compliance with Section 26-88-086;~~
- ~~(l) Dwelling unit(s) for full time agricultural employees which are transferred from another lot within this district and which are under the same ownership as the subject property. The number of units allowed shall be determined by the standards in Section 26-08-010(h)(2). The units shall be located on the receiving parcel such that they are closer to the primary dwelling unit than to the property line;~~
- ~~(m) Temporary farm worker camps not permitted by Section 26-08-010(h);~~
- ~~(n) Seasonal farmworker housing that does not meet the road access, occupancy, or setback standards of Section 26-88-010(l);~~
- ~~(o) Year round and extended seasonal farmworker housing that does not meet the road access, occupancy limits, parcel size or setback standards of Section 26-88-010(o);~~
- ~~(p) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the agricultural resources element:
 - ~~(1) Game preserves, refuges, and hunting clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(2) Public schools; private nursery, primary and secondary schools; places of religious worship; and places of public or community assembly, all subject, at a minimum, to the criteria of General Plan Policy LU-6e, except on lands subject to a Williamson Act contract.~~
 - ~~(3) Campgrounds with a maximum of thirty (30) sites, provided that the subject area is not under a Williamson Act contract and subject, at a minimum, to the criteria of General Plan Policy AR-6e;~~
 - ~~(4) Cemeteries, except on land subject to a Williamson Act contract;~~
 - ~~(5) Commercial kennels. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(6) Private landing strips. On land subject to a Williamson Act contract, such use shall be limited to that necessary for aircraft dedicated to aerial spraying and other agricultural purposes and not for private passenger aircraft for personal convenience and transportation;~~
 - ~~(7) Bed and breakfast inns containing not more than five (5) guest rooms, subject to design review and compliance with Section 26-88-118;~~
 - ~~(8) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including, but not limited to reservoirs, storage tanks, pumping stations, and transformer stations. Any such use on a parcel under a~~~~

~~Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~

- ~~(9) Fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2 t and which are not otherwise exempt by state law. Such facilities are not permitted on land subject to a Williamson Act contract,~~
- ~~(10) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
- ~~(11) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130,~~
- ~~(12) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
- ~~(13) Application of clean dredge material or biosolids from wastewater treatment plants subject, at a minimum, to the criteria of General Plan Policies PF-2s,~~
- ~~(14) Granges and similar community service facilities which do not adversely impact agriculture in the area. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,~~
- ~~(15) Large residential community care facility, except on land subject to a Williamson Act contract,~~
- ~~(16) Day care center, except on land subject to a Williamson Act contract,~~
- ~~(17) Reserved,~~
- ~~(18) Commercial wood yards, including wood splitting, except such uses are not allowed on land subject to a Williamson Act contract,~~
- ~~(19) Golf courses and driving ranges shall be at the sole discretion of the county and subject, at a minimum, to the following criteria:~~
 - ~~(i) The proposed use is adjacent to a designated urban service boundary or includes an irrevocable offer of offsite unutilized development rights for all lands between the use and the urban service boundary,~~
 - ~~(ii) Permanent open space or agricultural preservation is provided for the site of the proposed use and all areas for which development rights are acquired,~~
 - ~~(iii) The use is located in close proximity to an existing wastewater treatment facility and includes the use of reclaimed wastewater in accordance with the regulations of the applicable regional water quality control agency,~~
 - ~~(iv) The use is subject to design review approval and includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area,~~
 - ~~(v) Under no circumstances shall housing be included as part of the use, provided that a caretaker unit may be considered,~~
 - ~~(vi) The use must be compatible with and not result in limitations on any agricultural operation,~~

- ~~(vii) The use shall not be conducted on lands subject to a Williamson Act contract or included in a timber production zone,~~
- ~~(viii) Facilities associated with the golf course and/or driving range shall be limited to those which serve golfers on the course or range, such as locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations. Such facilities shall not include restaurants, other retail sales, lodging, or similar uses,~~
- ~~(ix) Driving ranges shall not be operated during nighttime hours.~~

~~In the event that the above uses are proposed within a designated community separator, the criteria established by General Plan Policy OSRC-1c shall supersede the above criteria.~~

- ~~(20) Craft sales and garage sales involving three (3) or four (4) sales days per year,~~
- ~~(21) Small wind energy systems located within a county designated urban service area or within two thousand five hundred foot (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.~~
- ~~(22) Commercial composting facilities incidental to the agricultural use, subject to Policy AR-4a of General Plan agricultural resources element. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(q) Vacation rentals exceeding the standards in Section 26-88-120, except on lands under a Williamson Act contract;~~
- ~~(r) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any live/work use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(s) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(t) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6255, § V, 1-8-2019; Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, § II(C), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 5964, § V, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5569, § 7, 2005; Ord. No. 5435, § 2(g), 2004; Ord. No. 5429, § 3, 2003; Ord. No. 5361, § 2(k), 2002; Ord. No. 5342, § 5, 2002; Ord. No. 5265, § 1(e), 2001; Ord. No. 4973, § 3(b), 1996; Ord. No. 4781, § 2(B), 1994; Ord. No. 4643, 1993; Ord. No. 3662.)~~

~~Sec. 26-08-030. Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Density. Residential density shall be between ten (10) and sixty (60) acres per dwelling unit as shown in the General Plan land use element or permitted by a "B" combining district, whichever is more restrictive. However, dwelling units described in Section 26-08-010(h)(2) through (6), inclusive may be permitted in addition to the residential density.~~

~~(b) Minimum Lot Size. The minimum lot size for creation of new parcels shall be ten (10) acres, except:~~

- ~~(1) Where General Plan area policies expressly provide for a different minimum lot size;~~
- ~~(2) Where creation of smaller lots will further General Plan goals AR-3 and AR-4, objectives AR-3.1 and AR-3.2, and policies AR-3c, AR-3e and AR-4a. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area; or~~
- ~~(3) Where creation of a smaller lot will meet the requirements of Section 26-88-180.~~

~~On parcels subject to a Williamson Act contract, the minimum parcel size shall conform to the requirements of the contract type and General Plan Policy AR-8c.~~

~~(c) Minimum Lot Width. The minimum average lot width within each lot is one hundred twenty five feet (125');~~

~~(d) Maximum Building Height:~~

- ~~(1) Thirty five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50'). Additional height may be permitted provided that site plan approval in accordance with Article 82, is first secured;~~
- ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~

~~(e) Maximum Lot Coverage:~~

- ~~(1) On parcels of two acres in size or less: twenty percent (20%);~~
- ~~(2) On parcels greater than two acres up to and including five acres in size: 18,000 SF or fifteen percent (15%), whichever is greater;~~
- ~~(3) On parcels greater than five acres up to and including 20 acres in size: 30,000 SF or ten percent (10%), whichever is greater; and~~
- ~~(4) On parcels greater than 20 acres in size: 85,000 SF or five percent (5%), whichever is greater.~~

~~Exceptions may be allowed by the planning director for commercial greenhouses, large animal operations, and buildings required for the farm operation to meet water quality or other environmental protection regulations.~~

~~(f) Yard Requirements:~~

- ~~(1) Front or Street Side Yard. Thirty feet (30') except where combined with any B-district and in no case shall the setback be less than fifty-five feet (55') from the centerline of all roads and streets, except as may be otherwise indicated on the district maps;~~
- ~~(2) Side Yard. Minimum ten feet (10'), except that in the case of a corner lot, the street side yard shall be the same as the front yard;~~
- ~~(3) Rear Yard. Twenty feet (20');~~
- ~~(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property;~~
- ~~(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty-five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the~~

~~average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard,~~

~~Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of administrative design review,~~

- ~~(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three (3') feet into any required side yard,~~
- ~~(7) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of Subsection (f)(5) of this section,~~
- ~~(8) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the California Building Code.~~
- ~~(9) The yard requirements of Subsections (f)(1) or (2) of this section may be reduced up to fifty percent (50%) for agricultural buildings and structures if necessary for efficient farming operation.~~
- ~~(g) In compliance with applicable sections of the State Subdivision Map Act and the Subdivision Ordinance, a two (2) way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:~~
 - ~~(1) The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purpose of this Section, "agricultural employee" shall have the same meaning as defined by Subdivision (b) of Section 1140.4 of the Labor Code,~~
 - ~~(2) The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease,~~
 - ~~(3) The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to county counsel,~~
 - ~~(4) There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the~~

~~parties, subject to the terms and conditions and for the duration of the Williamson Act contract,~~

- ~~(5) The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses;~~
- ~~(6) The farmworker housing project is provided pursuant to Section 26-88-010(l) (Seasonal farmworker housing) or Section 26-88-010(e) (Year-round farmworker housing), and includes provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.~~

~~A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.~~

~~(Ord. No. 5964, § V, 1-31-2012; Ord. No. 5711 (Exh. H), 2007; Ord. No. 5569 § 9, 2005; Ord. No. 5082 § 1, 1997; Ord. No. 4973 § 3(e), 1996; Ord. No. 4927 §§ 1, 6, 11, 1996; Ord. No. 4643, 1993; Ord. No. 3932.)~~

~~Article 10. RRD Resources and Rural Development.~~

~~Sec. 26-10-005. Purpose.~~

~~Purpose: to implement the provisions of the resources and rural development land use category of the General Plan, namely to provide protection of lands needed for commercial timber production, geothermal production, aggregate resources production; lands needed for protection of watershed, fish and wildlife habitat, biotic resources, and for agricultural production activities that are not subject to all of the policies contained in the agricultural resources element of the General Plan. The resources and rural development district is also intended to allow very low density residential development and recreational and visitor-serving uses where compatible with resource use and available public services.~~

~~(Ord. No. 5964, § VI, 1-31-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-10-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) On parcels of two (2) acres or less, raising, feeding, maintaining and breeding of not more than one (1) of the following per twenty thousand (20,000) square feet of area:
 - ~~(1) Five (5) hogs or pigs;~~
 - ~~(2) One (1) horse, mule, cow or steer;~~
 - ~~(3) Five (5) goats, sheep, or similar animals;~~
 - ~~(4) Fifty (50) chickens or similar fowl;~~
 - ~~(5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals.~~~~
- ~~(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses.~~
- ~~(7) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and~~

~~provided further a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;~~

- ~~(b) On parcels exceeding two (2) acres: raising, feeding, maintaining and breeding of horses, cattle, sheep, goats and similar animals;~~
- ~~(c) Boarding and training of horses subject to issuance of a zoning permit. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(d) Outdoor crop production including wholesale nurseries, for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(e) Indoor growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, in greenhouse or similar structures less than eight hundred (800) square feet, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(f) Incidental cleaning, grading, packing, polishing, sizing, storage and similar preparation of crops which are grown on the site, but not including agricultural processing;~~
- ~~(g) (1) Farm stand for the temporary or seasonal sales and promotion of crops or fuel wood which are grown on the site, including community supported agriculture, U-Pick and U-Cut operations.~~
 - ~~(2) Farm retail sales facility subject to the issuance of a zoning permit and compliance with Section 26-88-245;~~
- ~~(h) Temporary or seasonal sales and promotion of livestock which have been raised on the site;~~
- ~~(i) Management of lands and forests for the use of commercial production and harvest of trees, including controlled burns. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(j) Removal of timber and fuel wood, including uses integrally related to growing, harvesting and on-site processing of forest products including, but not limited to roads, log landings, log storage areas and incidental logging camps. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(k) Timber management, including planting, raising, harvesting and incidental milling for noncommercial purposes of trees and logs for lumber or fuel woods, subject to requirements of California Department of Forestry and Fire Protection. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(l) Geotechnical studies involving no grading or construction of new roads or pads;~~
- ~~(m) Residential uses include the following:~~
 - ~~(1) Single family detached dwelling units in accordance with the residential density shown in the General Plan land use element or permitted by a B-combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation.~~

~~A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-92-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:~~

- ~~(i) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter;~~
- ~~(ii) The manufactured home shall be skirted. All skirting shall be of a type approved by the state of California;~~
- ~~(iii) The manufactured home shall have one patio awning with a minimum dimension of eight feet (8') by twenty feet (20') and either a garage, carport, or awning with a minimum dimension of ten feet (10') by twenty feet (20');~~
- ~~(iv) All manufactured home sites shall be landscaped;~~
- ~~(v) The manufactured homes shall be occupied by the owner of the property or a relative of the owner;~~
- ~~(2) One (1) dwelling unit for full time agricultural employees for each of the following agricultural uses conducted on the site:~~
 - ~~(i) At least fifty (50) dairy cows, dairy sheep, or dairy goats~~
 - ~~(ii) At least twenty (20) acres of grapes, apples, pears, prunes;~~
 - ~~(iii) At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg-layers or three thousand (3,000) turkeys;~~
 - ~~(iv) At least one hundred (100) non-dairy sheep, goats, replacement heifers, beef cattle, or hogs;~~
 - ~~(v) At least thirty (30) mature horses;~~
 - ~~(vi) Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials;~~
 - ~~(vii) Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as subsections (h)(3)(i) through (vi) of this section. The dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations) provided that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in subsection (m)(1) of this section. Agricultural employee units may be established within designated Class 4 water-scarce areas only where a hydrogeology report, as defined, certifies that the establishment and continuation of the additional residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield.~~

~~Prior to issuance of zoning permits for the employee unit(s), the property owner shall place on file with the permit and resource management department an affidavit that the unit(s) will be used to house persons employed on the premises for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that in the event that the agricultural use is terminated on the property, the agricultural employee dwelling unit shall become a nonconforming residential use.~~

- ~~(3) Temporary farm worker camps consisting of up to four (4) self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:~~

~~The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona-fide agricultural enterprise. The camp shall be subject to applicable septic regulations. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the premises site;~~

- ~~(4) Seasonal farmworker housing which meets the standards set forth in Section 26-88-010(l). Seasonal farmworker housing shall also conform to public such public health, building and fire safety criteria as may be established by resolution or ordinance of the board of supervisors;~~
- ~~(5) One caretaker unit for properties with seasonal farmworker housing, subject to the provisions of Section 26-88-010 (l)(8);~~
- ~~(6) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually;~~
- ~~(7) One (1) accessory dwelling unit per lot, pursuant to Section 26-88-060. Accessory dwelling units are not permitted on land subject to a Williamson Act contract.~~
- ~~(8) One (1) guest house per lot;~~
- ~~(9) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~
- ~~(n) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any home occupation use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(o) Small residential community care facility, except on land subject to a Williamson Act contract;~~
- ~~(p) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(q) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(r) Small family day care. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(s) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080, except on land subject to a Williamson Act contract;~~
- ~~(t) Contractor equipment storage incidental to the on-site growing and harvesting of forest products, including parking, repairing and storage of equipment so used. Construction of permanent structures will be subject to Article 82. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(u) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, beekeeping and grazing, where these uses are incidental to the primary use. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~

- ~~(v) — Beekeeping;~~
- ~~(w) — Pet fancier facilities, provided that a pet fancier license is obtained from the division of animal regulation and renewed annually. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(x) — Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;~~
- ~~(y) — Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(z) — Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(aa) — Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(bb) — Minor timberland conversions, subject to compliance with the requirements of Section 26-88-140;~~
- ~~(cc) — Non-commercial arts and crafts studios not involving retail or wholesale sales. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(dd) — Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- ~~(ee) — Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(ff) — Vacation rentals subject to issuance of a zoning permit and conformance with the standards in Section 26-88-120, except on lands under a Williamson Act contract;~~
- ~~(gg) — Agricultural farmstays, subject to issuance of a zoning permit and the standards set forth in Section 26-88-085. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(hh) — Non-commercial composting when the source materials are obtained primarily onsite and the product is used to amend soils onsite or on adjacent parcels owned or operated by same property owner;~~
- ~~(ii) — Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~

- ~~(jj) — Small-scale agricultural processing facility subject to issuance of a zoning permit in compliance with Section 26-88-210;~~
- ~~(kk) — Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- ~~(ll) — Commercial cannabis medical uses in compliance with Sections 26-88-250 through 26-88-256;~~
- ~~(mm) — Transitional housing, subject to density limitations;~~
- ~~(nn) — Permanent supportive housing, subject to density limitations.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6223, § VIII, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, §§ II(B), (G), (I), (K), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 6081, §§ III, IV, 7-29-2014; Ord. No. 5964, § V, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5809 § 1(b), 2008; Ord. No. 5651 § 1(t), 2006; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(h), 2003; Ord. No. 5429 § 3(a), 2003; Ord. No. 5361 § 2(d), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5265 § 1(f), 2001; Ord. No. 5016 § 1(D), 1997; Ord. No. 4985 § 1(b), 1996; Ord. No. 4973 § 4(a), 1996; Ord. No. 4723 § 1(e), 1993; Ord. No. 4653 § 1(f), 1993; Ord. No. 4643, 1993.)~~

~~Sec. 26-10-020. — Uses permitted with a use permit:~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) — Temporary farm worker camps not permitted by Section 26-10-010(m);~~
- ~~(b) — Seasonal farmworker housing that does not meet the road access, occupancy, or setback standards of Section 26-88-010(l);~~
- ~~(c) — Year-round and extended seasonal farmworker housing that does not meets the road access, occupancy limits, parcel size, or setback standards set forth in Section 26-88-010(o). Year-round and extended seasonal farmworker housing shall also conform to such public health, building, and fire safety criteria as may be established by resolution or ordinance of the board of supervisors;~~
- ~~(d) — The raising, feeding, maintaining and breeding of poultry, fowl, rabbits, fur-bearing animals or animals such as veal calves, dairy cows, pigs, hogs and the like, which are continuously confined in and around barns, corrals and similar areas for other than domestic purposes. Incidental processing and temporary or seasonal sales and promotion of such animals which are raised on site. This subsection shall not be interpreted so as to require a use permit for animals allowed by Section 26-10-010(a) or (b);~~
- ~~(e) — Agricultural cultivation in the following areas for which a management plan has not been approved pursuant to Section 26-10-010(d):~~
 - ~~(1) — Within one hundred feet (100') from the top of the bank in the Russian River riparian corridor;~~
 - ~~(2) — Within fifty feet (50') from the top of the bank in designated flatland riparian corridors;~~
 - ~~(3) — Within twenty five feet (25') from the top of the bank in designated upland riparian corridors;~~
- ~~(f) — Retail nurseries involving crops/plants which are not grown on the site, except on land subject to a Williamson Act contract;~~
- ~~(g) — Tasting rooms for agricultural products which are grown or processed on site;~~
- ~~(h) — Indoor growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, in greenhouses or~~

~~similar structures of eight hundred (800) square feet or more, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~

- ~~(i) Processing of any agricultural product of a type grown or produced on site or in the immediate area, storage of agricultural products grown or processed on site, and bottling or canning of any agricultural product grown or processed on site;~~
- ~~(j) Livestock feed yards, animal sales yards;~~
- ~~(k) Veterinary clinics for farm animals and livestock, but not for companion and exotic animals. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(l) Commercial kennels. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(m) Commercial stables not permitted under Section 26-10-010(c), riding academies, equestrian riding clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(n) Commercial aquaculture, provided that, at a minimum, the use does not adversely affect biotic resources and does not take place on prime soils;~~
- ~~(o) Game preserves, refuges, and hunting clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(p) Commercial wood yards, including wood splitting and sales of off-site fuel woods, except such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(q) Contractor equipment storage for off-site growing and harvesting of forest products, including packing, repairing and storage of equipment so used. Construction of permanent structures will be subject to Article 82. Such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(r) Commercial mushroom farming;~~
- ~~(s) Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards, which serve agricultural production in the immediate area. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(t) Lumber, planing and logging mills, mill ponds and associated uses; other than portable mills for temporary purposes, such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(u) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any live/work use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(v) Noncommercial clubs and lodges, golf courses and driving ranges, but not including miniature golf courses; except that such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(w) Public schools; private nursery, primary and secondary schools; places of religious worship; and places of public or community assembly, all subject, at a minimum, to the criteria of General Plan Policy LU-6e except that such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(x) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~

- ~~(y) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(z) Commercial and industrial uses permitted under Section 26-10-010 which involve significant quantities (over 100 kg/month) of hazardous materials as defined by Title 22, CAC; except such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(aa) Private landing strips; on land subject to a Williamson Act contract, such use shall be limited to that necessary for aircraft dedicated to aerial spraying and other agricultural purposes and not for private passenger aircraft for personal convenience and transportation;~~
- ~~(bb) Cemeteries, mausoleums, columbariums and crematoriums; except such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(cc) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including, but not limited to reservoirs, storage tanks, pumping stations, and transformer stations. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(dd) Fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2 t and which are not otherwise exempt by state law. Such facilities are not permitted on land subject to a Williamson Act contract;~~
- ~~(ee) Recreational vehicle parks, tent camps or campgrounds, lodging and other recreational or visitor serving uses which do not interfere or detract from the purposes of this district; except such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(ff) Geotechnical studies which involve grading or construction of open roads or pads;~~
- ~~(gg) Large residential community care facility, except on land subject to a Williamson Act contract;~~
- ~~(hh) Day care center, except on land subject to a Williamson Act contract;~~
- ~~(ii) Reserved.~~
- ~~(jj) The development of natural resources with appurtenant structures, including exploration and development of geothermal resources, oil and gas wells and biomass energy projects. Geothermal energy wells, pipelines, transmission facilities and associated grading and construction, when conducted within the primary KGRA. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~

Hardrock quarry operations may be permitted only if they meet the criteria below:

- ~~(1) The operation is consistent with the purpose(s) of the resources and rural development district.~~
- ~~(2) The operation involves five (5) acres of land or less,~~
- ~~(3) The operation results in annual production of five thousand (5,000) cubic yards or less,~~
- ~~(4) The quarry does not include crushing, screening or batching operations;~~
- ~~(5) The operation is subject to payment of fees and other mitigation measures as may be found consistent with the aggregate resources management plan;~~
- ~~(6) The operation must have an approved reclamation plan;~~
- ~~(7) The operation is located at least four (4) miles from the nearest approved source of aggregate materials.~~
- ~~(8) The operation is not located on land subject to a Williamson Act contract.~~

~~Other aggregate mining operations are not permitted unless excepted by Section 26A-3(a)(1) of this code;~~

- ~~(kk) — One manufactured home for the housing of full time employees of resource related uses conducted on the site. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(ll) — Bed and breakfast inns containing not more than five (5) guest rooms, subject to design review and compliance with Section 26-88-118;~~
- ~~(mm) — Application of clean dredge material or biosolids subject, at a minimum, to the criteria of General Plan Policies PF-2s; Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(nn) — Craft sales and garage sales involving three (3) or four (4) sales days per year;~~
- ~~(oo) — Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(pp) — Major timberland conversions, subject to the standards in Section 26-88-160.~~
- ~~(qq) — Vacation rentals exceeding the standards in Section 26-88-120, except on lands under a Williamson Act contract;~~
- ~~(rr) — Commercial composting facilities incidental to the agricultural use, subject to Policy AR-4a of General Plan Agricultural Resources Element. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(ss) — Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(tt) — Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, §§ II(C), (L), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 5964, § VI, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5651 § 1(u), 2006; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(i), 2003; Ord. No. 5429 § 3, 2003; Ord. No. 5361 § 2(l), 2002; Ord. No. 5342 § 5, 2002; Ord. No. 5265 § 1(g), 2001; Ord. No. 4973 § 4(b), (c), 1996; Ord. No. 4781 § 2(B), 1994; Ord. No. 4643, 1993.)~~

~~Sec. 26-10-030. — Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) — Density. Residential density shall be between twenty (20) and three hundred twenty (320) acres per dwelling unit as shown in the General Plan land use element or permitted by a "B" combining district, whichever is more restrictive.~~
- ~~(b) — Minimum lot size shall be twenty (20) acres, except that a minimum lot size of as low as 1.5 acres may be considered in order to provide for clustering of residential development; provided, that a protective easement is applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area. On parcels subject to a Williamson Act~~

~~contract, the minimum parcel size shall conform to the requirements of the contract type and General Plan Policy AR-8c.~~

~~(c) Minimum Lot Width. The minimum average lot width within each lot is one hundred twenty five feet (125').~~

~~(d) Maximum Building Height.~~

~~(1) Thirty five feet (35'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.~~

~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~

~~(e) Maximum Lot Coverage.~~

~~(1) On parcels of two acres in size or less: twenty percent (20%);~~

~~(2) On parcels greater than two acres up to and including five acres in size: 18,000 SF or fifteen percent (15%), whichever is greater;~~

~~(3) On parcels greater than five acres up to and including 20 acres in size: 30,000 SF or ten percent (10%), whichever is greater; and~~

~~(4) On parcels greater than 20 acres in size: 85,000 SF or five percent (5%), whichever is greater.~~

~~Exceptions may be allowed by the planning director for commercial greenhouses, large animal operations, and buildings required for the farm operation to meet water quality or other environmental protection regulations.~~

~~(f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~

~~(1) Front or Street Side Yard. Thirty feet (30') except where combined with any "B" district and in no case shall the setback be less than fifty five feet (55') from the centerline of all roads and streets, except as may be otherwise indicated on the district maps.~~

~~(2) Side Yard. Minimum ten feet (10'), except that in the case of a corner lot, the street side yard shall be the same as the front yard.~~

~~(3) Rear Yard. Twenty feet (20').~~

~~(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals, and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property.~~

~~(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.~~

~~Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of administrative design review.~~

- ~~(6) — Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.~~
- ~~(7) — Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of Subsection (f)(5) of this Section.~~
- ~~(8) — Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the California Building Code.~~
- ~~(g) — Parking Requirements.~~
 - ~~(1) — Residential Use. No less than one (1) covered off-street occupant parking space per dwelling unit. The requirements for parking to be covered may be waived subject to the provisions of 26-86-010(k).~~
 - ~~(2) — Any other use shall provide parking in accordance with the standards in Article 86.~~
- ~~(h) — In compliance with applicable sections of the State Subdivision Map Act and the subdivision ordinance, a two (2)-way division of a parcel of land that is currently subject to a Williamson Act contract may be allowed, if all of the following apply:~~
 - ~~(1) — The resulting parcel is to be sold or leased for agricultural employee ("farmworker") housing, and is not more than five (5) acres in size. For the purpose of this section, "agricultural employee" shall have the same meaning as defined by subdivision (b) of Section 1140.4 of the Labor Code.~~
 - ~~(2) — The parcel shall be sold or leased to a nonprofit organization, a city, a county, a housing authority, or a state agency, for the sole purpose of the provision and operation of farmworker housing. A lessee that is a nonprofit organization shall not sublease that parcel without the written consent of the landowner, and shall notify the county of such sublease.~~
 - ~~(3) — The parcel to be sold or leased shall be subject to a deed restriction that limits the use of the parcel to farmworker housing facilities for not less than thirty (30) years. The deed restriction shall also provide, through reversionary or similar provision, that the parcel shall automatically revert to and be merged with the parcel from which it was subdivided when the parcel ceases to be used for farmworker housing for a period of more than one (1) year. The deed restriction shall be in a form satisfactory to County Counsel.~~
 - ~~(4) — There is a written agreement between the parties to the sale or lease of the parcel and their successors to operate the parcel to be sold or leased under joint management of the parties, subject to the terms and conditions and for the duration of the Williamson Act contract.~~
 - ~~(5) — The parcel to be sold or leased is contiguous to one (1) or more parcels that are located within a designated urban service area, and which are zoned for and developed with urban residential, commercial, or industrial land uses.~~
 - ~~(6) — The farmworker housing project is provided pursuant to Section 26-88-010(l) (Seasonal farmworker housing) or Section 26-88-010(o) (Year-round and extended seasonal~~

~~farmworker housing), and includes provisions designed to minimize potential impacts on surrounding agricultural and rural residential land uses.~~

~~A subdivision of land pursuant to this section shall not affect any Williamson Act contract executed pursuant to Article 3 (commencing with Section 51240) of the Government Code, and the parcel to be sold or leased shall remain subject to that contract.~~

~~(Ord. No. 5964, § VI, 1-31-2012; Ord. No. 5711, § 7, (Exh. H), § 8 (Exh. I) 2007; Ord. No. 5569, § 9, 2005; Ord. No. 4973, § 4(d), 1996; Ord. No. 4927, §§ 1, 6, 11, 1996; Ord. No. 4643, 1993; Ord. 3932.)~~

~~Article 14. TP Timberland Production District.~~

~~Sec. 26-14-005. Purpose.~~

~~Purpose: to provide for timberland zoning, a yield tax imposed at the time of harvest, and the conservation and protection of land capable of producing timber and forest products. The compatible uses specified in this section will be included in this zone and are consistent with the Forest Taxation Reform Act of 1976.~~

~~(Ord. No. 4643, 1993; Ord. No. 2119 Section 1.)~~

~~Sec. 26-14-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Management of lands and forests for the primary use of commercial production and harvest of trees, including controlled burns;~~
- ~~(b) Removal of timber and fuel wood, including uses integrally related to growing, harvesting and on-site processing of forest products including, but not limited to, roads, log landings, log storage areas and incidental logging camps;~~
- ~~(c) Recreational and educational uses, with or without fee, not requiring any permanent improvement of the land or interfering with the primary use (swimming, hunting, fishing, occasional camping, etc.);~~
- ~~(d) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, grazing, where these uses are incidental to the primary use;~~
- ~~(e) The erection, construction, alteration or maintenance of gas, electric or water generating and transmission facilities, including necessary structures;~~
- ~~(f) Contractor equipment storage incidental to the on-site growing and harvesting of forest products, including parking, repairing and storage of equipment so used. Construction of permanent structures will be subject to Article 82;~~
- ~~(g) The production and harvesting of miscellaneous compatible forest products (Christmas tree farms and greenery);~~
- ~~(h) Timber management, including planting, raising, harvesting and incidental milling for noncommercial purposes of trees and logs for lumber or fuel woods, subject to requirements of California Department of Forestry and Fire Protection;~~
- ~~(i) Temporary or seasonal sales and promotion, and incidental storage of fuel wood which is grown on-site;~~
- ~~(j) One (1) single family dwelling unit with accessory buildings;~~

- ~~(k) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date if this notice" is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(l) Small family day care;~~
- ~~(m) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(n) Small residential community care facility;~~
- ~~(o) Beekeeping;~~
- ~~(p) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(q) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(r) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(s) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(t) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~
- ~~(u) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

~~(Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 5435 § 2(l), 2003; Ord. No. 5361 § 2(f), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 4973 § 4(a), (e), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-14-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Additional detached single family dwelling units, not to exceed four (4) dwellings on a single ownership; provided, that the density does not exceed one (1) single family dwelling unit per one hundred sixty (160) acres, or that density shown in the general plan land use element or that density permitted by a B combining district, whichever is the most restrictive;~~
- ~~(b) Saw mills, planer mills, pulp mills, particle board plants, log ponds, earth-filled dams and lumber yards, with associated uses;~~

- ~~(c) Development and utilization of natural resources with appurtenant structures. Hardrock quarry operations may be permitted only if they meet the criteria below:~~
- ~~(1) The operation is consistent with the purpose(s) of the resources and rural development district;~~
 - ~~(2) The operation involves five (5) acres of land or less;~~
 - ~~(3) The operation results in annual production of five thousand (5,000) cubic yards or less;~~
 - ~~(4) The quarry does not include crushing, screening or batching operations;~~
 - ~~(5) The operation is subject to payment of fees and other mitigation measures as may be found consistent with aggregate resources management plan;~~
 - ~~(6) The operation must have an approved reclamation plan;~~
 - ~~(7) The operation is located at least four (4) miles from the nearest approved source of aggregate materials.~~
- ~~Other aggregate mining operations are not permitted unless excepted by Section 26A-3(a)(i) of the Sonoma County Code;~~
- ~~(d) Aircraft landing facilities incidental to permitted forestry and recreational related uses;~~
- ~~(e) Permanently located and improved private and public campgrounds, resorts and organized camps;~~
- ~~(f) Contractor equipment storage for off-site growing and harvesting of forest products, including packing, repairing and storage of equipment so used. Construction of permanent structures will be subject to Article 82;~~
- ~~(g) Commercial wood yards, including wood splitting and sales of off-site fuel woods;~~
- ~~(h) Such use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber. Any facilities constructed for such use would not be permanent residences, except as provided in other portions of Article 14;~~
- ~~(i) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses.~~
- ~~(j) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;~~
- ~~(k) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(l) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(m) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law.~~
- ~~(n) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135.~~
- ~~(o) Major timberland conversions, subject to the standards in Section 26-88-160.~~

~~(Ord. No. 5651 § 1(x), 2006; Ord. No. 5435 § 2(m), 2003; Ord. No. 5361 § 2(n), 2002; Ord. No. 5342 § 5, 2002; Ord. 4973 § 4(b) — (d), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-14-030. Yard requirements.~~

~~The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g):~~

- ~~(a) Front Yard. Ten percent (10%) of the depth of the lot, but no more than seventy-five feet (75').~~
- ~~(b) Side Yard. Ten percent (10%) of the width of the lot, but no more than twenty feet (20').~~
- ~~(c) Rear Yard. Twenty feet (20').~~
- ~~(d) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the Uniform Building Code.~~

~~(Ord. No. 4927 § 11 (part), 1996; Ord. No. 4643, 1993; Ord. No. 3932.)~~

~~Article 16. AR Agriculture and Residential District.~~

~~Sec. 26-16-005. Purpose.~~

~~Purpose: to provide lands for raising crops and farm animals in areas designated primarily for rural residential use pursuant to Objective LU-6.5 and Policy LU-6d of the General Plan.~~

~~(Ord. No. 5964, § VII, 1-31-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-16-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Single family detached dwelling units, in accordance with residential density shown in the General Plan land use element or permitted by a B combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation.~~

~~A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-88-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:~~

- ~~(1) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter,~~
- ~~(2) The manufactured home shall be skirted; all skirting shall be of a type approved by the state of California,~~

- ~~(3) The manufactured home shall have one patio awning with a minimum dimension of nine feet (9') by twenty feet (20') and either a garage, carport or awning with a minimum dimension of ten feet (10') by twenty feet (20') for covered parking;~~
- ~~(4) The manufactured home sites shall be landscaped, and~~
- ~~(5) The manufactured home shall be occupied by the owner of the property or a relative of the owner;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any home occupation use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder;~~
- ~~(c) Small residential community care facility, except on land subject to a Williamson Act contract;~~
- ~~(d) One (1) guest house per lot;~~
- ~~(e) Temporary farm worker camps consisting of up to four (4) self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:

The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona fide agricultural enterprise. The camp shall be subject to applicable septic regulations. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the premises site;~~
- ~~(f) On parcels of two (2) acres or less, the raising, feeding, maintaining and breeding of not more than one (1) of the following per twenty thousand (20,000) square feet of area:
 - ~~(1) Five (5) hogs or pigs;~~
 - ~~(2) One (1) horse, mule, cow or steer;~~
 - ~~(3) Five (5) goats, sheep or similar animals;~~
 - ~~(4) Fifty (50) chickens or similar fowl;~~
 - ~~(5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals;~~
 - ~~(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses.~~
 - ~~(7) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and provided further, a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;~~~~
- ~~(g) On parcels exceeding two (2) acres; raising, feeding, maintaining and breeding of horses, cattle, sheep, goats and similar animals;~~
- ~~(h) Outdoor crop production including wholesale nurseries, for growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(i) Indoor growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, in greenhouse or~~

- ~~similar structures less than eight hundred (800) square feet, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(j) Incidental cleaning, grading, packing, polishing, sizing or similar preparation of crops which are grown on-site, but not including agricultural processing;~~
 - ~~(k) Farm stand for the temporary or seasonal sales and promotion of agricultural products grown or processed on-site (including sampling of non-alcoholic products processed on-site, tours, educational visits, but not tasting rooms that sell or serve alcoholic beverages or consumption of alcoholic beverages by retail consumers or the public);~~
 - ~~(l) Temporary or seasonal sales and promotion of livestock which have been raised on-site;~~
 - ~~(m) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(n) Boarding of a maximum of five (5) horses subject to issuance of a zoning permit. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(o) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice" is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(p) Small family day care. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(q) Large family day care, provided that the applicant shall meet all performance standards listed in Section 26-88-080, except on land subject to a Williamson Act contract;~~
 - ~~(r) Pet fancier facilities, provided, that a pet fancier license is obtained from the division of animal regulation and renewed annually. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(s) Beekeeping;~~
 - ~~(t) Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;~~
 - ~~(u) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
 - ~~(v) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal~~

pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;

- (w) ~~Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- (x) ~~One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually;~~
- (y) ~~Minor timberland conversions, subject to compliance with the requirements of Section 26-88-140;~~
- (z) ~~Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- (aa) ~~One (1) accessory dwelling unit per lot, pursuant to Section 26-88-060. Accessory dwelling units are not permitted on land subject to a Williamson Act contract;~~
- (bb) ~~Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- (cc) ~~Vacation rentals subject to issuance of a zoning permit and conformance with the standards in Section 26-88-120;~~
- (dd) ~~Non-commercial composting when the source materials are obtained primarily onsite and the product is used to amend soils onsite or on adjacent parcels owned or operated by same property owner;~~
- (ee) ~~Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this Section;~~
- (ff) ~~Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- (gg) ~~One junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- (hh) ~~Transitional housing, subject to density limitations;~~
- (ii) ~~Permanent supportive housing, subject to density limitations.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6223, § IX, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, §§ II(G), (I), (K), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 6081, § V, 7-29-2014; Ord. No. 5964, § VII, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569, § 7, 2005; Ord. No. 5435, § 2(n), 2003; Ord. No. 5429, § 3(a), 2003; Ord. No. 5361, § 2(g), 2002; Ord. No. 5342, § 4, 2002; Ord. No. 5265, § 1(h), 2001; Ord. No. 5016, § 1(F), 1997; Ord. No. 4985, § 1(b), 1996; Ord. No. 4973, § 5(a), 1996; Ord. No. 4723, § 1(g), 1993; Ord. No. 4653, § 1(h), 1993; Ord. No. 4643, 1993.)~~

~~Sec. 26-16-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) The raising, feeding, maintaining and breeding of poultry, fowl, rabbits, fur-bearing animals or animals such as veal calves, pigs, hogs and the like, which are continuously confined in and around barns, corrals and similar areas for other than domestic purposes. Incidental processing of such animals which are raised on site. This subsection shall not be interpreted so as to require a use permit for animals allowed by Sections 26-16-010(f) or (g);~~
- ~~(b) Agricultural cultivation in the following areas, for which a management plan has not been approved by the planning director pursuant to Section 26-16-010(h):~~
 - ~~(1) Within one hundred feet (100') of the top of the bank in the Russian River Riparian Corridor;~~
 - ~~(2) Within fifty feet (50') of the top of the bank in designated flatland riparian corridors;~~
 - ~~(3) Within twenty five feet (25') of the top of the bank in designated upland riparian corridors;~~
- ~~(c) Retail nurseries involving crops/plants which are not grown on the site, except that such facilities are not allowed on land subject to a Williamson Act contract;~~
- ~~(d) Indoor growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis, in greenhouses or similar structures of eight hundred (800) square feet or more, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(e) Commercial kennels, veterinary clinics for farm animals but not for companion and exotic animals. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations; (Ord. No. 3403)~~
- ~~(f) Commercial stables not permitted under Section 26-16-010(n), riding academies, equestrian riding and driving clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(g) Game preserves, refuges and hunting clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(h) Commercial mushroom farming;~~
- ~~(i) Noncommercial clubs and lodges, golf courses and driving ranges, but not including miniature golf courses, except that such facilities are not allowed on land subject to a Williamson Act contract;~~
- ~~(j) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any live/work use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
- ~~(k) Public schools; private nursery, primary and secondary schools; places of religious worship; and places of public or community assembly, all subject, at a minimum, to the criteria of General Plan Policy LU-6e except that such uses are not permitted on land subject to a Williamson Act contract;~~
- ~~(l) Cemeteries, mausoleums, columbariums and crematoriums, except on land subject to a Williamson Act contract;~~
- ~~(m) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including, but not limited to reservoirs, storage tanks, pumping stations, and transformer stations. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~

- ~~(n) Fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2 t and which are not otherwise exempt by state law. Such facilities are not permitted on land subject to a Williamson Act contract;~~
 - ~~(o) Large residential community care facility, except on land subject to a Williamson Act contract;~~
 - ~~(p) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(q) Bed and breakfast inns containing not more than five (5) guest rooms, subject to design review and compliance with Section 26-88-118;~~
 - ~~(r) Day care center, except on land subject to a Williamson Act contract;~~
 - ~~(s) Craft sales and garage sales involving three (3) or four (4) sales days per year;~~
 - ~~(t) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(u) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
 - ~~(v) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations;~~
 - ~~(w) Processing of agricultural products grown or produced on site, and bottling, canning, or storage of agricultural products grown and processed on site, consistent with the criteria of General Plan Policies AR-5c and AR-5g, and subject to the following conditions:~~
 - ~~(1) The combined square footage of all buildings in which the processing or storage occurs shall not exceed 2,500 square feet on parcels of five acres or less in size, and shall not exceed 5,000 square feet on parcels greater than five acres in size;~~
 - ~~(2) Importation of agricultural products from offsite sources within the county shall not exceed an amount equal to 30 percent of the average onsite agricultural production. This limitation shall not apply during periods of catastrophic crop or animal loss caused by extreme weather, pestilence, or similar conditions.~~
 - ~~(x) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~
 - ~~(y) Small-scale farm retail sales facility.~~
- ~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6189, § II(L), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 6081, § VI, 7-29-2014; Ord. No. 5964, § VII, 1-31-2012; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569, § 7, 2005; Ord. No. 5435, § 2(o), 2003; Ord. No. 5429, § 3, 2003; Ord. No. 5361, § 2(o), 2002; Ord. No. 5342, § 5, 2002; Ord. No. 5265, 1(i), 2001; Ord. No. 4973, § 5(b), (c), 1996; Ord. No. 4781, § 2(B), 1994; Ord. No. 4643, 1993; Ord. No. 3376; Ord. No. 3662; Ord. No. 3403)~~

~~Sec. 26-16-030. Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Residential density shall be between one (1) and twenty (20) acres per dwelling unit as shown in the General Plan land use element or as permitted by a B combining district, whichever is more restrictive.~~
- ~~(b) Minimum lot size shall be 1.5 acres unless public water serves the lot, in which case the minimum shall be one (1) acre. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcels which indicates that density has been transferred to the clustered area. The minimum size for parcels subject to a Williamson Act contract shall conform to General Plan Policy AR-8c.~~
- ~~(c) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35'); additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(d) Minimum Lot Width. The minimum average lot width within each lot is eighty feet (80').~~
- ~~(e) Maximum Lot Coverage.~~
 - ~~(1) On parcels of two acres in size or less: twenty percent (20%);~~
 - ~~(2) On parcels greater than two acres up to and including five acres in size: 18,000 SF or fifteen percent (15%), whichever is greater;~~
 - ~~(3) On parcels greater than five acres up to and including 20 acres in size: 30,000 SF or ten percent (10%), whichever is greater; and~~
 - ~~(4) On parcels greater than 20 acres in size: 85,000 SF or five percent (5%), whichever is greater.~~

~~Exceptions may be allowed by the planning director for commercial greenhouses, large animal operations, and buildings required for the farm operation to meet water quality or other environmental protection regulations.~~
- ~~(f) Yard Requirements.~~
 - ~~(1) Front or Street Side Yard. Thirty feet (30') except where combined with any B district and in no case shall the setback be less than fifty five feet (55') from the centerline of any public road, street or highway, except as may be otherwise indicated on the district maps.~~
 - ~~(2) Side Yard. Minimum ten feet (10'), except that in the case of a corner lot, the street side yard shall be the same as the front yard.~~
 - ~~(3) Rear Yard. Twenty feet (20').~~
 - ~~(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals, and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property.~~
 - ~~(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the~~

~~front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.~~

~~Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of administrative design review.~~

~~(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one third (1/3) of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.~~

~~(7) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of Subsection (f)(5) of this section.~~

~~(8) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the California Building Code. (Ord. No. 3932.)~~

~~(g) Parking Requirements.~~

~~(1) No less than one (1) covered off street occupant parking space per dwelling unit. The requirements for parking to be covered may be waived for single family dwellings subject to the provisions of 26-86-010 (k).~~

~~(2) Any other use shall provide parking in accordance with the standards in Article 90.~~

~~(Ord. No. 5964, § VII, 1-31-2012; Ord. No. 5711 § 7 (Exh. II), § 8 (Exh. I), 2007; Ord. No. 4973 § 5(d), 1996; Ord. No. 4927 §§ 1, 6, 11, 1996; Ord. No. 4643, 1993; Ord. No. 3932.)~~

~~Article 18. -- RR Rural Residential District.~~

~~Sec. 26-18-005. -- Purpose.~~

~~Purpose: to preserve the rural character and amenities of those lands best utilized for low density residential development pursuant to Section 2.2.2 of the general plan. Rural residential uses are intended to take precedence over permitted agricultural uses, but the district does not allow agricultural service uses. The rural residential district may also be applied to lands in other land use categories where it is desirable to use zoning to limit development.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-18-010. -- Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Single family dwelling units on permanent foundations in accordance with residential density shown in the general plan land use element or that density permitted by a B combining district, whichever is more restrictive;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(c) Small residential community care facility;~~
- ~~(d) Raising, feeding, maintaining and breeding of not more than one (1) of the following per twenty thousand (20,000) square feet of area. If the subject parcel is at least five (5) acres, additional animals may be approved by use permit pursuant to Section 26-18-020:
 - ~~(1) Five (5) hogs or pigs;~~
 - ~~(2) One (1) horse, mule, cow or steer;~~
 - ~~(3) Five (5) goats, sheep, or similar animals;~~
 - ~~(4) Fifty (50) chickens or similar fowl;~~
 - ~~(5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals.~~
 - ~~(6) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and provided further a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;~~~~
- ~~(e) Outdoor crop production including wholesale nurseries, for growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis and industrial hemp, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(f) Accessory buildings, and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use;~~
- ~~(g) Indoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops other than cannabis and industrial hemp, in greenhouse or similar structures less than eight hundred (800) square feet, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(h) One (1) guest house per lot;~~
- ~~(i) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(j) Small family day care;~~
- ~~(k) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(l) Beekeeping;~~

- ~~(m) Pet fancier facilities, provided, that a pet fancier license is obtained from the division of animal regulation and renewed annually;~~
- ~~(n) Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;~~
- ~~(o) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(p) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(q) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(r) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually;~~
- ~~(s) Minor timberland conversions on parcels of five (5) acres or more, subject to compliance with the requirements of Section 26-88-140;~~
- ~~(t) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(u) Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- ~~(v) One (1) accessory dwelling unit per lot, pursuant to Section 26-88-060;~~
- ~~(w) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(x) Transitional housing, subject to density limitations;~~
- ~~(y) Permanent supportive housing, subject to density limitations;~~
- ~~(z) Congregate housing serving no more than six (6) persons, within urban service areas;~~
- ~~(aa) Vacation rentals, subject to issuance of a zoning permit and conformance with the standards in Section 26-88-120;~~
- ~~(bb) Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- ~~(cc) One junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, §§ II(G), (I), (K), 12-20-2016; Ord. No. 6145, § V, 3-15-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(p), 2003; Ord. No. 5429 § 3(a), 2003; Ord. No. 5361 § 2(h), 2002; Ord. No. 5342 §~~

~~4, 2002; Ord. No. 5265 § 1(j), 2001; Ord. No. 5016 § 1(G), 1997; Ord. No. 4985 § (c), 1996; Ord. No. 4973 § 5(a), 1996; Ord. No. 4653 § 1(i), 1993; Ord. No. 4643, 1993.)~~

~~Sec. 26-18-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Planned developments and condominiums. Densities will be permitted in accordance with the densities shown in the general plan land use element or a B combining district whichever is more restrictive, also considering that which could be accommodated following conventional subdivision design, acknowledging topographical variations and permitted conventional lot areas. Compatibility with adjacent development, unique characteristics, innovation and the provision of amenities will be the primary criteria utilized in evaluating such development. The lot size, setback and coverage requirements of Section 26-18-030 shall not apply to planned developments or condominiums;~~
- ~~(b) Raising, feeding, maintaining and breeding of animals in excess of the limits set forth in Section 26-18-010(d) provided that the subject parcel is at least five (5) acres in size;~~
- ~~(c) One (1) stand for the sale of agricultural products grown on the site;~~
- ~~(d) Noncommercial clubs and lodges, country clubs and golf courses, but not including miniature golf courses;~~
- ~~(e) Driving ranges; provided, that they shall not be operated during night time hours and that associated facilities include only those necessary to serve the driving range use, such as equipment rental and snack bar and not restaurants, retail sales and similar facilities;~~
- ~~(f) Public schools, subject, at a minimum, to the criteria of general plan Policy LU-6e;~~
- ~~(g) Art, craft, music and dancing schools, business or trade schools, public playgrounds, parks, community centers, libraries, museums and similar uses which serve no more than the residential community in which they are located and which do not adversely affect the various agricultural communities within Sonoma County;~~
- ~~(h) Private nursery, primary or secondary schools and churches subject, at a minimum, to the criteria of general plan Policy LU-6f;~~
- ~~(i) Cemeteries, mausoleums, columbariums and crematoriums;~~
- ~~(j) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;~~
- ~~(k) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(l) Large residential community care facility;~~
- ~~(m) Agricultural cultivation in the following areas, for which a management plan has not been approved by the planning director pursuant to Section 26-18-010(e):~~
 - ~~(1) Within one hundred feet (100') of the top of the bank in the Russian River Riparian Corridor;~~
 - ~~(2) Within fifty feet (50') of the top of the bank in designated flatland riparian corridors;~~
 - ~~(3) Within twenty five feet (25') of the top of the bank in designated upland riparian corridors;~~
- ~~(n) Day care center;~~

- ~~(o) Art studios and arts and crafts centers not involving retail or wholesale sales. A use permit for such uses may be granted only when the use is conducted within an existing abandoned agricultural building feasible for such use;~~
- ~~(p) Craft sales and garage sales involving three (3) or four (4) sales days per year;~~
- ~~(q) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(r) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(s) Bed and breakfast inns containing not more than five (5) guest rooms, subject to design review and compliance with Section 26-88-118;~~
- ~~(t) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(u) Live/work uses in conjunction with an otherwise allowed residential use subject to the requirements of Section 26-88-122;~~
- ~~(v) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~
- ~~(w) Congregate housing serving more than six (6) persons, on parcels served by public sewer and subject to design review.~~
- ~~(x) Vacation rentals exceeding the standards in Section 26-88-120;~~

~~(Ord. No. 6145, § V, 3-15-2016; Ord. No. 5908, § II, 11-9-2010; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(q), 2003; Ord. No. 5429 § 3, 2003; Ord. No. 5361 § 2(p), 2002; Ord. No. 5342 § 5, 2002; Ord. No. 5265 § 1(k), 2001; Ord. No. 4973 § 5(b), (c), 1996; Ord. No. 4781 § 2(B), 1994; Ord. No. 4643, 1993.)~~

~~Sec. 26-18-030. Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Residential density shall be between one (1) and twenty (20) acres per dwelling unit as shown in the general plan land use element or permitted by a B-combining district, whichever is more restrictive.~~
- ~~(b) Minimum Lot Size. On lands designated urban residential on the general plan land use map, minimum lot size shall be twenty thousand (20,000) square feet. On lands designated rural residential on the general plan land use map, minimum lot size shall be 1.5 acres unless public water serves the lot, in which case the minimum shall be one (1) acre.~~
- ~~(c) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35'); additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(d) Minimum Lot Width. The minimum average lot width required within each lot is eighty feet (80').~~

- ~~(e) Maximum Lot Coverage. Thirty five percent (35%). Lot coverage may be waived by the planning director for greenhouses and swimming pools.~~
- ~~(f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
- ~~(1) Front or Street Side Yard. Not less than twenty feet (20') provided, however, that no structure shall be located closer than forty five feet (45') to the centerline of any public road, street or highway.~~
 - ~~(2) Side Yard. Minimum five feet (5'), except that in the case of a corner lot, the street side yard shall be the same as the front yard..~~
 - ~~(3) Rear Yard. Twenty feet (20') minimum.~~
 - ~~(4) Watering troughs, feed troughs accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property.~~
 - ~~(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty five percent (25%) or more of the lots on any block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.~~

~~Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of administrative design review.~~
 - ~~(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.~~
 - ~~(7) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of subsection (f)(5) of this section.~~
 - ~~(8) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the Uniform Building Code.~~
- ~~(g) Parking Requirements.~~

~~(1) Residential. Not less than one (1) covered off-street parking space per dwelling unit. The requirements for parking to be covered may be waived for single-family dwellings subject to the provisions of 26-86-010 (k).~~

~~(2) Any other use shall provide parking in accordance with the standards in Article 86. Second dwelling units are subject to the parking standards in Section 26-88-060.~~

~~(h) Design Review. Design review approval shall be required in the manner provided in Article 82 for all planned developments and condominiums featuring four (4) or more dwelling units, or as otherwise provided herein.~~

~~(Ord. No. 5711, § 7 (Exh. H), § 8 (Exh. I), 2007; Ord. No. 4973, § 5(d), 1996; Ord. No. 4927, §§ 1, 6, 8, 11, 1996; Ord. No. 4643, 1993; Ord. No. 3932.)~~

~~Article 20. R1 Low Density Residential District.~~

~~Sec. 26-20-005. Purpose.~~

~~Purpose: to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The R1 district is intended for single-family homes in low density residential areas, as provided in Section 2.2.1 of the general plan, which are compatible with existing neighborhood character. It is also intended to implement the residential objective of adopted redevelopment plans where applicable.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-20-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) One (1) dwelling unit on permanent foundation per lot;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(c) Small residential community care facility;~~
- ~~(d) Accessory buildings and uses incidental and appurtenant to an existing permitted use;~~
- ~~(f) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(g) The outdoor growing and harvesting of shrubs, plants, flowers, trees vines, fruits, vegetables, hay, grain and similar food and fiber crops, other than cannabis and industrial hemp;~~
- ~~(h) Small family day care;~~
- ~~(i) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(j) Beekeeping;~~

- ~~(k) Housing opportunity ownership projects Section 26-20-030 in compliance with Article 89 (Affordable Housing Program);~~
- ~~(l) Cottage housing developments of up to three (3) cottages, subject to the standards in Section 26-88-063 (Cottage Housing Developments).~~
- ~~(m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(p) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually;~~
- ~~(q) One (1) accessory dwelling unit per lot, pursuant to Sections 26-88-060 and 26C-325.1;~~
- ~~(r) One (1) guest house per lot;~~
- ~~(s) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~
- ~~(t) The raising, feeding and maintaining of up to six (6) hens subject to the construction of a chicken coop and a secure enclosure which prevents animal trespass. The coop and pen shall be located in the rear yard of the property and maintained in a sanitary condition.~~
- ~~(u) Transitional housing, subject to density limitations;~~
- ~~(v) Permanent supportive housing, subject to density limitations;~~
- ~~(w) Congregate housing serving no more than six (6) persons;~~
- ~~(x) Vacation rentals subject to issuance of a zoning permit and conformance with the standards in Section 26-88-120;~~
- ~~(y) Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- ~~(z) Cannabis cultivation for personal use in compliance with Section 26-88-258.~~
- ~~(aa) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6247, § II(Exh. B), 10-23-2018)~~

Editor's note—Ord. No. 6247, § II(Exh. B), adopted Oct. 23, 2018, repealed the former § 26-20-010 and enacted a new section as set out herein. The former § 26-20-010 pertained to similar subject matter and derived from Ord. No. 3511; Ord. No. 4643, adopted in 1993; Ord. No. 4973 § 6(a), adopted in 1996; Ord. No. 5016 § 1(H), adopted in 1997; Ord. No. 5429 § 4(a), (b), adopted in 2003; Ord. No. 5569 § 7, adopted in 2005; Ord. No. 5809 § 1(a), adopted in 2008;

Ord. No. 5883, § III, adopted March 30, 2010; Ord. No. 5908, § II, adopted Nov. 9, 2010; Ord. No. 6145, § IV, adopted March 15, 2016; Ord. No. 6189, § II(G), adopted Dec. 20, 2016; and Ord. No. 6191, § V(Exh. D), adopted Jan. 24, 2017.

~~Sec. 26-20-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Planned developments and condominiums. Compatibility with adjacent development, unique characteristics, innovation, provision of amenities and the provision of universally designed housing and affordable housing are additional criteria which will be utilized in evaluating such development. Condominium conversion shall be subject to the requirements of the housing element;~~
- ~~(b) Country clubs and golf courses but not including miniature golf courses;~~
- ~~(c) Public and private nonprofit elementary schools, junior high schools and colleges;~~
- ~~(d) Churches;~~
- ~~(e) Public playgrounds, parks, community centers, libraries, museums and similar uses and buildings;~~
- ~~(f) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;~~
- ~~(g) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(h) Large residential community care facility;~~
- ~~(i) Day care center;~~
- ~~(j) Housing opportunity area ownership projects based on alternative design and development criteria to those set forth in Section 26-20-030 as set forth in Article 89 (Affordable Housing Program);~~
- ~~(k) Infill development pursuant to housing element policies;~~
- ~~(l) Cottage housing developments of four (4) or more units, subject to the remaining standards in Section 26-88-063;~~
- ~~(m) Intermediate freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) Small scale homeless shelters serving ten (10) persons or less, subject to design review;~~
- ~~(p) Live/work uses in conjunction with an otherwise allowed residential use subject to the requirements of Section 26-88-122;~~
- ~~(q) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(r) Vacation rentals exceeding the standards in Section 26-88-120.~~

~~(Ord. No. 6247, § II(Exh. B), 10-23-2018)~~

Editor's note—Ord. No. 6247, § II(Exh. B), adopted Oct. 23, 2018, repealed the former § 26-20-020 and enacted a new section as set out herein. The former § 26-20-020 pertained to similar subject matter and derived from Ord. No. 4643, adopted in 1993; Ord. No. 4973, § 6(b), (c), adopted in 1996; Ord. No. 5429, § 4(b)(c), adopted in 2003; Ord. No. 5569, § 7, adopted in 2005; Ord. No. 5908, § II, adopted in Nov. 9, 2010; and Ord. No. 6085, § III(Exh. B), adopted Oct. 7, 2014.

~~Sec. 26-20-030. Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Residential density shall be between one (1) and six (6) units per acre as shown in the general plan land use or housing element or that density permitted by a "B" combining district. All residential projects shall be designed to meet the minimum density requirements shown in the general plan land use element or on the sectional district maps, whichever is more restrictive, provided, however, that a lesser density may be approved if the body deciding the application determines that such a reduction in density is necessary to mitigate a particular significant effect on the environment and that no other specific mitigation measure or alternative would provide a comparable lessening of the significant impact. Nothing set forth in this section shall be construed to prohibit the construction of one (1) single family dwelling on a single lot of record.~~

~~For a Housing Opportunity Area Type "C" project which meets all of the requirements of Sections 26-88-120 and 26-88-122, or where a use permit for such project is approved pursuant to Section 26-20-020(k), the permitted residential density may be increased to a maximum of eleven (11) dwelling units per acre.~~

- ~~(b) Maximum Building Height.~~

- ~~(1) Thirty five feet (35') for the main building and fifteen feet (15') for accessory buildings, provided that additional height may be permitted if a use permit is first secured.~~

- ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~

- ~~(c) Minimum Lot Size. Six thousand (6,000) square feet.~~

- ~~(d) Minimum Lot Width. The minimum average lot width required within each lot is sixty feet (60').~~

- ~~(e) Maximum Lot Coverage. Forty percent (40%). Lot coverage may be waived by the planning director for swimming pools.~~

- ~~(f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~

- ~~(1) Front Yard. Not less than twenty feet (20'); provided, however, that no structure shall be located closer than forty five feet (45') to the centerline of any public road, street or highway.~~

- ~~(2) Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as the front yard.~~

- ~~(3) Rear Yard. Not less than twenty feet (20').~~

- ~~(4) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty five percent (25%) or more of the lots on any block or portion thereof in the same zoning district have been improved with~~

~~garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.~~

~~Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten foot (10') to twenty foot (20') setback cannot be met, subject to approval of administrative design review.~~

- ~~(5) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.~~
- ~~(6) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the restrictions of subsection (f)(4) of this section.~~
- ~~(7) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such buildings shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the Uniform Building Code.~~
- ~~(g) Parking Requirements. Not less than one (1) covered off-street parking space for each dwelling unit. The requirement for parking to be covered may be waived for single-family dwellings subject to the provisions of 26-86-010 (k). Second dwelling units are subject to the parking standards in Section 26-88-060.~~
- ~~(h) Where planned developments and condominiums are proposed, dwelling units may be attached; common walls will be permitted. The lot size, coverage and setback requirements of subsections (a) through (g) of this section shall not apply to these planned developments and condominiums.~~

~~(Ord. No. 5711 § 8 (Exh. I), 2007; Ord. No. 5569 § 12, 2005; Ord. No. 5429 § 4(d), 2003; Ord. No. 5009 § 1(C), 1997; Ord. No. 4973 § 6(d), 1996; Ord. No. 4927 § 1, 4, 6, 9, 11, 1996; Ord. No. 4839 § 1(B), 1994; Ord. No. 4837 § 1(A), 1994; Ord. No. 4643, 1993; Ord. No. 3932.)~~

~~Article 22. R2 Medium Density Residential District.~~^[3]

Footnotes:

~~(3)~~

Editor's note—Ord. No. ~~6247~~, § II(Exh. C), adopted Oct. 23, 2018, repealed the former Art. 22, §§ 26-22-005—26-22-030, and enacted a new article as set out herein. The former Art. 22 pertained to similar subject matter and derived from Ord. No. 3511; Ord. No. 4643, adopted in 1993; Ord. No. 4837 § 1(B), adopted in 1994; Ord. No. 4839 § 1(C), adopted in 1994; Ord. No. 4973, § 6(a)—(c), (e), adopted in 1996; Ord. No. 5009 § 1(C), adopted in 1997; Ord. No. 5429, § 4(a), (c), adopted in 2003; Ord. No. 5569, §§ 7, 10, adopted in 2005; Ord. No. 5883, § III, adopted March 30, 2010; Ord. No. 5975, § I, adopted in March 20, 2012; Ord. No. ~~6189~~, § II(G), adopted in Dec. 20, 2016; Ord. No. ~~6191~~, § V(Exh. D), adopted in Jan. 24, 2017; and Ord. No. ~~6223~~, § XVII, adopted May 8, 2018.

Sec. 26-22-005. — Purpose.

~~Purpose: to preserve as many of the desirable characteristics of one-family residential districts as possible while permitting higher densities, and to implement the provisions for medium density residential development in Section 2.2.1 of the general plan. To implement the residential objectives of adopted redevelopment plans, where applicable.~~

~~(Ord. No. ~~6247~~, § II(Exh. C), 10-23-2018)~~

Sec. 26-22-010. — Permitted uses.

~~Permitted uses include the following:~~

- ~~(a) Dwelling units on permanent foundations in accordance with the residential density shown in the general plan land use element or that density permitted by a B combining district, whichever is more restrictive;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(c) Small residential community care facility;~~
- ~~(d) Accessory buildings and uses incidental and appurtenant to the primary use;~~
- ~~(f) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(g) Small family day care;~~
- ~~(h) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-96-080;~~
- ~~(i) The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, other than cannabis and industrial hemp;~~
- ~~(j) Beekeeping;~~
- ~~(k) Housing Opportunity Rental projects in compliance with Article 89 (Affordable Housing Program).~~
- ~~(l) Reserved;~~
- ~~(m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~

- ~~(n) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(p) One (1) accessory dwelling unit per lot, pursuant to Sections 26-88-060 and 26C-325.1;~~
- ~~(q) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~
- ~~(r) Transitional housing, subject to density limitations;~~
- ~~(s) Permanent supportive housing, subject to density limitations;~~
- ~~(t) On R2 parcels of at least eight thousand (8,000) square feet, congregate housing serving no more than to six (6) persons;~~
- ~~(u) On R2 parcels of at least eight thousand (8,000) square feet, cottage housing developments subject to the standards in Section 26-88-063;~~
- ~~(v) Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- ~~(w) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6247, § II(Exh. C), 10-23-2018)~~

~~Sec. 26-22-020. Uses permitted with a use permit.~~

~~Use permitted with a use permit include the following:~~

- ~~(a) Planned developments and condominiums. Compatibility with adjacent development, unique characteristics, innovation, provision of amenities and the provision of housing which is affordable to very low and low income households are additional criteria which will be utilized in evaluating such development. Condominium conversion shall be subject to the requirements of Section 25-13-16. The lot size, coverage and yard requirements of Section 26-22-030 shall apply to planned developments or condominiums unless otherwise noted in the development approval;~~
- ~~(b) Mobile home parks and recreational vehicle parks combined therewith, subject to the provisions of Article 88;~~
- ~~(c) Noncommercial clubs and lodges, country clubs and golf courses, but not including miniature golf courses;~~
- ~~(d) Public and private nonprofit elementary schools, junior high schools and colleges;~~
- ~~(e) Churches;~~
- ~~(f) Public playgrounds, parks, community centers, libraries, museums and similar uses and buildings;~~

- ~~(g) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted) including, but not limited to, reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF 2s and which are not otherwise exempt by state law;~~
- ~~(h) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(i) Large residential community care facility;~~
- ~~(j) Day care center;~~
- ~~(k) Housing opportunity rental (Type "A") projects in compliance with applicable requirements in Article 89 (Affordable Housing Program) requiring alternative design and development criteria or standards;~~
- ~~(l) Closure, cessation of use or conversion of a mobile home park to an alternate land use provided that the criteria set forth in Section 26-92-090 are met;~~
- ~~(m) Intermediate freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) Small-scale homeless shelters serving ten (10) persons or less, subject to design review;~~
- ~~(p) Live/work uses in conjunction with an otherwise allowed residential use subject to the requirements of Section 26-88-122;~~
- ~~(q) Mobile home parks, subject to the provisions of Section 26-88-100 (Mobile home park standards);~~
- ~~(r) Congregate housing serving more than six (6) persons, subject to design review;~~
- ~~(s) Single room occupancy (SRO) facilities, subject to 26-88-125;~~
- ~~(t) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~

(Ord. No. ~~6247~~, § II(Exh. C), 10-23-2018)

~~Sec. 26-22-030. Permitted residential density and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

~~Residential developments of two (2) to four (4) units shall be subject to the development standards set forth below, except that cottage housing developments shall be subject to the standards in Section 26-88-263 (Cottage Housing Developments). Multifamily developments of five (5) or more units shall be subject to the high density residential (R3) development standards set forth in Section 26-24-030.~~

- ~~(a) Residential density shall be between six (6) and twelve (12) units per acre as shown in the general plan land use or housing element or that density permitted by a "B" combining district, whichever is more restrictive, provided however that a density bonus and further incentives may be granted in compliance with applicable provisions of Article 89 (Affordable Housing Program). All applications for a discretionary approval shall be designed to meet at a minimum, the density requirements shown in the general plan land use element or on the sectional district maps,~~

~~whichever is more restrictive, provided however, that a lesser density may be approved if the body deciding the application determines that such a reduction in density is necessary to mitigate a particular significant effect on the environment and that no other specific mitigation measure or alternative would provide a comparable lessening of the significant impact. Nothing set forth in this section shall be construed to prohibit the construction of one (1) single family dwelling on a single lot of record.~~

~~(b) — Maximum Building Height.~~

~~(1) — Thirty five feet (35') for main structures; provided, that where an R2 district abuts an R1 or RR district, for each four feet (4') of building height in excess of fifteen feet (15') the side yard setback shall be increased by one foot (1'). In all cases, where the side yard abuts a north, northwesterly or northeasterly property line and the proposed main building exceeds fifteen feet (15') in height the applicant shall submit at the time of application evidence to show that the proposed building shall not cast a shadow greater than ten percent (10%) of the solar collection absorption area on the adjacent lot at any one (1) time between the hours of 9:00 a.m. to 3:00 p.m. on December 21st local standard time.~~

~~(2) — Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~

~~(c) — Minimum Lot Size. Six thousand (6,000) square feet.~~

~~(d) — Minimum Lot Width. The minimum average lot width required within each lot is sixty feet (60').~~

~~(e) — Maximum Lot Coverage. Fifty percent (50%).~~

~~(f) — Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~

~~(1) — Front Yard. Not less than twenty feet (20') provided, however, that no structure shall be located closer than forty five feet (45') from the centurion of any public road, street or highway. Front yard requirements may be reduced up to five feet (5') in order to obtain an average of twenty feet (20').~~

~~(2) — Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as a front yard. On lots where access is gained to an interior court by way of a side yard, or where an entrance to a building faces the sideline, the side yard shall be not less than ten feet (10').~~

~~(3) — Rear Yard. Not less than twenty feet (20').~~

~~(4) — No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line.~~

~~(g) — Parking Requirements. All uses shall provide parking in accordance with the standards in Article 86 (Required Parking) unless a different standard is provided for that particular use.~~

~~(h) — Where planned developments and condominiums are proposed, dwelling units may be attached; common walls will be permitted. The lot size, coverage and setback requirements of this section shall not apply to these planned developments and condominiums.~~

~~(Ord. No. 6247, § II(Exh. C), 10-23-2018)~~

~~Article 24. — R3 High Density Residential District.~~

~~Sec. 26-24-005. — Purpose.~~

~~Purpose: to implement Section 2.2.1 of the general plan by reserving appropriately located areas for family living in a variety of dwelling types at a reasonable range of population densities consistent with~~

~~sound standards of public health and safety; to preserve as many of the desirable characteristics of one-family residential districts as possible while permitting higher densities; and to ensure adequate light, air, privacy and open space for each dwelling unit. To implement the residential objectives of adopted redevelopment plans where applicable.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-24-010. -- Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Dwelling units on permanent foundation in accordance with the residential density shown in the general plan land use element or that permitted by a B combining district, whichever is more restrictive;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(c) Small residential community care facility;~~
- ~~(d) Accessory buildings and uses appurtenant to the primary use;~~
- ~~(e) One (1) accessory dwelling unit per lot, provided that all criteria of Section 26-88-060 are met. Such criteria include, but are not limited to, setbacks and yard requirements;~~
- ~~(f) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days prior to issuance of a zoning permit," and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(g) Small family day care;~~
- ~~(h) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(i) The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, other than cannabis and industrial hemp;~~
- ~~(j) Beekeeping;~~
- ~~(k) Housing Opportunity Area Type "A" projects that satisfy all of the applicable requirements of Housing Element Policy HE-2g, including the design and development criteria set forth in Section 4(d) of Policy HE-2g for Type "A" Housing Opportunity Areas located in urban residential, twelve (12) to twenty (20) dwelling units per acre, areas depicted on the general plan land use maps. The design and development criteria set forth in Section 4 of Policy HE-2g for such Type "A" Housing Opportunity Areas shall prevail over any conflicting criteria specified below in Section 26-24-030. Compliance with Section 4 of Policy HE-2g for such Type "A" Housing Opportunity Areas shall be determined by the body prescribed in Section 5 of that policy. Nothing herein shall limit the ability of the decision-making body to either deny or to apply conditions to the approval of such a Housing Opportunity Type "A" project;~~
- ~~(l) Reserved;~~
- ~~(m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including~~

~~environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~

- ~~(o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(p) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(q) Transitional housing, subject to density limitations;~~
- ~~(r) Permanent supportive housing, subject to density limitations;~~
- ~~(s) On R3 parcels of at least eight thousand (8,000) square feet, congregate housing serving no more than six (6) persons;~~
- ~~(t) Cannabis cultivation for personal use in compliance with Section 26-88-258;~~
- ~~(u) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(v) Small single room occupancy facilities subject to design review and in compliance with Section 26-88-125 (Single Room Occupancy Facilities).~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6223, § XVIII, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, § II(G), 12-20-2016; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569 § 7, 2005; Ord. 5429 § 4(a), 2003; Ord. 4973 § 6(a), 1996; Ord. No. 4643, 1993; Ord. No. 3511.)~~

~~Sec. 26-24-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Planned developments and condominiums. Compatibility with adjacent development, unique characteristics, innovation, provision of amenities and the provision of housing which is affordable pursuant to the requirements of Housing Element Sections 3.1 and 3.1.1 to very low and low income households are additional criteria which will be utilized in evaluating such development. Condominium conversion shall be subject to the requirements of Housing Element Policy HE-3i;~~
- ~~(b) Mobile home parks and recreational vehicle parks combined therewith subject to the provisions of Article 88;~~
- ~~(c) Noncommercial clubs and lodges, country clubs and golf courses, but not including miniature golf courses;~~
- ~~(d) Public and private nonprofit elementary schools, junior high schools, high schools and colleges;~~
- ~~(e) Churches;~~
- ~~(f) Public playgrounds, parks, community centers, libraries, museums and similar uses and buildings;~~

- ~~(g) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities, excepted) including, but not limited to, reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF 2s and which are not otherwise exempt by state law;~~
- ~~(h) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(i) Large residential community care facility;~~
- ~~(j) Major medical facilities; (Ord. No. 1928-)~~
- ~~(k) Housing Opportunity Area Type "A" projects based on alternative design and development criteria to those set forth in Section (4)(d) and (4)(e) of Housing Element Policy HE 2g for Type "A" Housing Opportunity Areas located in urban residential, twelve (12) to twenty (20) units per acre, areas depicted on the general plan land use maps, or, as applicable, Section 26-24-030. A use permit for such project shall not be approved unless the project meets all other requirements of Policy HE 2g for such Type "A" projects. The decision-making body shall be as specified in Policy HE 2g for Type "A" Housing Opportunity Areas. Nothing herein shall limit the ability of the decision-making body to either deny or to apply conditions to the approval of such a Housing Opportunity Type "A" project;~~
- ~~(l) Day care center;~~
- ~~(m) Closure, cessation of use or conversion of a mobile home park to an alternate land use, provided that the criteria set forth in Section 26-92-090 are met;~~
- ~~(n) Intermediate freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(p) Small-scale homeless shelters serving ten (10) persons or less, subject to design review;~~
- ~~(q) Congregate housing serving more than six (6) persons, subject to design review.~~
- ~~(r) Single room occupancy (SRO) facilities, subject to 26-88-125;~~
- ~~(s) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~

~~(Ord. No. 5975, § I, 3-20-2012; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5429 § 4(c), 2003; Ord. No. 4973 § 6(b), (c), 1996; Ord. No. 4643, 1993-)~~

~~Sec. 26-24-030. Permitted residential density and development criteria.~~

~~The following residential development density and development criteria and additional design standards are intended to apply to multifamily developments. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Residential Density. Residential density shall be between twelve (12) and twenty (20) units per acre as shown in the general plan land use map and zoning database, whichever is more restrictive, provided however that a density bonus and further incentives may be granted in compliance with the applicable requirements of Article 89; and provided further that for a rental housing opportunity area project which meets the requirements of, the permitted residential density may be increased one hundred percent (100%) above the mapped designation in the general plan to a maximum of thirty (30) dwelling units per acre. All applications for a discretionary approval shall be designed to meet, at a minimum, the density requirements~~

shown in the general plan land use element or on the sectional district maps, whichever is more restrictive, provided however, that a lesser density may be approved if the body deciding the application determines that such a reduction in density is necessary to mitigate a particular significant effect on the environment and that no other specific mitigation measure or alternative would provide a comparable lessening of the significant impact. Nothing set forth in this section shall be construed to prohibit the construction of one (1) single family dwelling on a single lot of record. Residential densities shall be based on dwelling units per net acre (exclusive of right-of-way dedications) calculated in density units as follows:

Residential Density Unit Equivalents

Dwelling Unit Size	Density Units
Micro Apt or Studio <500 sq. ft.	0.33 density unit
One bedroom <750 sq. ft.	0.5 density unit
Two bedroom <1,000 sq. ft.	0.75 density unit
Three bedroom	1.00 density unit
Four or more bedrooms	1.5 density units

~~(b) Maximum Building Height.~~

- ~~(1) Thirty-five feet (35') or two (2) stories, whichever is less, provided, that no detached accessory structure shall be permitted to exceed one (1) story;~~
- ~~(2) Three (3) story construction is allowed, provided it does not exceed forty feet (40') in height, for (a) projects that meet the inclusionary requirements on site in compliance with Section 26-89-040; or (b) projects where the majority of resident parking is provided as tuck-under (podium-style) ground floor parking. The decision maker may approve an increase in height as an incentive for any density bonus project.~~
- ~~(3) Notwithstanding subsections (b)(1) and (b)(2) of this section, where the project abuts an R1 or RR zone, the height of any building within thirty feet (30') of the R1 or RR zone shall not exceed thirty five feet (35'). If any structure within the thirty foot (30') distance is provided as three (3) stories, the second floor shall be set back at least five feet (5') more than the first floor, in order to reduce impacts related to bulk, height, mass, and loss of solar access on neighboring properties.~~
- ~~(4) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~

~~(c) Minimum Lot Size. Six thousand (6,000) square feet.~~

~~(d) Minimum Lot Width. The minimum average lot width within each lot is eighty feet (80').~~

~~(e) Lot Coverage.~~

- ~~(1) Not more than sixty percent (60%) of the total lot area shall be devoted to main and accessory buildings. The remaining lot area shall be devoted to landscaping, lawns, private yard spaces, play or recreational areas, and open parking and access areas.~~
- ~~(2) The decision maker may approve a ten percent (10%) increase in lot coverage where it is found that due to efficient land utilization, sufficient open areas and recreation areas are provided on site.~~
- ~~(f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of Section 26-88-040 (f).~~
 - ~~(1) Front Yard. Not less than fifteen feet (15') provided, however, that no structure shall be located closer than forty five feet (45') to the centerline of any public or private road, street or highway. Setbacks may be reduced up to five feet (5') in order to attain an average of fifteen feet (15'). Unenclosed front porches may extend up to ten feet (10') into the required front yard setback provided that adequate sight distance is maintained from driveways, alleys or roads.~~
 - ~~(2) Side Yard. Not less than five feet (5') except where the side yard abuts a public street, in which case such yard shall be the same as the front yard. On lots where access is gained to an interior court by way of a side yard, or where an entrance to a building faces the side line, said side yard shall be not less than ten feet (10').~~
 - ~~(3) Rear Yard. Not less than ten feet (10').~~
 - ~~(4) Garage Setback. No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line.~~
- ~~(g) Parking Requirements. Parking shall be provided as set forth in Article 86, (Required Parking).~~
- ~~(h) Where planned developments and condominiums are proposed, dwelling units may be attached and common walls are permitted. The lot size and setback requirements of this section shall not apply to planned developments and condominiums.~~
- ~~(i) Additional Design and Development Standards.~~
 - ~~(1) For dwelling groups and/or multifamily structures involving four (4) or more dwelling units, all utility distribution facilities (including but not limited to electric, communication and cable television lines) installed in and for the purpose of supplying service to any residential development shall be placed underground, except equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts. The developer is responsible for complying with the requirements of this section, and shall make the necessary arrangements with the utility companies involved for the installation of the facilities.~~
 - ~~(2) Landscaping shall be provided and perpetually maintained in all required yards and open space areas for the life of the project.~~
 - ~~(3) Adequate drainage and stormwater management using low impact development guidelines shall be required.~~
 - ~~(4) All refuse collection areas shall be enclosed on at least three (3) sides by a five foot high wall, such wall to be constructed of masonry or other solid material. Alternate methods of refuse and recycling storage and screening thereof may be approved by the director.~~
 - ~~(5) To the extent possible, all off street parking areas shall be screened from view of surrounding residents by a fence not less than four feet (4') in height, or by landscape materials having a normal growth of not less than four feet (4') in height. Parking areas shall provide trees for shading at a ratio of one (1) tree per six (6) parking spaces.~~

- ~~(6) All points of vehicular access and vehicular circulation to and from off-street parking areas and driveways and onto public rights of way shall be approved by the director of transportation and public works.~~
- ~~(7) Unless an alternative permeable treatment is approved by the director, all off-street parking areas shall be paved with asphalt or its equivalent, and shall conform to the off-street parking design standards of Article 86. Use of alternative permeable surfaces is strongly encouraged wherever feasible in order to maintain or enhance groundwater absorption and recharge.~~
- ~~(8) Public utilities and easements therefore shall be provided as required by applicable public utilities and agencies.~~
- ~~(9) Main buildings shall be placed such that privacy issues are minimized. Building-to-building window placement shall be staggered, or otherwise designed to provide adequate privacy between the units.~~
- ~~(10) Open/Recreational Space Requirement. In developments of four (4) or more rental units on a single lot, a landscaped, usable open recreational and leisure area, totaling at least two hundred (200) square feet for each dwelling unit, shall be provided on-site except that for affordable housing projects meeting the inclusionary housing requirements on site, at least one hundred fifty (150) square feet of landscaped, usable open area shall be provided for each dwelling unit. Such areas shall be conveniently located and readily accessible to each dwelling unit, as determined by the decision maker. Private open space areas (i.e., patios and balconies) may be considered for up to fifty percent (50%) of the required open recreational and leisure area. The following areas shall not be considered as contributing to the recreational and leisure areas required above:
 - ~~(i) Any required front or side yard;~~
 - ~~(ii) Any paved (non-permeable) area used for parking or vehicular circulation;~~
 - ~~(iii) Any area with a dimension of less than six feet (6').~~~~
- ~~(11) Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. 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. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.~~
- ~~(12) A water conservation plan including the best available conservation technologies or measures to reduce water demand to the maximum extent feasible including installation of recycled water plumbing, ultra low flow fixtures, rainwater collection systems and graywater reuse. Landscaping plans must comply with the county water efficient landscape ordinance. Prior to building permit issuance a landscape permit application shall be submitted for all new and rehabilitated landscapes, as required by the water efficient landscape regulations (Chapter 7D3 of the Sonoma County Building Code). Verification from a qualified irrigation specialist that landscaping plan complies with the county ordinance shall be provided prior to building permit issuance. The measures in the plan shall be implemented by the applicant and verified by PRMD staff prior to certificate of occupancy or operation of the use.~~
- ~~(13) No vacation rental, timeshares or transient occupancies are allowed.~~
- ~~(j) Design Review. Prior to issuance of a building permit, design review approval shall be required for all dwelling groups, apartments, and similar residential developments featuring four (4) or more dwelling units.~~

(Ord. No. ~~6247~~, § II(Exh. D), 10-23-2018)

Editor's note—Ord. No. ~~6247~~, § II(Exh. D), adopted Oct. 23, 2018, repealed the former § 26-24-030 and enacted a new section as set out herein. The former § 26-24-030 pertained to similar subject matter and derived from Ord. No. 4643, adopted in 1993; Ord. No. 4839 § 1(D), adopted in 1994; Ord. No. 4973 § 6(f), adopted in 1996; Ord. No. 5009 § 1(D), adopted in 1997; and Ord. No. 5569 § 4, adopted in 2005.

~~Article 26. — PC Planned Community District.~~

~~Sec. 26-26-005. — Purpose.~~

~~Purpose: to implement the provisions of Section 2.3 of the general plan land use element which provide for mixed residential and commercial use and to implement the provisions of Section 2.2 of the general plan. To implement the objectives of adopted redevelopment plans within redevelopment project areas in the general plan. Planned communities are intended to allow diversification in the relationship of various uses, buildings, structures, lot sizes and open spaces while insuring substantial compliance with adopted general plans and with the intent of this ordinance in requiring adequate standards necessary to satisfy requirements of public health, safety and general welfare.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-26-010. — Application.~~

- ~~(a) Applications to rezone lands to planned community shall be accompanied by a preliminary development plan that meets the requirements of Section 26-26-020.~~
- ~~(b) Except for uses permitted by Section 26-26-030, applications for building and zoning permits and the land division approvals required by the Sonoma County subdivision ordinance shall be preceded by the approval of a precise development plan that meets the requirements of Section 26-26-040.~~
- ~~(c) The precise development plan shall be noticed, heard and determined by the planning commission or the board of supervisors in the manner provided for use permits in Article 92.~~

~~(Ord. No. 3708.)~~

- ~~(d) The sectional district maps for planned community districts shall reflect the preliminary development plan by showing:~~
 - ~~(1) The precise areas and anticipated square footage of commercial use, where applicable;~~
 - ~~(2) The precise areas and number of residences, where applicable;~~
 - ~~(3) A reference to any resolution of intent adopted by the planning commission or board of supervisors at the time of recommendation or adoption of the sectional district maps.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-26-020. — Preliminary development plan.~~

~~The preliminary development plan shall be a graphic representation of the applicant's intended development showing:~~

- ~~(a) The entire proposed planned community;~~

- ~~(b) If used in the limited commercial, limited commercial-traffic sensitive, or general commercial land use category, the proposed land uses precisely divided between residential and commercial;~~
- ~~(c) A preliminary circulation pattern;~~
- ~~(d) A preliminary site plan for all residential areas including the size of each area;~~
- ~~(e) The proposed number of dwelling units and size of each unit;~~
- ~~(f) The anticipated square footage and building intensity for commercial development in each area;~~
- ~~(g) The type and location of proposed public facilities located on site;~~
- ~~(h) General delineation of those units to be constructed in progression;~~
- ~~(i) Topography at contour intervals determined by the planning director;~~
- ~~(j) The relationship of the planned community to its surroundings and the general plan;~~
- ~~(k) Other information deemed necessary by the planning director. Revision(s) to the preliminary development plan may be approved in the same manner as provided in Section 26-26-010(c) except that permit expiration provisions shall be automatically waived.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-26-030. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) One (1) dwelling unit on a permanent foundation per lot provided that the lot contains not less than six thousand (6,000) square feet of area and is at least sixty feet (60') in width;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(c) Small residential community care facility;~~
- ~~(d) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(e) Small family day care;~~
- ~~(f) Large family day care, provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(g) On lands designated as rural residential on the general plan land use map, the following additional uses:
 - ~~(1) Raising, feeding, maintaining and breeding of not more than one (1) of the following per twenty thousand (20,000) square feet of area: If the subject parcel is at least five (5) acres, additional animals may be approved by use permit pursuant to Section 26-26-040(a):
 - ~~(i) Five (5) hogs or pigs;~~
 - ~~(ii) One (1) horse, mule, cow or one (1) steer;~~
 - ~~(iii) Five (5) goats, sheep or similar animals;~~~~~~

- ~~(iv) Fifty (50) chickens or similar fowl,~~
- ~~(v) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals,~~
- ~~(vi) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and provided further a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses,~~
- ~~(2) The growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries, but excluding cannabis and industrial hemp, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone,~~
- ~~(3) Accessory buildings, and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory building may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use,~~
- ~~(4) The indoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, provided that the greenhouse or similar structure for indoor growing is less than eight hundred (800) square feet,~~
- ~~(5) One (1) guest house per lot,~~
- ~~(6) Attached commercial telecommunication facilities subject to the applicable criteria for such facilities in the RR district set forth in Section 26-88-130,~~
- ~~(7) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria for such facilities in the RR district set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,~~
- ~~(8) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,~~
- ~~(9) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in subsection (g) of this section;~~
- ~~(10) Transitional housing, subject to density limitations;~~
- ~~(11) Permanent supportive housing, subject to density limitations.~~
- ~~(h) On lands designated as urban residential on the general plan land use map, the following additional uses:~~
 - ~~(1) The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops,~~
 - ~~(2) Attached commercial telecommunication facilities subject to the applicable criteria for such facilities in the R1 district set forth in Section 26-88-130,~~

- ~~(3) — Minor freestanding commercial telecommunication facilities, subject to the applicable criteria for such facilities in the R1 district set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(4) — Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
- ~~(5) — Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in subsection (h) of this section;~~
- ~~(6) — Transitional housing, subject to density limitations;~~
- ~~(7) — *Permanent supportive housing, subject to density limitations.*~~
- ~~(i) — On lands designated as limited commercial, limited commercial-traffic sensitive, or general commercial on the general plan land use map, the following additional uses:~~
 - ~~(1) — Attached commercial telecommunication facilities subject to the applicable criteria for such facilities in the CO district set forth in Section 26-88-130;~~
 - ~~(2) — Minor and intermediate freestanding commercial telecommunication facilities fifty feet (50') or less in height subject to the applicable criteria for such facilities in the CO district set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;~~
 - ~~(3) — Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section.~~
- ~~(j) — Cannabis cultivation for personal use in compliance with Section 26-88-258.~~
- ~~(k) — One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, § II(G), 12-20-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 5883, § III, 3-30-2010; Ord. No. 5569 § 7, 2005; Ord. No. 4973 § 7(a) — (c), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-26-040. — Uses permitted with precise development plan.~~

Uses permitted with precise development plan ("precise development plan" is synonymous with "use permit") include the following:

- ~~(a) On lands designated as rural residential on the general plan land use map, those uses permitted with a use permit in the RR district (Section 26-18-020), except 26-18-020(m);~~
- ~~(b) On lands designated as urban residential on the general plan land use map, those uses permitted with a use permit in the R1 (low density residential), R2 (medium density residential), or R3 (high density residential) (Sections 26-20-020, 26-22-020 and 26-24-020 respectively) whichever is applicable;~~
- ~~(c) Golf courses, boarding of horses and commercial stables, and similar recreation facilities;~~
- ~~(d) Accessory buildings and uses;~~
- ~~(e) On lands designated as limited commercial, limited commercial-traffic sensitive, or general commercial on the general plan land use map, the following uses, provided that they are necessary or desirable and are not detrimental to surrounding areas:
 - ~~(1) 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, clothing, notions or hardware;~~
 - ~~(2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as shoe repair, dry cleaning, tailoring, beauty parlors, or barber shops, or any service establishment of an office showroom or workshop nature;~~
 - ~~(3) Restaurants or other places serving foods or beverages;~~
 - ~~(4) Professional, administrative and general business offices;~~
 - ~~(5) Gasoline service stations and minimarts;~~
 - ~~(6) Other similar commercial uses which the planning commission determines are consistent with the provisions of Sections 2.3.1 and 2.3.2 of the general plan land use element;~~
 - ~~(7) Mixed Use Developments. Additional dwelling units for permanent occupancy as part of a mixed commercial/residential development, provided that the property is located within an urban service area as defined in the general plan and that the residential units complement and are compatible with an existing or proposed commercial use, subject to the provisions of Section 26-88-123, Mixed use developments or as defined in an approved precise development plan. However, in no case shall the residential floor area in a mixed use development in the PC district exceed eighty percent (80%) of the total floor area of the development;~~
 - ~~(8) Intermediate freestanding commercial telecommunication facilities greater than fifty feet (50') subject at a minimum to the applicable criteria for such facilities in the CO district set forth in Section 26-88-130;~~
 - ~~(9) Non-commercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
 - ~~(10) In designated urban service areas, SRO facilities, including those with more than thirty (30) SRO rooms, subject to the requirements of 26-88-125.~~~~
- ~~(f) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;~~
- ~~(g) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~

- ~~(h) Day care center;~~
- ~~(i) Large residential community care facility;~~
- ~~(j) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed-use development, SRO unit, or caretaker unit;~~
- ~~(k) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(l) Small single room occupancy facilities subject to design review and in compliance with Section 26-88-125 (Single Room Occupancy Facilities).~~

~~(Ord. No. 6223, § XIX, 5-8-2018; Ord. No. 5711 § 7 (Exh. F), 2007; Ord. No. 5569 §§ 5, 6, 7, 2005; Ord. No. 4973 § 7(d), (e), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-26-050. Precise development plan.~~

~~For uses and subdivisions not satisfying the minimum requirements of Section 26-26-030, a precise development plan (use permit) must precede the filing of an application for tentative map or zoning permit.~~

- ~~(a) The precise development plan shall be a precise, graphic and written representation of the applicant's intended development describing:
 - ~~(1) Location and description of all buildings;~~
 - ~~(2) Vehicular circulation;~~
 - ~~(3) Pedestrian circulation;~~
 - ~~(4) Parking;~~
 - ~~(5) Topography at contour intervals determined by the planning director;~~
 - ~~(6) Drainage plan;~~
 - ~~(7) Building elevations;~~
 - ~~(8) Landscaping and maintenance provisions therefore;~~
 - ~~(9) Gross area, lot area and open areas calculated to the nearest tenth of an acre;~~
 - ~~(10) Delineation of those subunits to be constructed in progression;~~
 - ~~(11) Signage;~~
 - ~~(12) Other information deemed necessary by the planning director.~~~~
- ~~(b) The maintenance of and perpetual existence of required open areas shall be guaranteed by creation of entities and the imposition of real conditions, covenants and restrictions as required by county counsel.~~
- ~~(c) In the event that a subdivision map is not required for approval of the entirety of any general or precise plan of planned community, such approval shall not become effective until conveyances for any required public easements, streets, rights-of-way or other public areas shall have been filed with the county surveyor and accepted by the board of supervisors. Where any land is to be conveyed for public use, a title report issued by a title insurance company in the name of the owner of the land, issued to or for the benefit and protection of the county of Sonoma showing all parties whose consent is necessary and the nature of their interest therein, shall be filed with the conveyances of such land.~~

~~Where public improvements are to be constructed or where improvements are to be made upon lands to be conveyed to the county of Sonoma, the landowner shall execute and file an agreement between himself and the county providing for the installation of such improvements at the landowner's cost and expense, and in accordance with the approved development improvement agreement and bonds provided for herein shall be considered in a like manner as are requirements upon improvement agreements and bonds under regulations for subdivisions. Such improvement agreement and bonds shall be deemed to include and cover the installation of landscaping and planting as required by an approved plan thereof whether such landscaping and planting shall be upon public or private lands.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-26-060. Residential density, building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Residential density for lands in residential land use categories shall be as shown in the general plan land use element or that density permitted by a B combining district, whichever is more restrictive; provided, that a density bonus may be granted subject to compliance with all of the requirements of Section 26-88-010(k).~~
- ~~(b) Building Intensity. The maximum building intensity of the use of a site for lands in commercial land use categories shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(c) Maximum Building Height.
 - ~~(1) Thirty five feet (35') subject to Section 26-26-060(b);~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~~~
- ~~(d) Minimum Lot Size. Six thousand (6,000) square feet or as indicated on the approved precise development plan.~~
- ~~(e) Maximum Lot Coverage.
 - ~~(1) Percentage. Thirty five percent (35%) or as indicated on the approved precise development plan; provided, however, that for a mixed commercial and residential development, pursuant to Section 26-26-040(e), the maximum lot coverage shall not exceed fifty percent (50%) subject to subsection (b) of this section. Lot coverage limitation may be waived by the planning director for swimming pools.~~~~

~~(Ord. No. 3932.)~~

- ~~(2) Building Mass. Whereas this section permits, in effect, single family dwellings with no side yards between, there shall be no more than six (6) dwelling units nor a length of more than one hundred fifty feet (150'), whichever is less, in any contiguous group or in any one building, unless specifically approved otherwise by the Sonoma County planning commission.~~
- ~~(f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~

- ~~(1) Front Yard Required. Twenty feet (20') or as shown on the approved precise development plan, provided that no garage opening may be located closer than twenty feet (20') from any road, right of way or common driveway. A variation in setbacks shall be encouraged.~~
- ~~(2) Side or Rear Yards Required. As required by Article 20 or as indicated on the approved precise development plan, provided that at least ten feet (10') must be maintained between all detached buildings.~~
- ~~(3) Special Yards Required for Dwelling Groups. According to the provisions of Section 26-24-030(i).~~
- ~~(g) Parking Requirements.~~
 - ~~(1) Residential. Garage space or parking space.~~
 - ~~(i) Not less than (1) covered off-street parking space per dwelling unit. The requirements for covered parking may be waived for single family dwellings if the lot on which the dwelling is to be placed is of such size, shape or location that the areas devoted to automobile parking will be visually screened from adjacent lots and from the common roadway(s) serving the property, provided that site plan approval in accordance with Article 82 is first secured.~~
 - ~~(ii) Multifamily Dwellings and Dwelling Groups. One (1) uncovered guest parking space per dwelling unit.~~
 - ~~(2) Any other use shall provide parking in accordance with the standards in Article 86.~~

~~(Ord. No. 4973 § 7(f), 1996; Ord. No. 4839 § 1(E), 1994; Ord. No. 4643, 1993.)~~

~~Article 28. CO Administrative and Professional Office District.~~

~~Sec. 26-28-005. Purpose.~~

~~Purpose: to implement Section 2.3 of the general plan by providing appropriately located areas for the development of administrative and professional office space together with landscaping and off-street parking facilities in locations within urban service areas designated in the general plan. To implement the commercial objectives of adopted redevelopment plans within redevelopment project areas in the general plan. It is intended that the administrative, professional and limited business office uses permitted in this district shall be designed and landscaped so as to be harmonious with adjacent residential uses.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-28-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Professional, administrative and general business offices;~~
- ~~(b) Medical and dental clinics and laboratories;~~
- ~~(c) Financial offices, such as banks and savings and loan offices;~~
- ~~(d) Accessory buildings and uses normally incidental and appurtenant to any permitted uses;~~
- ~~(e) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received with ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and~~

~~provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal a hearing on the project shall be held pursuant to Section 26-92-040;~~

- ~~(g) — Beekeeping;~~
- ~~(h) — Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(i) — Minor and intermediate freestanding commercial telecommunication facilities fifty feet (50') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(j) — Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(k) — Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(l) — Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(m) — Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(n) — One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(o) — Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~
- ~~(p) — Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit.~~

~~(Ord. No. 6223, § XII, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Memo of 7-24-2015; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(r), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 8(a), 1996; Ord. No. 4643, 1993.)~~

Editor's note — ~~The language contained in subsection (m) was added at the request of the county per a memo dated July 24, 2015.~~

~~Sec. 26-28-020. — Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) — One (1) dwelling unit on a permanent foundation per lot, subject, at a minimum, to the following criteria and provided that no commercial use may be permitted unless the dwelling unit is removed or converted to another use in accordance with this district:~~
 - ~~(1) — The property is not located within a redevelopment project area identified on the general plan land use map;~~
 - ~~(2) — The property has constraints or is of such a size as to make it infeasible to develop with the commercial uses allowed by zoning;~~
 - ~~(3) — The unit complies with setbacks, building heights and other standards of the applicable zoning district;~~
 - ~~(4) — The unit meets other conditions which may result from the application review process;~~

- ~~(b) One (1) dwelling unit on a permanent foundation per lot, if compatible with and secondary to an existing or proposed commercial use, and provided that the property has not otherwise been developed with a dwelling unit;~~
- ~~(c) Mixed Use Developments. Additional dwelling units for permanent occupancy as part of a mixed commercial/residential development, provided that the property is located within an urban service area as defined in the general plan and that the residential units complement and are compatible with an existing or proposed commercial use, subject to the provisions of Section 26-88-123, Mixed use developments;~~
- ~~(d) Churches;~~
- ~~(e) Public playgrounds, parks, community centers, libraries, museums and similar uses and buildings;~~
- ~~(f) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law;~~
- ~~(g) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(h) Major medical facilities;~~
- ~~(i) Commercial planned developments and commercial condominiums. Compatibility and provision of amenities shall be required and unique characteristics, design innovation and creativity shall be additional criteria utilized in evaluating such development. The minimum lot size and required yards of Section 26-28-030 shall not apply to such development. Conversions of existing buildings to commercial condominium or commercial planned development may be accomplished by use permit waiver pursuant to Section 26-28-010(g) and applicable Sections of Chapter 25 of this code;~~
- ~~(j) Day care center;~~
- ~~(k) Large residential community care facility;~~
- ~~(l) Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
- ~~(m) Veterinary clinics;~~
- ~~(n) Intermediate freestanding commercial telecommunication facilities greater than fifty feet (50') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(p) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(q) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed-use development, SRO unit, or caretaker unit;~~
- ~~(r) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those described in this section.~~

~~(Ord. No. 5933, § II(f), 5-10-2011; Ord. No. 5569 §§ 5, 7, 2005; Ord. No. 5435 § 2(q), 2003; Ord. No. 4973 § 8 (b), (c), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-28-030. Building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum coverage of the lot in square feet. This specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35'), provided, however, that additional height may be permitted subject to subsection (a) of this section.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size.~~
 - ~~(1) Where both public sewer and public water services are provided or where public sewer service alone is provided, eight thousand (8,000) square feet;~~
 - ~~(2) Where public water service alone is provided, one (1) acre;~~
 - ~~(3) Where neither public sewer service nor public water service is provided, one and one half (1.5) acres.~~
- ~~(d) Maximum Lot Coverage. Fifty percent (50%) provided, however, that additional coverage may be permitted subject to subsection (a) of this section.~~
- ~~(e) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
 - ~~(1) Front Yard. Not less than fifteen feet (15') provided, however, that no structure shall be located closer than forty five feet (45') to the centerline of any public or private road, street or highway.~~
 - ~~(2) Side Yard. Not less than five feet (5') or fifty percent (50%) of the building height, whichever is greater.~~
 - ~~(3) Rear Yard. Not less than ten feet (10') or fifty percent (50%) of the building height, whichever is greater.~~
- ~~(f) Parking Spaces. Parking shall be provided in accordance with the standards established in Article 86.~~
- ~~(g) Design Review. Design review approval shall be required for all permitted uses or as otherwise provided herein in the manner provided in Article 82.~~

~~(Ord. No. 4973 § 8(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 30. – C1 Neighborhood Commercial District.~~

~~Sec. 26-30-005. – Purpose.~~

~~Purpose: to implement Sections 2.3.1. and 2.3.2 of the general plan land use element by providing areas which permit various retail business, service and professional activities in rural neighborhoods and within urban service areas. The neighborhood commercial district is also intended to implement the objectives of adopted redevelopment plans within redevelopment project areas in the general plan.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-30-010. -- Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) — Neighborhood retail businesses which supply household commodities on the premises such as groceries, meats, dairy products, baked goods or other foods, drugs, notions or hardware; large alcoholic beverage retail establishments; personal service establishments which perform services on the premises for persons residing in adjacent residential areas such as shoe repair, dry cleaning shops, tailor shops, beauty parlors, barber shops and the like. All retail sales and service uses shall be conducted entirely within a building;~~
- ~~(b) — Restaurants;~~
- ~~(c) — Financial institutions such as banks and savings and loan offices, provided the facility is limited to five thousand (5,000) square feet of gross floor area;~~
- ~~(d) — Professional, administrative and general business offices;~~
- ~~(e) — Accessory buildings and uses normally incidental to any permitted use. This shall not be construed as permitting any commercial use or occupation other than those specifically permitted;~~
- ~~(f) — Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

~~(Ord. No. 3805.)~~

- ~~(g) — Small family day care;~~
- ~~(h) — Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(i) — Large family day care, provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(j) — Small residential community care facility;~~
- ~~(k) — Beekeeping;~~
- ~~(l) — Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(m) — Minor and intermediate freestanding commercial telecommunication facilities fifty feet (50') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) — Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) — Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~

- ~~(p) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(q) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(r) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~
- ~~(s) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~
- ~~(t) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments) that provide affordable housing on-site meeting the inclusionary requirements of Article 89 (Affordable Housing).~~

~~(Ord. No. 6223, § XIII, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. 5790 § 1(f), 2008; Ord. No. 5435 § 2(t), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 8(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-30-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) One (1) dwelling unit on a permanent foundation per lot, subject, at a minimum, to the following criteria and provided that no commercial use may be permitted unless the dwelling unit is removed or converted to another use in accordance with this district:
 - ~~(1) The property is not located within a redevelopment project area identified on the general plan land use map;~~
 - ~~(2) The property has constraints or is of such a size as to make it infeasible to develop with commercial uses allowed by zoning;~~
 - ~~(3) The unit complies with setbacks, building heights and other standards of the applicable zoning district;~~
 - ~~(4) The unit meets other conditions which may result from the application review process;~~~~
- ~~(b) One (1) dwelling unit on a permanent foundation per lot, if compatible with and secondary to an existing or proposed commercial use, and provided that the property has not otherwise been developed with a dwelling unit;~~
- ~~(c) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments);~~
- ~~(d) Gasoline service stations and minimarts;~~

~~(Ord. No. 3615.)~~

- ~~(e) Restaurants serving alcohol, takeout food, bars, cocktail lounges;~~
- ~~(f) Noncommercial clubs and lodges;~~
- ~~(g) Art, craft, music and dancing schools;~~
- ~~(h) Business, professional or trade schools and colleges;~~
- ~~(i) Churches;~~
- ~~(j) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and~~

~~training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~

- ~~(k) Exploration and development of low temperature geothermal resources for other than power development purposes, provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(l) Large residential community care facility;~~
- ~~(m) Major medical facilities;~~
- ~~(n) Outdoor vendors;~~

~~(Ord. No. 3348.)~~

- ~~(o) Commercial planned developments and commercial condominiums. Compatibility and provision of amenities shall be required and unique characteristics, design innovation and creativity shall be additional criteria utilized in evaluating such development. The lot size and required yards of Section 26-30-030 shall not apply to such development. Conversions of existing buildings to condominium or planned development may be accomplished by use permit waiver pursuant to Section 26-88-010(g) and applicable sections of Chapter 25 of this code;~~

~~(Ord. No. 3349.)~~

- ~~(p) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

~~(Ord. No. 3805.)~~

- ~~(q) Day care center;~~
- ~~(r) Veterinary clinics;~~
- ~~(s) Intermediate freestanding commercial telecommunication facilities greater than fifty feet (50') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(t) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(u) Small alcoholic beverage retail establishments, subject to the standards in Section 26-88-195;~~
- ~~(v) One (1) bed and breakfast inn, containing not more than five (5) guest rooms, established and maintained in conjunction with an existing or proposed commercial use on the property. The bed and breakfast inn shall be subject to Article 82 (Design Review) and Article 86 (Parking Regulation). Food service shall be limited to breakfast served to inn guests only, and shall be subject to approval of the department of health services. Weddings, lawn parties or similar activities may be allowed if specifically authorized by the use permit. No outdoor amplified sound shall be permitted at any time. No bed and breakfast inn shall include the use of more than one (1) single family dwelling. No accessory structures shall be used for transient occupancy;~~
- ~~(w) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(x) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed use development, SRO unit, or caretaker unit;~~
- ~~(y) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~

- ~~(z) Commercial Cannabis uses, in compliance with Section 26-88-250 and 26-88-256;~~
- ~~(aa) In designated urban service areas, large single room occupancy (Single Room Occupancy) facilities in compliance with Section 26-88-125 (Single Room Occupancy Facilities).~~

~~(Ord. No. 6245, § II, 10-16-2018; Ord. No. 6223, § XX, 5-8-2018; Ord. No. 6189, § II(E), 12-20-2016; Ord. 5790 § 1(g), 2008; Ord. 5715 § 2, 2007; Ord. No. 5569 §§ 5, 7, 2005; Ord. No. 5435 § 2(u), 2003; Ord. No. 5265 § 1(l), 2001; Ord. No. 4973 § 8(b), (c), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-30-030. Building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35') provided, however, that additional height may be permitted subject to subsection (a) of this section;~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size.~~
 - ~~(1) Where both public sewer and public water services are provided or where public sewer service alone is provided, eight thousand (8,000) square feet;~~
 - ~~(2) Where public water service alone is provided, one (1) acre;~~
 - ~~(3) Where neither public sewer service nor public water service is provided, one and one half acres.~~
- ~~(d) Maximum Lot Coverage. Fifty percent (50%) provided that additional lot coverage may be permitted subject to subsection (a) of this section.~~
- ~~(e) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
 - ~~(1) Front Yard. None, except where the frontage of a block is partially in an R district, in which case the front yard shall be the same as required in such R district.~~
 - ~~(2) 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 feet (10').~~
 - ~~(3) 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 feet (10').~~
- ~~(f) Parking Spaces. Parking shall be provided in accordance with the standards established in Article 86.~~
- ~~(g) Design Review. Design review approval shall be required for all permitted uses in the manner provided in Article 82.~~

~~(Ord. No. 4973 § 8(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 32. — C2 Retail Business and Service District.~~

~~Sec. 26-32-005. — Purpose.~~

~~Purpose: the retail business and service district is intended to implement the provisions of the general plan, Section LU-2.3.1 to provide areas which permit a full range of retail goods and services for a residential and business community as a whole rather than a local neighborhood and to implement the objectives of adopted redevelopment plans within redevelopment project areas in the general plan. This district provides for comparison retail shopping and direct consumer service uses which are usually sought on occasion, rather than daily.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-32-010. — Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) — Retail stores supplying commodities for residents of the county such as bakeries, ice cream stores, grocery stores, large alcoholic beverage retail establishments, newsstands, furniture, hardware and appliance stores, department stores, stationery stores, sporting goods stores, pet shops, florist shops, retail nurseries, automobile accessory stores, and the like.~~
- ~~(b) — Repair and service uses such as laundry and dry cleaning establishments, barber shops, beauty parlors, shoe repair and tailor shops, photography studios, radio and TV repair shops, and the like;~~
- ~~(c) — Restaurants serving alcohol, bars, cocktail lounges;~~
- ~~(d) — Financial institutions such as banks and savings and loan offices, professional administrative and general business offices;~~
- ~~(e) — Business, professional and trade schools or colleges;~~
- ~~(f) — Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

~~(Ord. No. 3805.)~~

- ~~(g) — Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(h) — Small family day care;~~
- ~~(i) — Large family day care, provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(j) — Small residential community care facility;~~
- ~~(k) — Beekeeping;~~

- ~~(l) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(m) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) One (1) bed and breakfast inn, containing not more than ten (10) guest rooms, subject to Article 82 (Design Review) and Article 86 (Parking Regulation). Food service shall be limited to breakfast served to inn guests only, and shall be subject to approval of the Sonoma County department of health services. No weddings, lawn parties or similar activities shall be allowed unless specifically authorized by a use permit issued pursuant to Section 26-32-020. No outdoor amplified sound shall be allowed unless specifically authorized by a use permit issued pursuant to Section 26-32-020. No bed and breakfast inn shall include the use of more than one (1) single family dwelling and one (1) accessory structure for transient occupancy. No more than two (2) of the ten (10) guest rooms allowed by this section may be located in the accessory structure, if any. If an accessory structure is used for transient occupancy, the total floor area available for use by guests, including guest rooms and common areas, shall not exceed six hundred forty (640) square feet. There shall be no internal doorway or passage between the area available for use by guests and any remaining area of the accessory structure;~~
- ~~(p) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(q) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(r) Vacation rentals with up to five (5) guest rooms, subject to issuance of a zoning permit and compliance with Section 26-88-120 (Vacation Rentals);~~
- ~~(s) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(t) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~
- ~~(u) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~
- ~~(v) Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments) that provide affordable housing on-site meeting the inclusionary requirements of Article 89 (Affordable Housing Program).~~

~~(Ord. No. 6223, § XIV, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6145, § III, 3-15-2016; Ord. 5790 § 1(h), 2008; Ord. No. 5435 § 2(v), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 5265 § 1(m), 2001; Ord. No. 4973 § 9(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-32-020. Uses permitted with a use permit.~~

- ~~(a) One (1) dwelling unit on a permanent foundation per lot subject, at a minimum, to the following criteria, and provided that no commercial use may be permitted unless the dwelling unit is removed or converted to another use in accordance with this district.~~
 - ~~(1) The property is not located within a redevelopment project area identified on the general plan land use map;~~
 - ~~(2) The property has constraints or is of such a size as to make it infeasible to develop with the commercial uses allowed by zoning;~~

- ~~(3) The unit complies with setbacks, building heights and other standards of the applicable zoning district;~~
- ~~(4) The unit meets other conditions which may result from the application review process;~~
- ~~(b) Mixed Use Developments. Mixed Use development, in compliance with Section 26-88-123 (Mixed Use Developments);~~
- ~~(c) Hotels, motels, churches, clubs and lodges;~~
- ~~(d) Large residential community care facility;~~
- ~~(e) Antique stores, second hand sales, auction studios;~~
- ~~(f) Indoor movie theaters;~~
- ~~(g) New and used automobile sales, service and repair establishments;~~
- ~~(h) Takeout food, live entertainment, amplified live music;~~
- ~~(i) Gasoline service stations, car washes, public garages and minimarts;~~

~~(Ord. No. 3615.)~~

- ~~(j) Animal hospitals, veterinary clinics and kennels;~~
- ~~(k) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~
- ~~(l) Exploration and development of low temperature geothermal resources for other than power development purposes, provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(m) Business support services including copying and printing;~~
- ~~(n) Household goods rental store;~~
- ~~(o) Outdoor vendors;~~

~~(Ord. No. 3348.)~~

- ~~(p) Commercial planned developments and commercial condominiums. Compatibility and provision of amenities shall be required and unique characteristics, design innovation and creativity shall be additional criteria utilized in evaluating such development. The minimum lot size and required yards of Section 26-32-030 shall not apply to such development. Conversions of existing buildings to commercial condominium or commercial planned development may be accomplished by use permit waiver pursuant to Section 26-88-010(g) and applicable Sections of Chapter 25 of this code;~~
- ~~(q) Day care center;~~
- ~~(r) Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
- ~~(s) Amplified live music;~~
- ~~(t) Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(u) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(v) Small alcoholic beverage retail establishments, subject to the standards in Section 26-88-195;~~

- ~~(w) Weddings, lawn parties or similar activities to be held at a bed and breakfast inn. Outdoor amplified sound may be allowed at these events only if specifically authorized by the use permit;~~
- ~~(x) Small scale homeless shelters serving up to ten (10) persons, subject to design review, within designated urban service areas;~~
- ~~(y) Emergency homeless shelters with up to fifty (50) beds, subject to design review, within designated urban service areas;~~
- ~~(z) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(aa) In designated urban service areas, small single room occupancy (SRO) facilities, subject to the granting of a use permit and consistent with the provisions of Section 26-88-125;~~
- ~~(bb) In designated urban service areas, large single room occupancy (Single Room Occupancy) facilities in compliance with Section 26-88-125 (Single Room Occupancy Facilities);~~
- ~~(cc) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed use development, SRO unit, or caretaker unit;~~
- ~~(dd) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(ee) Commercial Cannabis uses, in compliance with Section 26-88-250 and 26-88-256.~~

~~(Ord. No. 6245, § II, 10-16-2018; Ord. No. 6223, § XXI, 5-8-2018; Ord. No. 6189, § II(E), 12-20-2016; Ord. No. 5933, § II(g), 5-10-2011; Ord. 5790 § 1(i), 2008; Ord. No. 5715 § 2, 2007; Ord. No. 5569 §§ 5, 6, 7, 2005; Ord. No. 5435 § 2(w), 2003; Ord. 5429 § 5, 2003; Ord. No. 5265 § 1(n), 2000; Ord. No. 4973 § 9(b), (c), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-32-030. Building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum coverage of the lot in square feet. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35') provided, however, that the additional height may be permitted subject to subsection (a) of this section.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Maximum Lot Coverage. Fifty percent (50%) provided that additional coverage may be permitted subject to subsection (a) of this section.~~
- ~~(d) Minimum Lot Size. Eight thousand (8,000) square feet.~~
- ~~(e) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~

- ~~(1) 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.~~
- ~~(2) 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 feet (5').~~
- ~~(3) 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 feet (5').~~
- ~~(4) The yard areas set forth in subsections (e)(1) through (3) of this section may be increased for properties abutting certain roads classified as collector or arterial in Sections CT 4.4 and CT 4.5 of the Sonoma County general plan or to accommodate any landscaping required pursuant to subsection of this section.~~
- ~~(f) Parking Spaces. All uses shall furnish parking as required by Article 86 of this chapter.~~
- ~~(g) Design Review. Design review approval shall be required for all permitted uses or as otherwise provided herein in the manner provided in Article 82.~~

~~(Ord. No. 4973 § 9(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 34. C3 General Commercial District.~~

~~Sec. 26-34-005. Purpose.~~

~~Purpose: to implement the provisions of Section 2.3.1 of the general plan by providing a location for wholesale and heavy commercial uses and services necessary within the county which are not suited to other commercial districts. To implement the commercial objectives of adopted redevelopment plans within redevelopment projects areas in the general plan.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-34-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Retail sales and service uses necessary to serve the C3 district, but not including those uses listed in Section 26-34-020;~~
- ~~(b) New and used passenger vehicle, boat and recreational vehicle sales, rental and repair;~~
- ~~(c) Truck, trailer and farm implement sales, including major repair facilities;~~
- ~~(d) Tire sales, including recapping and retreading;~~
- ~~(e) Machinery sales and rental;~~
- ~~(f) Bakeries, creameries, soft drink bottling plants, laundries, cleaning and dyeing plants;~~
- ~~(g) Cabinet shops; electrical, plumbing and heating shops; welding, sheetmetal and machine shops;~~
- ~~(h) Wholesale warehouse uses;~~
- ~~(i) Storage yards accessory to the uses listed in this section, not to exceed one hundred percent (100%) of the gross area of the main building;~~
- ~~(j) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

(Ord. No. 3805.)

- ~~(k) — Feed stores;~~
- ~~(l) — Surplus goods stores;~~
- ~~(m) — Furniture, carpet, drapery and upholstery warehousing including incidental retail sales and service;~~
- ~~(n) — Paint and wallcovering stores;~~
- ~~(o) — Garden supply stores;~~
- ~~(p) — New and used manufactured home sales;~~
- ~~(q) — Business equipment and supplies sales;~~
- ~~(r) — Automobile accessories, parts and equipment sales including installation;~~
- ~~(s) — Business support services including copying and printing, janitorial services and security services;~~
- ~~(t) — Household goods rental store;~~
- ~~(u) — Business equipment and furniture rentals;~~
- ~~(v) — Warehouses including mini-warehouses, moving and storage companies;~~
- ~~(w) — Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(x) — Beekeeping;~~
- ~~(y) — Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(z) — Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(aa) — Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(bb) — Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(cc) — Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(dd) — Small-scale homeless shelters serving no more than ten (10) persons pursuant to 26-88-127, subject to Article 82 (Design Review), within designated urban service areas;~~
- ~~(ee) — Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- ~~(ff) — One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(gg) — Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~

~~(hh) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit.~~

~~(Ord. No. 6223, § XV, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6145, § IV, 3-15-2016; Ord. No. 5883, § IV, 3-30-2010; Ord. No. 5435 § 29(x), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 9(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-34-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) One (1) dwelling unit on permanent foundations per lot subject, at a minimum, to the following criteria, and provided that no commercial use may be permitted unless the dwelling unit is removed or converted to another use in accordance with this district.~~
 - ~~(1) The property is not located within a redevelopment project area identified on the general plan land use map;~~
 - ~~(2) The property has constraints or is of such a size as to make it infeasible to develop with the commercial uses allowed by zoning;~~
 - ~~(3) The unit complies with setbacks, building heights and other standards of the applicable zoning district;~~
 - ~~(4) The unit meets other conditions which may result from the application review process;~~
- ~~(b) Reserved;~~
- ~~(c) Animal hospitals, veterinary clinics and kennels;~~
- ~~(d) Large and heavy merchandise sales, including machinery, hardware, lumber yards, building materials or landscape materials yards;~~
- ~~(e) Truck terminals, gasoline service stations and associated uses;~~
- ~~(f) Fuel yards, the bulk storage of flammable liquids;~~
- ~~(g) Contractor's equipment storage or rental yards;~~
- ~~(h) Outdoor sales yards, auction yards and flea markets; heavy equipment sales;~~
- ~~(i) Gasoline sales;~~
- ~~(j) Nonoperative vehicle storage yards, recreational vehicle storage yards, manufactured home storage yards, fleet storage yards;~~
- ~~(k) Recycling centers for household paper, glass and metals;~~
- ~~(l) Testing laboratories;~~
- ~~(m) Photo processing plants;~~
- ~~(n) Plating, stripping, and coating shops;~~
- ~~(o) Bus terminals;~~
- ~~(p) Ambulance terminals;~~
- ~~(q) Taxi terminals;~~
- ~~(r) Commercial parking facilities;~~
- ~~(s) Heliports;~~
- ~~(t) Retail and wholesale nurseries;~~

- ~~(u) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~
 - ~~(v) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
 - ~~(w) Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
 - ~~(x) Commercial planned developments and commercial condominiums. Compatibility with adjacent development, unique characteristics, innovation and the provision of amenities will be the primary criteria utilized in evaluating such development. The lot size and setback requirements of Section 26-34-030 shall not apply to such developments;~~
 - ~~(y) Adult entertainment establishments, subject to the requirements of Section 26-88-010(f); (Ord. No. 3340.)~~
 - ~~(z) Day care center;~~
 - ~~(aa) Large residential community care facility;~~
 - ~~(bb) Large recycling collection facilities and light recycling processing facilities subject to the provisions of Section 26-88-070;~~
 - ~~(cc) Amplified live music. Bars, cocktail lounges, live entertainment;~~
 - ~~(dd) Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
 - ~~(ee) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
 - ~~(ff) Small alcoholic beverage retail establishments, subject to the standards in Section 26-88-195;~~
 - ~~(gg) Reserved;~~
 - ~~(hh) Emergency homeless shelters with up to fifty (50) beds, subject to design review, within designated urban service areas;~~
 - ~~(ii) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
 - ~~(jj) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed use development, SRO unit, or caretaker unit;~~
 - ~~(kk) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
 - ~~(ll) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~
- ~~(Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, § II(C), 12-20-2016; Ord. No. 5933, § II(h), 5-10-2011; Ord. No. 5883, § IV, 3-30-2010; Ord. 5790 § 1(j), 2008; Ord. No. 5569 §§ 5, 7, 2005; Ord. No. 5435 § 2(y), 2003; Ord. No. 5429 § 2(y), 2003; Ord. No. 4973 § 9(b), (c), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-34-030. Building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum coverage of the lot in square feet. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35') provided, however, that the additional height may be permitted subject to subsection (a) of this section.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size. Eight thousand (8,000) square feet.~~
- ~~(d) Maximum Lot Coverage. Fifty percent (50%) provided that additional coverage may be permitted subject to subsection (a) of this section.~~
- ~~(e) Yard Requirements. The minimum yard requirements in a C3 district shall be the same as in an LC district; provided, however, that a greater setback may be established for properties abutting certain roads classified as collector or arterial in Sections CT-4.4 and CT-4.5 of the general plan or to accommodate any landscaping required pursuant to subsection (g) of this section. If the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
- ~~(f) Parking and Loading Spaces. The parking and loading space requirements shall conform to the provisions of Article 86 of this chapter.~~
- ~~(g) Design Review. Design review approval shall be required for all uses in the manner provided in Article 82.~~

~~(Ord. No. 4973 § 9(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 36. --LC Limited Commercial District.~~

~~Sec. 26-36-005. --Purpose.~~

~~Purpose: to implement the provisions of Section 2.3.2 of the general plan by providing areas for retail sales and services necessary for the daily self-sufficiency of urban and rural areas in keeping with their character and to implement the objectives of adopted redevelopment plans within redevelopment project areas in the general plan.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-36-010. --Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Neighborhood retail businesses which supply household commodities on the premises such as groceries, meats, dairy products, baked goods or other foods, drugs, notions or hardware; large alcoholic beverage retail establishments; personal service establishments which perform services on the premises for persons residing in adjacent residential areas such as shoe repair,~~

~~dry cleaning shops, tailor shops, beauty parlors, barber shops and the like. All retail sales and service uses shall be conducted entirely within a building;~~

- ~~(b) Restaurants;~~
- ~~(c) Financial institutions such as banks and savings and loan offices, provided the facility is limited to five thousand (5,000) square feet of gross floor area;~~
- ~~(d) Medical or dental clinic;~~
- ~~(e) Professional and administrative offices which provide services for persons residing in nearby residential areas;~~
- ~~(f) Accessory buildings and uses normally incidental to any permitted use. This shall not be construed as permitting any commercial use or occupation other than those specifically permitted;~~
- ~~(g) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

~~(Ord. No. 3805.)~~

- ~~(h) Feed stores;~~
- ~~(i) Garden supply stores;~~
- ~~(j) Truck, trailer and farm implement sales, and rental;~~
- ~~(k) Tire sales, including recapping and retreading;~~
- ~~(l) Machinery sales and rental;~~
- ~~(m) Storage yards accessory to the uses listed in this section, not to exceed one hundred percent (100%) of the gross area of the main building;~~
- ~~(n) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(o) Small family day care;~~
- ~~(p) Large family day care, provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(q) Small residential community care facility;~~
- ~~(r) Beekeeping;~~
- ~~(s) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(t) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(u) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(v) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~

- ~~(w) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(x) Small-scale homeless shelters serving no more than ten (10) persons pursuant to 26-88-127, subject to Article 82 (Design Review), within designated urban service areas;~~
- ~~(y) Vacation rentals with up to five (5) guest rooms, subject to issuance of a zoning permit and compliance with Section 26-88-120 (Vacation Rentals);~~
- ~~(z) Hosted rentals, subject to issuance of a zoning permit and compliance with Section 26-88-118 (Hosted Rentals and Bed and Breakfast Inns);~~
- ~~(aa) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(bb) Transitional housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~
- ~~(cc) Permanent supportive housing, subject to density or building intensity limitations, when located within an existing, legal residential unit;~~
- ~~(dd) Small single room occupancy facilities subject to design review and in compliance with Section 26-88-125 (Single Room Occupancy Facilities);~~
- ~~(ee) Mixed use development, in compliance with Section 26-88-123 (Mixed Use Developments) that provide affordable housing on-site meeting the inclusionary requirements of Article 89 (Affordable Housing Program).~~

~~(Ord. No. 6223, § XVI, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6145, §§ III, IV, 3-15-2016; Ord. No. 5883, § IV, 3-30-2010; Ord. 5790 § 1(k), 2008; Ord. No. 5435 § 2(z), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 9(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-36-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) One (1) dwelling unit on a permanent foundation per lot subject, at a minimum, to the following criteria, and provided that no commercial use may be permitted unless the dwelling unit is removed or converted to another use in accordance with this district:
 - ~~(1) The property is not located within a redevelopment project area identified on the general plan land use map;~~
 - ~~(2) The property has constraints or is of such a size as to make it infeasible to develop with the commercial uses allowed by zoning;~~
 - ~~(3) The unit complies with setbacks, building heights, and other standards of the applicable zoning district;~~
 - ~~(4) The unit meets other conditions which may result from the application review process;~~~~
- ~~(b) One (1) caretaker unit per lot in rural areas as defined in the general plan and provided that the lot is not already developed with a residence;~~
- ~~(c) Mixed Use Developments. Mixed use development, in compliance with Section 26-88-123 (Mixed Use Developments);~~
- ~~(d) Gasoline service stations and minimarts; (Ord. No. 3615.)~~
- ~~(e) Restaurants serving alcohol, takeout food, bars, cocktail lounges, live entertainment, amplified live music;~~
- ~~(f) Noncommercial clubs and lodges;~~

- ~~(g) — Art, craft, music and dancing schools;~~
- ~~(h) — Business, professional or trade schools and colleges;~~
- ~~(i) — Churches;~~
- ~~(j) — Wholesale and retail nurseries;~~
- ~~(k) — Antique stores, second hand sales, auction studios;~~
- ~~(l) — New and used automobile sales, service and repair establishments;~~
- ~~(m) — Truck, trailer and farm implement repair facilities;~~
- ~~(n) — Animal hospitals, veterinary clinics and commercial kennels;~~
- ~~(o) — Large and heavy merchandise sales, including machinery, hardware, lumber yards, building materials or landscape materials yards;~~
- ~~(p) — Recycling centers for household paper, glass and metals;~~
- ~~(q) — Truck terminals, gasoline service stations and associated uses;~~
- ~~(r) — Fuel yards, the bulk storage of flammable liquids;~~
- ~~(s) — Contractor's equipment storage or rental yards;~~
- ~~(t) — Outdoor sales yards, auction yards and flea markets; heavy equipment sales;~~
- ~~(u) — Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~
- ~~(v) — Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(w) — Outdoor vendors;~~
- ~~(x) — Commercial planned developments and commercial condominiums. Compatibility and provision of amenities shall be required and unique characteristics, design innovation and creativity shall be additional criteria utilized in evaluating such development. Required yards of Section 26-36-030 shall not apply to such development. Conversions of existing commercial buildings to commercial condominium or commercial planned development may be accomplished by use permit waiver pursuant to Section 26-88-010(g) and applicable Sections of Chapter 25 of the Sonoma County Code;~~
- ~~(y) — Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~
- ~~(z) — Large residential community care facility;~~
- ~~(aa) — Day care center;~~
- ~~(bb) — Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
- ~~(cc) — Heliports;~~
- ~~(dd) — Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(ee) — Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(ff) — Small alcoholic beverage retail establishments, subject to the standards in Section 26-88-195;~~

- ~~(gg) — One (1) bed and breakfast inn, containing not more than five (5) guest rooms, established and maintained in conjunction with an existing or proposed commercial use on the property. The bed and breakfast inn shall be subject to Article 82 (Design Review) and Article 86 (Parking Regulation). Food service shall be limited to breakfast served to inn guests only, and shall be subject to approval of the Sonoma County department of health services. Weddings, lawn parties or similar activities may be allowed if specifically authorized by the use permit. No outdoor amplified sound shall be permitted at any time. No bed and breakfast inn shall include the use of more than one (1) single-family dwelling. No accessory structures may be used for transient occupancy;~~
- ~~(hh) — Reserved;~~
- ~~(ii) — Emergency homeless shelters with up to fifty (50) beds, subject to design review, within designated urban service areas;~~
- ~~(jj) — Small wind energy systems located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(kk) — In designated urban service areas, small single room occupancy (SRO) facilities, subject to the granting of a use permit and consistent with the provisions of Section 26-88-125;~~
- ~~(ll) — In designated urban service areas, large single room occupancy (Single Room Occupancy) facilities in compliance with Section 26-88-125 (Single Room Occupancy Facilities);~~
- ~~(mm) — Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed use development, SRO unit, or caretaker unit;~~
- ~~(nn) — Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(oo) — Commercial Cannabis uses, in compliance with Section 26-88-250 and 26-88-256;~~
- ~~(pp) — Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6245, § II, 10-16-2018; Ord. No. 6223, § XXII, 5-8-2018; Ord. No. 6189, §§ II(C), (E), 12-20-2016; Ord. No. 5933, § II(i), 5-10-2011; Ord. No. 5883, § IV, 3-30-2010; Ord. 5790 § 1(l), 2008; Ord. No. 5715 § 2, 2007; Ord. No. 5569 §§ 5, 6, 7, 2005; Ord. No. 5435 § 2(aa), 2003; Ord. No. 5429 § 5, 2003; Ord. No. 5265 § 1(o), 2001; Ord. No. 4973 § 9(b), (c), 1996; § Ord. No. 4643, 1993; Ord. No. 3348.)~~

~~Sec. 26-36-030. — Permitted building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) — Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) — Maximum Building Height.~~
 - ~~(1) — Thirty-five feet (35') provided, however, that additional height may be permitted subject to subsection (a) of this section.~~

- ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size.~~
- ~~(1) Where both public sewer and public water services are provided or where public sewer service alone is provided, eight thousand (8,000) square feet.~~
- ~~(2) Where public water service alone is provided, one (1) acre.~~
- ~~(3) Where neither public sewer service nor public water service is provided, one and one half acres.~~
- ~~(d) Maximum Lot Coverage. Fifty percent (50%) provided that additional lot coverage may be permitted subject to subsection (a) of this section.~~
- ~~(e) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
- ~~(1) Front Yard. None, except where the frontage of a block is partially in an R district, in which case the front yard shall be the same as required in such R district.~~
- ~~(2) 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 feet (10').~~
- ~~(3) 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 feet (10').~~
- ~~(4) The yard requirements set forth in this section may be increased to be consistent with the circulation and transit element of the general plan or to accommodate landscaping required pursuant to subsection (g) of this section.~~
- ~~(f) Parking Spaces. Parking shall be provided in accordance with the standards established in Article 86.~~
- ~~(g) Design Review. Design review approval shall be required for all permitted uses in the manner provided in Article 82.~~

~~(Ord. No. 4973, § 9(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 38. CR Commercial Rural District.^[4]~~

Footnotes:

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~~**Editor's note**—Ord. No. 6089, § 1(c), adopted Nov. 24, 2014, amended the title of Art. 38 to read as set out herein. Formerly, Art. 38 was titled "RC Rural Commercial District."~~

~~Sec. 26-38-005. Purpose.~~

~~Purpose: To implement Section 2.3 of the general plan by providing appropriate locations in rural areas and unincorporated communities for a mixture of residential and commercial uses. The intent is to foster compatibility between commercial uses and community residents by retaining discretionary jurisdiction over new commercial uses.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-38-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) One (1) dwelling unit on a permanent foundation per lot;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(c) Small residential community care facility;~~
- ~~(d) Sales and promotion of agricultural products grown, produced, or processed on site and subject to the provisions of Article 82;~~
- ~~(e) Accessory building and uses incidental and appurtenant to any permitted use;~~
- ~~(f) Beekeeping;~~
- ~~(g) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(h) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(i) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(j) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(k) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(l) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(m) Transitional housing, subject to density limitations;~~
- ~~(n) Permanent supportive housing, subject to density limitations.~~

~~(Ord. No. 6223, § X, 5-8-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(bb), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 9(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-38-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) All uses permitted in the LC or AS district, whether by right or with a use permit, except that (1) no dwelling units in addition to those permitted in Sections 26-38-010(a) and 26-40-020(a) shall be allowed, and (2) small wind energy systems shall be allowed only as provided in subsection (b) of this section;~~
- ~~(b) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135.~~
- ~~(c) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed-use development, SRO unit, or caretaker unit.~~

~~(Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(cc), 2003; Ord. No. 4643, 1993.)~~

~~Sec. 26-38-030. -- Permitted building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35') provided, however, that additional height may be permitted subject to subsection (a) of this section;~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size.~~
 - ~~(1) Where both public sewer and public water services are provided or where public sewer service alone is provided, eight thousand (8,000) square feet;~~
 - ~~(2) Where public water service alone is provided, one (1) acre;~~
 - ~~(3) Where neither public sewer service nor public water service is provided, one and one half acres;~~
 - ~~(4) For commercial planned unit developments and condominiums, the minimum project area shall be not less than one (1) acre.~~
- ~~(d) Maximum Lot Coverage. Fifty percent (50%), provided that additional lot coverage may be permitted subject to subsection (a) of this section.~~
- ~~(e) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
 - ~~(1) Existing lots or parcels exceeding six thousand (6,000) square feet in area shall conform to the yard requirements of the RR (rural residential) district;~~
 - ~~(2) Lots which are devoted to commercial use shall conform to the yard requirements of the LC district;~~
 - ~~(3) Yard requirements for lots or parcels of less than six thousand (6,000) square feet in area but which are not devoted to commercial use shall conform to the yard requirements of the R1 district, but may be reduced by the planning director if it is determined that a practical hardship exists;~~
 - ~~(4) Cornices, eaves, canopies and similar architectural features may extend two feet (2') into any required yard. Uncovered porches, fire escapes, or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yards;~~
 - ~~(5) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots;~~

- ~~(6) Accessory building(s) may be constructed within the required yards on the rear half of the lot, provided that such building(s) shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory building(s) shall not be located closer than ten feet (10') to the main building(s) on the same or adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the Uniform Building Code.~~

~~(Ord. No. 3932.)~~

~~(f) Parking Requirements.~~

- ~~(1) Not less than one (1) covered off-street parking space per dwelling unit. The requirements for covered parking may be waived for single family dwellings if the lot on which the dwelling is to be placed is of such size, shape or location that the areas devoted to automobile parking will be visually screened from adjacent lots and from the common roadway(s) serving the property, provided that site plan approval in accordance with Article 82 is first secured;~~

- ~~(2) Any other use shall provide parking in accordance with the standards in Article 86.~~

- ~~(g) Design Review. Design review approval shall be required in the manner provided in Article 82 for all commercial uses or as otherwise provided herein.~~

~~(Ord. No. 4973 § 9(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 40. AS Agricultural Services District.~~

~~Sec. 26-40-005. Purpose.~~

~~Purpose: this district is intended to implement Section 2.3.2 of the general plan by limiting the uses in the limited commercial land use category to those necessary to support local agricultural production.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-40-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) One (1) dwelling unit on a permanent foundation per lot;~~
- ~~(b) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(c) Small residential community care facility;~~
- ~~(d) Agricultural support services with a maximum of one employee and occupying no more than one-half acre of land;~~
- ~~(e) The growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(f) Incidental cleaning, grading, packing, polishing, sizing and similar preparation of crops which are grown on the site, but not including agricultural processing;~~

- ~~(g) Tasting rooms and other sales and promotion, and incidental storage, of agricultural products grown or processed in the local area and subject to the provisions of Article 82;~~
- ~~(h) Accessory buildings and uses incidental and appurtenant to any permitted use;~~
- ~~(i) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(j) Small family day care;~~
- ~~(k) Large family day care, provided that the applicant shall meet all performance standards listed Section 26-92-080;~~
- ~~(n) Beekeeping;~~
- ~~(o) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(p) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(q) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(r) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(s) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(t) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061;~~
- ~~(u) Transitional housing, subject to density limitations;~~
- ~~(v) Permanent supportive housing, subject to density limitations.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6223, § XI, 5-8-2018; Ord. No. 6491, § V(Exh. D), 1-24-2017; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(dd), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 9(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-40-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Livestock feed yards, animal sales yards;~~
- ~~(b) Commercial mushroom farming;~~
- ~~(c) Commercial kennels;~~
- ~~(d) Retail nurseries which involve products not grown on the site;~~
- ~~(e) Agricultural support services with more than one employee or occupying more than one-half acre of land;~~

- ~~(f) Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area;~~
- ~~(g) Processing, storage, bottling, canning or similar activities involving agricultural products of a type grown, produced, or processed in the local area;~~
- ~~(h) Production or marketing services related to agricultural production in the local area;~~
- ~~(i) Farm equipment sales and repair;~~
- ~~(j) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~
- ~~(k) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(l) Agricultural cultivation in the following areas for which a management plan has not been approved pursuant to Section 26-40-010(e):~~
 - ~~(1) Within one hundred feet (100') of the top of the bank of the Russian River Riparian Corridor;~~
 - ~~(2) Within fifty feet (50') of the top of the bank of designated flatland riparian corridors;~~
 - ~~(3) Within twenty five feet (25') of the top of the bank of designated upland riparian corridors;~~
- ~~(m) Granges and similar community service facilities which do not adversely impact agriculture in the area;~~
- ~~(n) One (1) caretaker unit per lot in rural areas as defined in the general plan;~~
- ~~(o) Large residential community care facility;~~
- ~~(p) Day care center;~~
- ~~(q) Amplified live music;~~
- ~~(r) Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(s) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(t) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(u) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed use development, SRO unit, or caretaker unit.~~
- ~~(v) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section.~~

~~(Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(ee), 2003; Ord. No. 4973 § 9(b), (c), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-40-030. Permitted building intensity and development criteria.~~

~~The use of land and structures is subject to the building intensity and development criteria of Section 26-36-030, the limited commercial (LC) district.~~

~~(Ord. No. 4643, 1993.)~~

~~Article 42. K Recreation and Visitor Serving Commercial District.~~

~~Sec. 26-42-005. Purpose.~~

~~Purpose: to encourage a compatible blend of recreation and tourist commercial uses in such a way as to perpetuate Sonoma County's recreational resources in the manner provided in Section 2.3.4 of the general plan.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-42-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Visitor information center;~~
- ~~(b) Restaurants;~~
- ~~(c) Professional, administrative and general business offices provided that the site is within an urban service area designated in the general plan and that the use is primarily intended to serve tourist commercial and recreational needs;~~
- ~~(d) Home occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit;~~
- ~~(e) The growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries, conducted and maintained in compliance with Article 65, RC Riparian Corridor Combining Zone;~~
- ~~(f) Small residential community care facility;~~
- ~~(g) Accessory uses and buildings incidental and appurtenant to the primary use;~~
- ~~(h) Small family day care;~~
- ~~(i) Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080;~~
- ~~(j) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice" is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(k) Public parks;~~
- ~~(l) Beekeeping;~~
- ~~(m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~

- ~~(n) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(p) One (1) bed and breakfast inn, containing not more than ten (10) guest rooms, subject to Article 82 (Design Review) and Article 86 (Parking Regulation). Food service shall be limited to breakfast served to inn guests only, and shall be subject to approval of the Sonoma County department of health services. No weddings, lawn parties or similar activities shall be allowed unless specifically authorized by a use permit issued pursuant to Section 26-42-020. No outdoor amplified sound shall be allowed unless specifically authorized by a use permit issued pursuant to Section 26-42-020. No bed and breakfast inn shall include the use of more than one (1) single family dwelling and one (1) accessory structure for transient occupancy. No more than two (2) of the ten (10) guest rooms allowed by this section may be located in the accessory structure, if any. If an accessory structure is used for transient occupancy, the total floor area available for use by guests, including guest rooms and common areas, shall not exceed six hundred forty (640) square feet. There shall be no internal doorway or passage between the area available for use by guests and any remaining area of the accessory structure;~~
- ~~(q) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(r) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(s) Vacation rentals with up to five (5) guest rooms, subject to issuance of a zoning permit and compliance with Section 26-88-120 (Vacation Rentals);~~
- ~~(t) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6145, § III, 3-15-2016; Ord. No. 6089, § I(b), 11-24-2014; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(ff), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 5265 § 1(p), 2001; Ord. No. 4973 § 9(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-42-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Where expressly provided by general plan planning area policy, one (1) dwelling unit on a permanent foundation per lot subject, at a minimum, to the following criteria, and provided that no commercial or recreational use may be permitted unless the dwelling unit is removed or converted to another use in accordance with this district:
 - ~~(1) The habitable portion of the residence is not located within the FEMA one hundred (100) year flood elevation or is built so as not to be affected by flooding;~~
 - ~~(2) The property has constraints or is of such a size as to make it infeasible to develop with the commercial uses allowed by zoning;~~
 - ~~(3) The residence complies with setbacks, building heights and other standards of the applicable zoning district;~~
 - ~~(4) The subject property is adjacent to a parcel with a residence or is located in an area predominantly developed with residences;~~~~
- ~~(b) One (1) caretaker unit per lot, provided that the property has not otherwise been developed with a dwelling unit;~~

- ~~(c) Tennis and racquet clubs;~~
- ~~(d) Marinas, including yacht clubs, fueling docks and incidental boat storage sales;~~
- ~~(e) Recreational vehicle parks, tent camps or campgrounds;~~
- ~~(f) Noncommercial clubs and lodges, country clubs and golf courses, including miniature golf courses;~~
- ~~(g) Art, craft, music and dancing schools;~~
- ~~(h) Business, professional or trade schools and colleges;~~
- ~~(i) Churches;~~
- ~~(j) Public playgrounds, private parks, community centers, libraries, museums and similar public uses and buildings;~~
- ~~(k) Race tracks and appurtenant uses;~~
- ~~(l) Shooting and archery ranges;~~
- ~~(m) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~
- ~~(n) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(o) Large residential community care facility;~~
- ~~(p) Commercial recreation facilities and uses such as indoor and outdoor sports facilities, athletic clubs, amusement parks and health resorts, subject to the limitations on lodging facilities contained in subsection (q) of this section;~~
- ~~(q) Hotels, motels and similar lodging facilities, subject, at a minimum, to a limit of two hundred (200) rooms in designated urban service areas, one hundred (100) rooms in rural areas which are serviced by public sewer, and a limit of fifty (50) rooms otherwise;~~
- ~~(r) Visitor-oriented retail businesses which supply commodities such as groceries, or other foods, drugs, notions or hardware. Personal service establishments intended primarily for travelers. All retail sales and service uses shall be conducted entirely within a building;~~
- ~~(s) Day care center;~~
- ~~(t) Agricultural cultivation in the following areas, for which a management plan has not been approved by the planning director pursuant to Section 26-42-010(e).~~
 - ~~(1) Within one hundred feet (100') of the top of the bank in the Russian River Riparian Corridor;~~
 - ~~(2) Within fifty feet (50') of the top of the bank in designated flatland riparian corridors;~~
 - ~~(3) Within twenty-five feet (25') of the top of the bank in designated upland riparian corridors;~~
- ~~(u) Gymnasiums, health clubs, spas and similar uses;~~
- ~~(v) Amplified live music;~~
- ~~(w) Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~

- ~~(x) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(y) Weddings, lawn parties or similar activities to be held at a bed and breakfast inn. Outdoor amplified sound may be allowed at these events only if specifically authorized by the use permit;~~
- ~~(z) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(aa) Live/work uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/work uses shall not be permitted in a mixed use development, SRO unit, or caretaker unit;~~
- ~~(bb) Mixed Use Developments. Additional dwelling units for permanent occupancy as part of a mixed commercial/residential development, provided that: (i) the property is located within an urban service area as defined in the general plan; (ii) that the residential units provide workforce housing serving an existing or proposed commercial use on the property; (iii) that the residential units are provided as affordable to very low or low income households, subject to the provisions of Section 26-88-123, Mixed use developments. Notwithstanding Section 26-88-123(b), no more than ten percent (10%) of the total gross project floor space shall be in residential floor area. Residential units provided under this section shall be in addition to the caretaker unit allowed by this zoning district;~~
- ~~(cc) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(dd) Restaurants serving alcohol, bars, and cocktail lounges.~~

~~(Ord. No. 6140, § II(Exh. B), 1-5-2016; Memo of 7-24-2015; Ord. No. 5569 §§ 5, 7, 2005; Ord. No. 5435 § 2(gg), 2003; Ord. No. 5265 § 1(n), 2001; Ord. No. 4973 § 9(b), (c), 1996; Ord. No. 4643, 1993.)~~

Editor's note—~~The language contained in subsection (cc) was added at the request of the county per a memo dated July 24, 2015.~~

~~Sec. 26-42-030. —Permitted building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Thirty five feet (35') provided, however, that the additional height may be permitted subject to subsection (a) of this section.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size.~~

- ~~(1) Where both public sewer and public water services are provided or where public sewer service alone is provided, eight thousand (8,000) square feet.~~
- ~~(2) Where public water service alone is provided, one (1) acre.~~
- ~~(3) Where neither public sewer service nor public water service is provided, one and one-half acres.~~
- ~~(d) Minimum Lot Width. The minimum average lot width within each lot is eighty feet (80').~~
- ~~(e) Maximum Lot Coverage. Fifty percent (50%), provided that additional lot coverage may be permitted subject to subsection (a) of this section.~~
- ~~(f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
 - ~~(1) Front Yard. Not less than fifteen feet (15'), provided, that no structure shall be located closer than forty five feet (45') to the centerline of any public or private road, street or highway. Setbacks may be reduced up to five feet (5') in order to attain an average of fifteen feet (15').~~
 - ~~(2) Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as a front yard. On lots where access is gained to an interior court by way of a side yard, or where an entrance to a building faces the side line, said yard shall be not less than ten feet (10').~~
 - ~~(3) Rear Yard. Not less than ten feet (10').~~
 - ~~(4) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line.~~
 - ~~(5) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the restrictions of subsection (f)(4) of this section.~~

~~Note: Yard requirements for commercial uses may be waived by the board of zoning adjustments.~~

- ~~(g) Parking Requirements.~~
 - ~~(1) Residential Use.~~
 - ~~(i) Not less than one (1) covered parking space for each dwelling unit;~~
 - ~~(ii) Not less than one half (1/2) uncovered guest parking space for each dwelling unit in a garden apartment or dwelling groups involving four (4) or more dwelling units;~~
 - ~~(iii) Developments containing nine (9) or more dwelling units shall provide an additional one half (1/2) guest parking space for each dwelling unit having two (2) or more bedrooms.~~
 - ~~(2) Any other use shall provide off street parking in accordance with the standards established in Article 86.~~
- ~~(h) Design Review. Design review approval shall be required for all permitted uses or as otherwise provided herein in the manner provided in Article 82.~~

~~(Ord. No. 4973 § 9(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 44. MP Industrial Park District.~~

~~Sec. 26-44-005. Purpose.~~

~~Purpose: to implement the provisions of Section 2.4.2 of the general plan by providing areas exclusively for modern compatible industrial research, light manufacturing, assembly and headquarters office uses. The permitted uses, dimensional standards and landscaping requirements are designed to insure compatibility with adjoining nonindustrial areas.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-44-010. Permitted uses, subject to compliance with performance standards.~~

~~Permitted uses include the following:~~

- ~~(a) Manufacturing, compounding, assembling or treating of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, metal, paint, paper, plastics, rubber, precious or semiprecious stones, shell, tars, tobacco and wood;~~
- ~~(b) Manufacturing of pottery and ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;~~
- ~~(c) Manufacturing, processing, fabricating, refining, repairing, packaging or treating of goods, materials or products by electric power, oil or gas (except operations relative to the above involving fish, fats and oils, bone and meat products or similar substances commonly recognized as creating offensive conditions in the handling thereof);~~
- ~~(d) Manufacturing, compounding, processing, packing or treating of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products (except the rendering or refining of fats and oils);~~
- ~~(e) Manufacturing, assembling, testing or repairing of devices, equipment and systems of an electrical, electronic or electromechanical nature;~~
- ~~(f) Manufacturing, assembling, fabrication, warehousing and wholesale distributing of goods, wares, merchandise, articles, substances or compounds, which are not flammable, explosive or likely to create fire, radiation or explosive hazards to surrounding property;~~
- ~~(g) Foundries casting light weight, nonferrous metal not causing noxious fumes or odor;~~
- ~~(h) Machine shops or other light metalworking shops;~~
- ~~(i) Cooperage and bottling works;~~
- ~~(j) Research, development and testing laboratories and facilities;~~
- ~~(k) Professional, administrative and general business offices and facilities compatible with uses permitted in this district;~~
- ~~(l) Cafeterias, cafes, restaurants, auditoriums or recreational facilities as accessory to the primary use permitted on the site;~~
- ~~(m) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(c) and which are not otherwise exempt by state law;~~
- ~~(n) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this~~

notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;

- (o) ~~Beekkeeping;~~
- (p) ~~Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- (q) ~~Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less in height, subject to the applicable criteria set forth in Section 26-88-130;~~
- (r) ~~Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- (s) ~~Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- (t) ~~Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this subsection;~~
- (u) ~~Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256;~~
- (v) ~~One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

(Ord. No. ~~6245~~, § II, 10-16-2018; Ord. No. ~~6191~~, § V(Exh. D), 1-24-2017; Ord. No. ~~6189~~, § II(B), 12-20-2016; Ord. No. 5435 § 2(hh), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 10(a), (b), 1996; Ord. No. 4643, 1993.)

~~Sec. 26-44-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- (a) ~~One (1) single family dwelling unit on the same lot as the permitted use, to be used only as the residence of the caretaker and his family;~~
- (b) ~~Planned industrial developments and industrial condominiums. Compatibility with adjacent development and the provision of amenities shall be required and design innovation, creativity and unique characteristics shall be additional criteria utilized in evaluating such developments. The lot size, yard requirements and lot coverage specified in Section 26-44-030(e), (f), and (g)(2) shall apply unless otherwise specified in the use permit approval. Conversions of existing buildings to industrial condominiums or planned industrial developments may be accomplished by hearing waiver pursuant to Section 26-88-010(g) and applicable sections of Chapter 25 of this code;~~
- (c) ~~Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
- (d) ~~Day care center;~~
- (e) ~~Large residential community care facility;~~
- (f) ~~Amplified live music;~~
- (g) ~~Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- (h) ~~Churches located in existing industrial buildings which are clearly incidental to the permitted industrial use;~~

- ~~(i) Retail commercial and service uses, such as hotels and motels, restaurants, financial institutions and service stations, appropriate to and in conjunction with industrial development permitted in the MP district;~~
- ~~(j) Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the criteria set forth in Section 26-88-130;~~
- ~~(k) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(l) Small-scale homeless shelters serving up to ten (10) persons, subject to design review, within designated urban service areas;~~
- ~~(m) Emergency homeless shelters with up to fifty (50) beds, subject to design review, within designated urban service areas;~~
- ~~(n) Small wind energy systems located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(o) Wineries meeting effluent pre-treatment requirements, and without tasting rooms or retail sales;~~
- ~~(p) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those described in this section;~~
- ~~(q) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, § II(C), 12-20-2016; Ord. No. 5933, § II(b), 5-10-2011; Ord. No. 5711 § 6 (Exh. G), 2007; Ord. No. 5435 § 2(ii), 2003; Ord. No. 5429 § 5, 2003; Ord. No. 4973 § 10(e), 1996; Ord. No. 4643, 1993; Ord. No. 3360.)~~

~~Sec. 26-44-030. Building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Minimum District Size. Forty (40) acres, unless a smaller area is suitable because of unusual parcel configuration, topography or location.~~
- ~~(c) Access to the district shall be directly from one of the following:
 - ~~(1) An arterial or collector roadway as designated in the circulation element of the Sonoma County general plan;~~
 - ~~(2) Freeway frontage road.~~~~
- ~~(d) Use Locations. All uses shall be conducted primarily within buildings and any outdoor activities such as storage or loading facilities shall be incidental to the primary use of the property.~~
- ~~(e) Minimum Lot Size. (More than one (1) building may be located on each lot).
 - ~~(1) Where both public sewer and public water services are provided, or where public sewer service alone is provided, as designated on the zoning map;~~
 - ~~(2) Where public water service alone is provided, one (1) acre;~~~~

- ~~(3) Where neither public sewer service nor public water service is provided, one and one-half (1.5) acres.~~
- ~~(f) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~
- ~~(1) Front Yard. As designated on the precise development plan or specific plan.~~
- ~~(2) Side Yard. As designated on the precise development plan.~~
- ~~(3) Rear Yard. Minimum ten feet (10').~~
- ~~(4) Special Yard Requirements. Where a lot in an MP district fronts, sides or backs upon property in any residential district, or fronts, sides or backs upon a street, the opposite side of which is in any residential district, there shall be a yard of at least one hundred feet (100') deep. The fifty feet (50') of any such yard nearest the lot lines shall be used and maintained only as landscaped planting or screening strip, except for accessways. The remainder of such yard space may be used only for off-street parking or shall be landscaped in the same manner as the first fifty feet (50').~~
- ~~(g) Building Height, Lot Coverage.~~
- ~~(1) The maximum building height shall be sixty five feet (65'); provided, however, that additional height may be permitted subject to subsection (a) of this section.~~
- ~~(2) A maximum of fifty percent (50%) lot coverage by building or structures shall be allowed provided that all landscaping and parking requirements are accommodated. Not less than twenty percent (20%) of each site shall be reserved for landscaping. Additional lot coverage may be permitted, subject to subsection (a) of this section.~~

~~(Ord. No. 3360.)~~

- ~~(3) No building or structure shall exceed twenty eight feet (28') in height at any building setback line. For each foot of setback interior to all building setback lines, an additional height of six inches (6") shall be permitted, but the total height shall not exceed sixty five feet (65'), provided that additional height may be permitted subject to subsection (a) of this section.~~
- ~~(4) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(h) Landscaping, Outdoor Storage.~~
- ~~(1) Landscaping. In addition to the provisions of this section and Article 86, all unused portions of each parcel devoted to the permitted use shall be maintained as a landscaped area. For phased developments, landscaping shall be installed along the entire street frontage during the first phase or as determined through the design review process and undeveloped areas shall be mowed periodically for grass/fire control, not used for any kind of storage and kept in a clean and orderly fashion at all times.~~
- ~~(2) Outdoor Storage.~~
- ~~(i) Outdoor storage of merchandise, material and equipment is permitted only when associated with the principal operation conducted within the buildings on the lot, and in no case shall the outside storage area exceed fifteen percent (15%) of the lot without design review approval.~~
- ~~(ii) The location of storage areas shall provide for complete screening of storage from adjacent properties as determined by the design review committee.~~

- ~~(iii) Material or equipment stored shall not be piled or stacked higher than the required screening.~~

~~(3) Boundary Fencing.~~

- ~~(i) Boundary fencing, except as provided in Article 82, shall not be constructed in any required yard which abuts a street.~~
- ~~(ii) Such fences may be of open wire mesh or similar open construction with the exception of those screening approved outdoor storage areas.~~
- ~~(iii) Landscaping shall be provided where necessary to screen boundary fencing from adjacent residences, businesses and public roads.~~

~~(4) Signs.~~

~~(i) Signs to Identify the District.~~

- ~~(A) One (1) detached sign may be permitted at each street entrance on an MP district in order to identify the district and industries located therein. Such signs may not contain advertising copy.~~
- ~~(B) Such signs shall not exceed one hundred seventy five (175) square feet in area or six feet (6') in height.~~
- ~~(C) Such signs may be located in a yard adjacent to a street or right of way, but in no case shall be located closer than ten feet (10') to a street or right of way property line.~~

~~(ii) Detached Appurtenant Signs.~~

- ~~(A) One (1) detached appurtenant sign not to exceed thirty two (32) square feet in area or four feet (4') in height may be permitted on each street frontage of each lot. Parcels having over a two hundred foot (200') frontage may have additional signs provided they are spaced a minimum of one hundred seventy five feet (175') apart.~~
- ~~(B) Such signs may be located in a yard adjacent to a street or right of way, but in no case shall be located closer than ten feet (10') to a street or right of way property line.~~

~~(iii) Attached Appurtenant Signs.~~

- ~~(A) The total attached appurtenant sign area shall not exceed three percent (3%) of the total area of the walls on any face of the building to which they are attached. Occupant signs shall be scaled proportionately to the amount of overall space occupied within the building.~~
- ~~(B) Fascia and roof signs are not permitted.~~

~~(Ord. No. 3360.)~~

~~(i) Parking and Loading Requirements.~~

~~(1) Parking Requirements.~~

~~(i) Off-street parking spaces shall be provided on the premises as follows:~~

- ~~(A) One (1) parking space for each two thousand (2,000) square feet of gross building floor area or fraction thereof, used, designed or intended for warehousing and/or storage space;~~
- ~~(B) One parking space for each two hundred fifty (250) square feet of gross building floor area or fraction thereof, used, designed or intended for office space in~~

~~buildings which have fifteen thousand (15,000) square feet or less of office space, or one parking space for each two hundred seventy five (275) square feet of gross building floor area devoted to office space in buildings which have more than fifteen thousand (15,000) square feet of office space;~~

~~(Ord. No. 3964.)~~

- ~~(C) One (1) parking space for each five hundred (500) square feet of gross building floor area or fraction thereof, used, designed or intended for manufacturing, processing, packaging or other permitted uses;~~
- ~~(D) One parking space shall be provided for each vehicle used in conjunction with the permitted use and stored on the premises.~~
- ~~(ii) No off street parking shall be located in any required front yard.~~
- ~~(iii) Off street parking may be located in a required side or rear yard provided that it is separated from the side lot by a minimum five foot (5') landscaped area. This requirement may be deleted by the design review committee in the case of a rear yard.~~

~~(Ord. No. 3360.)~~

~~(2) Loading Space Requirements.~~

- ~~(i) One (1) loading space per each forty thousand (40,000) square feet of gross building floor area or fraction thereof with a minimum size of twelve feet (12') by forty feet (40') and fourteen feet (14') of clearance height shall be provided.~~
- ~~(ii) Each tenant on the premises shall be provided with loading spaces for his exclusive use in conformance with the above requirements.~~
- ~~(iii) Loading spaces shall not be located in the required front yard.~~
- ~~(iv) Loading spaces shall not be placed so as to face any public street, nor shall they be located less than one hundred feet (100') from the boundary of any residential district unless adequately screened and approved by the design review committee.~~
- ~~(v) In the case where buildings are used primarily for office purposes, this requirement may be deleted.~~

~~(j) Performance Standards:~~

- ~~(1) Noise. Noise related to industrial uses shall be controlled so as to be in compliance with the noise element of the general plan.~~
- ~~(2) Vibration. Vibration shall not be permitted which is discernible with instruments at the lot line of the property on which the vibration is generated.~~
- ~~(3) Smoke, dust, fumes, contaminants and odors. Any permitted use which emits smoke, dust, fumes, particulate matter contaminants, or odors shall comply with the latest rules and regulations of the Bay Area pollution control district.~~
- ~~(4) Glare. Any light source used for exterior lighting purposes shall be shielded so as not to be directly visible from off site. Reflected light shall be controlled so as not to significantly increase off site glare.~~
- ~~(5) Flammable and Explosive Materials. All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion and adequate fire fighting and fire suppression equipment~~

~~and devices standards in industry shall be provided and maintained. Open burning is prohibited.~~

~~(6) Radioactivity, Electrical Disturbance or Electromagnetic Interference. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance or electromagnetic interference adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.~~

~~(7) Liquid Wastes. Wastes detrimental to a public sewer system or detrimental to the functioning of a sewage treatment plant shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewerage system. Where pretreatment is not effective, the waste shall not be discharged to a public sewer system.~~

~~(k) Design Review. All uses shall be subject to design review approval as provided in Article 82 except that if any regulations specified herein differ from those in Article 82 then the provisions of this section shall govern.~~

~~(Ord. No. 4973 § 10(d), 1996; Ord. No. 4643, 1993.)~~

~~Article 46. M1 Limited Urban Industrial District~~

~~Sec. 26-46-005. Purpose.~~

~~Purpose: to implement the provisions of Section 2.4 of the general plan by providing areas for land extensive industrial development or industrial development within designated urban service areas which is limited in scale by such factors as incompatible adjacent land use, or adverse environmental impacts.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-46-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Truck, trailer and farm implement sales, including major repair facilities;~~
- ~~(b) Bakeries, creameries, soft drink bottling plants, laundries, cleaning and dyeing plants;~~
- ~~(c) Cabinet shops; electrical, plumbing and heating shops; welding, sheet metal and machine shops; lumber yards;~~
- ~~(d) Other heavy commercial uses for which storage, large or heavy merchandise or commercial transportation facilities are necessary and usual to the operation;~~
- ~~(e) Professional, administrative and business offices;~~
- ~~(f) Experimental or testing laboratories;~~
- ~~(g) Manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products;~~
- ~~(h) The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops;~~
- ~~(i) Accessory uses and buildings incidental and appurtenant to a permitted use that do not alter the character of the site;~~
- ~~(j) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

(Ord. No. 3805.)

- ~~(k) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(l) Beekeeping;~~
- ~~(m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less in height, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(p) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(q) Small scale homeless shelters serving no more than ten (10) persons pursuant to 26-88-127, subject to Article 82 (Design Review), within designated urban service areas;~~
- ~~(r) Emergency homeless shelters with no more than fifty (50) beds, provided pursuant to 26-88-127, subject to Article 82 (Design Review), within designated urban service areas;~~
- ~~(s) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in Section 26-70-010;~~
- ~~(t) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256;~~
- ~~(u) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

(Ord. No. ~~6298~~, § III(Exh.), 2-4-2020; Ord. No. ~~6245~~, § II, 10-16-2018; Ord. No. ~~6191~~, § V(Exh. D), 1-24-2017; Ord. No. ~~6189~~, § II(B), 12-20-2016; Ord. No. 5883, § IV, 3-30-2010; Ord. No. 5435 § 2(jj), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 10(a), 1996; Ord. No. 4643, 1993.)

~~Sec. 26-46-020. Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) New and used passenger vehicle and recreational vehicle sales including incidental rental and repair;~~
- ~~(b) Retail commercial and service uses, such as hotels and motels, restaurants, financial institutions and service stations, appropriate to and in conjunction with industrial development permitted in the M1 district;~~
- ~~(c) Contractor's equipment storage or rental yards;~~
- ~~(d) Auto and truck repair provided all work is conducted inside a building, there is not unscreened storage of materials, junk or nonoperable vehicles, and that vehicles are not parked outside overnight;~~

- ~~(e) Processing, storage, bottling, canning, etc. of agricultural products, including wineries, dehydrators, fruit and vegetable packing plants, canneries and similar agricultural uses, and including incidental retail sales of agricultural products processed on the site;~~
- ~~(f) Manufacturing or processing of asphalt, building materials, cement, concrete, earth, fuel, briquettes or similar products;~~
- ~~(g) One (1) single family dwelling unit on the same lot as the permitted use, to be used only as the residence of the caretaker and his family;~~
- ~~(h) Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
- ~~(i) Heliports;~~
- ~~(j) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF 2(s) and which are not otherwise exempt by state law;~~
- ~~(k) Exploration and development of low temperature geothermal resources for other than power development purposes; provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(l) Truck terminals; bus, ambulance and taxi terminals;~~
- ~~(m) Planned industrial developments and industrial condominiums. Compatibility with adjacent development, unique characteristics, innovation and the provision of amenities will be the primary criteria utilized in evaluating such development. The lot size, coverage and setback requirements of Section 26-46-030 shall not apply to such developments;~~
- ~~(n) Large recycling collection facilities, light recycling processing facilities subject to the provisions of Section 26-88-070;~~
- ~~(o) In urban service areas, work/live units subject to the requirements of Section 26-88-124 (Work/live unit);~~
- ~~(p) Churches located in existing industrial buildings which are clearly incidental to the permitted industrial use;~~
- ~~(q) Day care center;~~
- ~~(r) Large residential community care facility;~~
- ~~(s) Veterinary clinics;~~
- ~~(t) Amplified live music;~~
- ~~(u) Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the criteria set forth in Section 26-88-130;~~
- ~~(v) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(w) Reserved;~~
- ~~(x) Reserved;~~
- ~~(y) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(z) Other nonresidential use which in the opinion of the planning director are of a similar and compatible nature to those uses in this section;~~
- ~~(aa) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

(Ord. No. ~~6245~~, § II, 10-16-2018; Ord. No. ~~6189~~, § II(C), 12-20-2016; Ord. No. 5933, § II(e), 5-10-2011; Ord. No. 5883, § IV, 3-30-2010; Ord. No. 5569 § 8, 2005; Ord. No. 5435 § 2(kk), 2003; Ord. No. 5429 § 5, 2003; Ord. No. 4973 § 10(b), (c), 1996; Ord. No. 4643, 1993; Ord. No. 3805; Ord. No. 2840; Ord. No. 2936.)

~~Sec. 26-46-030. Building intensity and development criteria.~~

The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Sixty five feet (65') provided that additional height may be permitted where special structures are required subject to subsection (a) of this section;~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size (more than one (1) building may be located on each lot)~~
 - ~~(1) On lands designated general industrial on the general plan land use map where both public sewer and public water services are provided, or where public sewer service alone is provided, twenty thousand (20,000) square feet. On lands designated limited industrial on the general plan land use map where both public sewer and public water services are provided, or where public sewer service alone is provided, ten thousand (10,000) square feet;~~
 - ~~(2) Where public water service alone is provided, one (1) acre;~~
 - ~~(3) Where neither public sewer service nor public water service is provided, one and one-half (1.5) acres.~~
- ~~(d) Yard Requirements. The minimum yard requirements in an M1 district shall be the same as in the LC; provided, however, that a greater yard setback may be established for certain roads, classified as collector or arterial in Sections CT 4.4 or CT 4.5 of the general plan or to accommodate any landscaping required pursuant to subsection (g) of this section.~~
- ~~(e) Maximum Lot Coverage. Fifty percent (50%), provided, however, that additional coverage may be permitted subject to subsection (a) of this section.~~
- ~~(f) Parking and Loading Requirements. Parking shall be required in accordance with Article 86.~~
- ~~(g) Design Review. All uses shall be subject to design review approval as provided in Article 82 except that if any regulations specified herein differ from those in Article 82 then the provisions of this section shall govern.~~

(Ord. No. 4973 § 10(e), 1996; Ord. No. 4643, 1993.)

~~Article 48. M2 Heavy Industrial District.~~

~~Sec. 26-48-005. Purpose.~~

~~Purpose: to implement the provisions of Section 2.4.1 of the general plan by providing areas within urban service areas which permit a wide range of industrial uses.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-48-010. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Manufacturing, compounding, assembling or treating of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, metal, paint, paper, plastics, rubber, precious or semiprecious stones, shell, tars, tobacco and wood;~~
- ~~(b) Manufacturing of pottery and ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;~~
- ~~(c) Manufacturing, processing, fabricating, refining, repairing, packaging or treating of goods, materials or products by electric power, oil or gas (except operations relative to the above involving fish, fats and oils, bone and meat products, or similar substances commonly recognized as creating offensive conditions in the handling thereof);~~
- ~~(d) Manufacturing, compounding, processing, packing or treating of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products (except the rendering or refining of fats and oils);~~
- ~~(e) Manufacturing, assembling, testing or repairing of devices, equipment and systems of an electrical, electronic or electromechanical nature;~~
- ~~(f) Manufacturing, assembling, fabrication, warehousing and wholesale distribution of goods, wares, merchandise, articles, substances or compounds, which are not flammable, explosive or likely to create fire, radiation or explosive hazards to surrounding property;~~
- ~~(g) Foundries casting lightweight, nonferrous metal not causing noxious fumes or odor;~~
- ~~(h) Cooperage and bottling works;~~
- ~~(i) Manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products;~~
- ~~(j) Other heavy commercial uses for which storage, large or heavy merchandise or commercial transportation facilities are necessary and usual to the operation;~~
- ~~(k) Bakeries, creameries, soft drink bottling plants, laundries, cleaning and dyeing plants;~~
- ~~(l) Cabinet shops, electrical, plumbing and heating shops; welding, sheet metal and machine shops, lumber yards;~~
- ~~(m) Professional, administrative and general business offices;~~
- ~~(n) Experimental or testing laboratories;~~
- ~~(o) The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops;~~
- ~~(p) Accessory uses and buildings incidental and appurtenant to a permitted use that do not alter the character of the site;~~
- ~~(q) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

~~(Ord. No. 3805.)~~

- ~~(r) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-010;~~
- ~~(s) Beekeeping;~~
- ~~(t) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(u) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less in height, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(v) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(w) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(x) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(y) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256;~~
- ~~(z) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

~~(Ord. No. 6298, § III(Exh.), 2-4-2020; Ord. No. 6245, § II, 10-16-2018; Ord. No. 6191, § V(Exh. D), 1-24-2017; Ord. No. 6189, § II(B), 12-20-2016; Ord. No. 5435 § 2(II), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 10(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-48-020. – Uses permitted with a use permit.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Retail commercial and services uses, such as hotels and motels, restaurants, financial institutions, and service stations appropriate to and in conjunction with industrial development permitted in the M2 district;~~
- ~~(b) Contractor's equipment storage or rental yards; truck terminals including major repair;~~
- ~~(c) Wrecking and salvage yards;~~
- ~~(d) Manufacturing or processing of asphalt, building materials, cement, concrete, earth, fuel briquettes or similar products;~~
- ~~(e) Manufacturing, compounding, fabricating, processing, packaging, refining or treating of goods, materials or products which are caustic, explosive, flammable, highly combustible, noxious, poisonous or radioactive;~~
- ~~(f) Animal processing plants, rendering plants, fertilizer plants or yards. Lumber, planing and logging mills, mill ponds and associated uses;~~
- ~~(g) Processing, storage, bottling, canning, etc. of agricultural products, including wineries, dehydrators, fruit and vegetable packing plants, canneries and similar agricultural uses, and including incidental retail sales of agricultural products processed on the premises;~~

- ~~(h) — One (1) single family dwelling unit on the same lot as the permitted use, to be used only as the residence of the caretaker and his family;~~
- ~~(i) — Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~
- ~~(j) — Exploration and development of low temperature geothermal resources for other than power development purposes, provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(k) — Day care center;~~
- ~~(l) — Large residential community care facility;~~
- ~~(m) — Planned industrial developments and industrial condominiums. Compatibility and provision of amenities shall be required and unique characteristics, design innovation and creativity shall be additional criteria utilized in evaluating such development. The lot size and required yards of this section shall apply unless otherwise specified in the use permit approval. Conversions of existing buildings to condominium or planned development may be accomplished by hearing waiver pursuant to Section 26-88-010(g) and applicable sections of Chapter 25 of this code;~~
- ~~(n) — Large recycling collection facilities, heavy and light recycling processing facilities and subject to the provisions of Section 26-88-070;~~
- ~~(o) — Churches located in existing industrial buildings which are clearly incidental to the permitted industrial use;~~
- ~~(p) — Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
- ~~(q) — Heliports;~~
- ~~(r) — Amplified live music;~~
- ~~(s) — Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the criteria set forth in Section 26-88-130;~~
- ~~(t) — Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~
- ~~(u) — Small scale homeless shelters serving up to ten (10) persons, subject to design review, within designated urban service areas;~~
- ~~(v) — Emergency homeless shelters with up to fifty (50) beds, subject to design review, within designated urban service areas;~~
- ~~(w) — Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(x) — Indoor shooting ranges;~~
- ~~(y) — Other nonresidential industrial uses which in the opinion of the planning director are of a similar and compatible nature to those uses in this section;~~
- ~~(z) — Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, § II(C), 12-20-2016; Ord. No. 5933, § II(d), 5-10-2011; Ord. No. 5711 § 6 (Exh. G), 2007; Ord. No. 5435 § 2(mm), 2003; Ord. No. 5429 § 5, 2003; Ord. No. 4973 § 10(b), (c), 1996; Ord. No. 4643, 1993; Ord. No. 3805; Ord. No. 3349.)~~

~~Sec. 26-48-030. — Building intensity and development criteria.~~

~~The use of the land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Sixty five feet (65') provided that additional height may be permitted where special structures are required subject to subsection (a) of this section.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size. Twenty thousand (20,000) square feet, provided that more than one building may be located on each lot.~~
- ~~(d) Maximum Lot Coverage. Fifty percent (50%), provided, however, that additional coverage may be permitted subject to subsection (a) of this section.~~
- ~~(e) Minimum Lot Width. Not less than eighty feet (80').~~
- ~~(f) Yard Requirements. The minimum yard requirements in an M2 district shall be the same as in the LC district; provided, however, that a greater setback may be established for properties abutting certain roads classified as collector or arterial in Sections CT-4.4 and CT-4.5 of the general plan or to accommodate landscaping required pursuant to subsection of this section.~~
- ~~(g) Parking and Loading Requirements. Parking shall be required in accordance with Article 86.~~
- ~~(h) Design Review. Design review approval in an M2 district shall be required for all uses in the manner provided in Article 82.~~

~~(Ord. No. 4973 § 10(e), 1996; Ord. No. 4643, 1993.)~~

~~Article 50. --M3 Limited Rural Industrial District.~~

~~Sec. 26-50-005. --Purpose.~~

~~Purpose: to implement the provisions of Section 2.4.2 of the general plan by providing area for land extensive industrial development or industrial development outside of designated urban service areas which is limited in scale by such factors as lack of public services, incompatible adjacent land use or adverse environmental impacts.~~

~~(Ord. No. 4643, 1993.)~~

~~Sec. 26-50-010. --Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Truck, trailer and farm implement sales, including major repair facilities;~~
- ~~(b) Bakeries, creameries, soft drink bottling plants, laundries, cleaning and dyeing plants;~~
- ~~(c) Cabinet shops; electrical, plumbing and heating shops; welding, sheet metal and machine shops; lumber yards;~~

- ~~(d) Other heavy commercial uses for which storage, large or heavy merchandise or commercial transportation facilities are necessary and usual to the operation;~~
- ~~(e) Administrative and business offices incidental to any other permitted use in this section;~~
- ~~(f) Experimental or testing laboratories;~~
- ~~(g) Manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, optical goods and similar products;~~
- ~~(h) The outdoor growing and harvesting of shrubs, plants, flowers, trees, vines, industrial hemp, fruits, vegetables, hay, grain and similar food and fiber crops;~~
- ~~(i) Accessory uses and buildings incidental and appurtenant to a permitted use that do not alter the character of the site;~~
- ~~(j) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~

(Ord. No. 3805.)

- ~~(k) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040;~~
- ~~(l) Beekeeping;~~
- ~~(m) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(n) Minor and intermediate freestanding commercial telecommunication facilities eighty feet (80') or less in height, subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(o) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(p) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(q) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(r) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256;~~
- ~~(s) One (1) junior accessory dwelling unit per lot, pursuant to Section 26-88-061.~~

(Ord. No. ~~6298~~, § III(Exh.), 2-4-2020; Ord. No. ~~6245~~, § II, 10-16-2018; Ord. No. ~~6191~~, § V(Exh. D), 1-24-2017; Ord. No. ~~6189~~, § II(B), 12-20-2016; Ord. No. 5435 § 2(nn), 2003; Ord. No. 5342 § 3, 2002; Ord. No. 4973 § 10(a), 1996; Ord. No. 4643, 1993.)

Sec. 26-50-020. ~~Uses permitted with a use permit.~~

Uses permitted with a use permit include the following:

- ~~(a) New and used passenger vehicle and recreational vehicle sales including incidental rental and repair;~~
- ~~(b) Retail commercial and service uses incidental to and in conjunction with industrial development in the M3 district;~~
- ~~(c) Contractor's equipment storage or rental yards;~~
- ~~(d) Auto and truck repair, provided all work is conducted inside a building, there is not unscreened storage of materials, junk or nonoperable vehicles, and that vehicles are not parked outside overnight;~~
- ~~(e) Processing, storage, bottling, canning, etc. of agricultural products, including wineries, dehydrators, fruit and vegetable packing plants, canneries and similar agricultural uses, and including incidental retail sales of agricultural products processed on the site;~~
- ~~(f) Manufacturing or processing of asphalt, building materials, cement, concrete, earth, fuel, briquettes or similar products;~~
- ~~(g) One (1) single family dwelling unit on the same lot as the permitted use, to be used only as the residence of the caretaker and his family;~~
- ~~(h) Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
- ~~(i) Heliports;~~
- ~~(j) Wrecking and salvage yards;~~
- ~~(k) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, telephone exchanges, small power stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2(s) and which are not otherwise exempt by state law;~~
- ~~(l) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(m) Lumber and planing mills;~~
- ~~(n) Truck terminals;~~
- ~~(o) Fuel yards; the bulk storage of flammable liquids;~~
- ~~(p) Churches located in existing industrial buildings which are clearly incidental to the permitted industrial use;~~
- ~~(q) Planned industrial developments and industrial condominiums. Compatibility with adjacent development, unique characteristics, innovation and the provision of amenities will be the primary criteria utilized in evaluating such development. The lot size, coverage and setback requirements of Section 26-50-030 shall not apply to such developments;~~
- ~~(r) Large recycling collection facilities, light recycling processing facilities subject to the provisions of Section 26-88-070;~~
- ~~(s) Day care center;~~
- ~~(t) Large residential community care facility;~~
- ~~(u) Amplified live music;~~
- ~~(v) Intermediate and major freestanding commercial telecommunication facilities greater than eighty feet (80') in height, subject at a minimum to the criteria set forth in Section 26-88-130;~~
- ~~(w) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130;~~

- ~~(x) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135;~~
- ~~(y) Indoor shooting ranges;~~
- ~~(z) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses in this section;~~
- ~~(aa) Commercial cannabis uses in compliance with Sections 26-88-250 through 26-88-256.~~

~~(Ord. No. 6245, § II, 10-16-2018; Ord. No. 6189, § II(C), 12-20-2016; Ord. No. 5933, § II(e), 5-10-2011; Ord. No. 5711 § 6 (Exh. G), 2007; Ord. No. 5435 § 2(pp), 2003; Ord. No. 4973 § 10(b), (c), 1996; Ord. No. 4643, 1993; Ord. No. 2936; Ord. No. 2840.)~~

~~Sec. 26-50-030. Building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.~~

- ~~(a) Building Intensity. The maximum building intensity of the use of a site shall be determined by multiplying the maximum building height limit and the maximum lot coverage. The specified height or lot coverage limits may be modified if a use permit is first secured and if the maximum building intensity is not exceeded.~~
- ~~(b) Maximum Building Height.~~
 - ~~(1) Sixty-five feet (65') provided that additional height may be permitted where special structures are required subject to subsection (a) of this section;~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.~~
- ~~(c) Minimum Lot Size. (more than one building may be located on each lot).~~
 - ~~(1) Where both public sewer and public water services are provided, or where public sewer service alone is provided, ten thousand (10,000) square feet;~~
 - ~~(2) Where public water service alone is provided, one (1) acre;~~
 - ~~(3) Where neither public sewer service nor public water service is provided, one and one-half (1.5) acres.~~
- ~~(d) Yard Requirements. The minimum yard requirements in an M3 district shall be the same as in the LC; provided, however, that a greater yard setback may be established for certain roads, classified as collector or arterial in sections CT 4.4 or CT 4.5 of the general plan or to accommodate any landscaping required pursuant to subsection (g) of this section.~~
- ~~(e) Maximum Lot Coverage. Fifty percent (50%), provided, however, that additional coverage may be permitted subject to subsection (a) of this section.~~
- ~~(f) Parking and Loading Requirements. Parking shall be required in accordance with Article 86.~~
- ~~(g) Design Review. All uses shall be subject to design review approval as provided in Article 82 except that if any regulations specified herein differ from those in Article 82, then the provisions of this section shall govern.~~

~~(Ord. No. 4973 § 10(e), 1996; Ord. No. 4643, 1993.)~~

~~Article 52. PF Public Facilities District.~~

~~Sec. 26-52-005. Purpose.~~

~~Purpose: to provide sites which serve the community or public need and to protect these sites from encroachment of incompatible uses. The PF district shall be applied as a base zoning district to identify existing public facilities consistent with the provisions of Section 2.5 of the General Plan land use element. The PF district shall be applied as a combining district to generally indicate those areas in which a future public facility is needed.~~

~~(Ord. No. 5961, § 4, 1-24-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-52-010. Applicability as a combining district.~~

~~Development of properties where "PF" is applied as a combining district shall comply with the regulations established by the applicable base district. Development entitlements may be subject to provision of a contribution to public service or infrastructure needs identified in the General Plan or applicable specific or area plan.~~

~~(Ord. No. 5961, § 4, 1-24-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-52-020. Applicability as a base district.~~

~~Development of properties where PF is applied as a base district shall comply with the provisions of Sections 26-52-030 through 26-52-050, inclusive.~~

~~(Ord. No. 5961, § 4, 1-24-2012; Ord. No. 4643, 1993.)~~

~~Sec. 26-52-030. Permitted uses.~~

~~Permitted uses include the following:~~

- ~~(a) Any facilities owned and operated by a city or the county;~~
- ~~(b) Facilities for the production, generation, storage or transmission of water by a special district;~~
- ~~(c) Facilities for the production or generation of electrical energy by a special district;~~
- ~~(d) Special district electrical substation facilities receiving less than one hundred thousand (100,000) volts;~~
- ~~(e) Special district facilities approved subject to Section 12808.5 of the Public Utilities Code (electrical transmissions and distribution lines);~~
- ~~(f) Incidental on-site administrative offices, vehicle and equipment storage and repair related to the above uses;~~
- ~~(g) Small collection facilities as an accessory use to any permitted use subject to the provisions of Section 26-88-070;~~
- ~~(h) Attached commercial telecommunication facilities subject to the applicable criteria for such facilities in the CO district set forth in Section 26-88-130;~~
- ~~(i) Minor freestanding commercial telecommunication facilities subject to the applicable criteria and procedures for such facilities set forth in the base district which is predominant in the area outside of the boundary of the PF district and in closest proximity to the proposed location of the facility;~~

- ~~(j) Noncommercial telecommunication facilities eighty (80) feet or less in height subject to the applicable criteria set forth in Section 26-88-130;~~
- ~~(k) Small wind energy systems not located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;~~
- ~~(l) Emergency homeless shelters provided pursuant to 26-88-127, subject to Article 82 (Design Review), within designated urban service areas;~~
- ~~(m) For projects, other than public projects of the county, on leased Sonoma County airport lands designated in the Airport Master Plan for Non-Aeronautical development uses, any of the Permitted Uses of the MP district.~~
- ~~(n) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;~~
- ~~(o) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice" is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040.~~

~~(Ord. No. 6252, § II(Exh. C), 12-4-2018; Ord. No. 5883, § IV, 3-30-2010; Ord. No. 5435, § 2(qq), 2003; Ord. No. 5342, § 3, 2002; Ord. No. 4973, § 11(a), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-52-040. Uses permitted with a use permit—Special districts.~~

~~Uses permitted with a use permit include the following:~~

- ~~(a) Elementary schools, junior high schools, high schools and colleges;~~
- ~~(b) Community centers, libraries, museums and similar cultural uses;~~
- ~~(c) Government offices and public safety facilities (including law enforcement and fire protection);~~
- ~~(d) Park and recreational facilities, including publicly owned golf courses;~~
- ~~(e) Churches, cemeteries, mausoleums, columbariums and crematoriums;~~
- ~~(f) Public utility buildings and public service or utility uses (telecommunication facilities excepted), including but not limited to electrical substations receiving more than one hundred thousand (100,000) volts, service yards, parking lots and sewage and waste water treatment storage and disposal facilities;~~
- ~~(g) Administrative offices, vehicle and equipment storage and repair;~~
- ~~(h) Caretaker unit;~~
- ~~(i) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses;~~
- ~~(j) Day care center;~~
- ~~(k) Large residential community care facility;~~
- ~~(l) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria and procedures set forth in the base district which is predominant in the area outside of the boundary of the PF district and in closest proximity to the proposed location of the facility;~~

- ~~(m) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130~~
- ~~(n) Small wind energy systems located within a county designated urban service area or within two thousand five hundred feet (2,500') of a county designated urban service area, subject to the standards in Section 26-88-135~~
- ~~(o) For projects, other than public projects of the county, on leased Sonoma County airport lands designated in the Airport Master Plan for Non-Aeronautical development uses, any of the Uses Permitted with a Use Permit of the MP District, excluding the following high intensity or noise sensitive uses:
 - ~~1. Gymnasiums, health clubs, spas, indoor recreation, and similar uses;~~
 - ~~2. Day care centers;~~
 - ~~3. Large residential community care facility;~~
 - ~~4. Churches located in existing industrial buildings which are clearly incidental to the permitted industrial use;~~
 - ~~5. Retail commercial and service uses such as hotels, motels, restaurants, financial institutions, and service stations;~~
 - ~~6. Small scale homeless shelters serving up to ten (10) persons, subject to design review, within designated urban service areas;~~
 - ~~7. Emergency homeless shelters with up to fifty (50) beds, subject to design review, within designated urban service areas.~~~~
- ~~(p) Other nonresidential uses of a similar and compatible nature to those uses described in this section.~~

~~(Ord. No. 5961, § 4, 1-24-2012; Ord. No. 5435 § 2(rr), 2003; Ord. No. 4973 § 11(b), (c), 1996; Ord. No. 4643, 1993.)~~

~~Sec. 26-52-050. Building intensity and development criteria.~~

~~The use of land and structures within this district is subject to this article, the applicable regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and any applicable specific or area plan or local area development guidelines or county approved master plans or design guidelines shall supersede the standards herein.~~

- ~~(a) Maximum Building Height.
 - ~~(1) Thirty five feet (35') for the main building and fifteen feet (15') for accessory buildings, provided that additional height may be permitted if a use permit is first secured.~~
 - ~~(2) Maximum height for telecommunication facilities is subject to the standard set forth in the base district which is predominant in the area outside of the boundary of the PF district and in closest proximity to the proposed location of the facility.~~~~
- ~~(b) Minimum Lot Size. Six thousand (6,000) square feet unless additional area is required by any B combining district.~~
- ~~(c) Minimum Lot Width. The minimum average lot width within each lot is sixty feet (60').~~
- ~~(d) Maximum Lot Coverage. Forty percent (40%).~~
- ~~(e) Yard Requirements. The following shall apply except that if the subject property adjoins land which is zoned AR or is designated as agricultural land, the use is subject to the requirements of Section 26-88-040(g).~~

- ~~(1) Front Yard. Not less than twenty feet (20'), provided, however, that no structure shall be located closer than forty-five feet (45') to the centerline of any public road, street or highway.~~
 - ~~(2) Side Yard. Not less than five feet (5') except where the side yard abuts a street in which case such yard shall be the same as the front yard.~~
 - ~~(3) Rear Yard. Not less than twenty feet (20').~~
 - ~~(4) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line.~~
 - ~~(5) Cornices, eaves, canopies and similar architectural features may extend two feet (2') into any required yard. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.~~
 - ~~(6) Where twenty five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the restrictions of subsection (e)(4) of this section.~~
 - ~~(7) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such building(s) shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on the same or adjacent lots.~~
- ~~(f) Parking Requirements. Parking shall be provided in accordance with the standards established in Article 86.~~

~~(Ord. No. 5961, § 4, 1-24-2012; Ord. No. 4973 § 11(e), 1996; Ord. No. 4643, 1993.)~~

Article 54. - S Study District.

Sec. 26-54-005. - Purpose.

Purpose: to permit the conduct of studies and hearings by the planning commission and board of supervisors of the county 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 such studies and hearings have been concluded by the adoption of the zoning ordinance contemplated at the time the S district classification became applicable to the land, such S district classification shall cease to be applicable to the lands embraced within the zoning change effected by the ordinance. Ordinances imposing S district provisions shall have no further force and effect after the expiration of the time limits imposed by Section 65858 of the Government Code of the state or any successor thereto (not more than two (2) years).

~~(Ord. No. 4643, 1993.)~~

Sec. 26-54-010. - Permitted uses.

The following uses shall be permitted in an S district without obtaining a use permit, unless the ordinance imposing the S district classification specifically provides otherwise:

- (a) The erection, construction, moving, alteration or use of one (1) single-family dwelling per lot;

- (b) Home occupations;
- (c) Accessory buildings and uses clearly incidental to any permitted residential use;
- (d) All agricultural uses permitted in Section 26-18-010 (RR district) and which are also permitted in the base district with which this district is combined;
- (e) Agricultural accessory buildings and uses clearly accessory or incidental to any permitted agricultural use, such as barns, stables and other farm outbuildings.

(Ord. No. 4643, 1993.)

Sec. 26-54-020. - Uses permitted with a use permit.

Uses permitted with a use permit include the following:

- (a) The erection, construction, moving or alteration of any building or structure for any use other than those listed in Section 26-54-010;
- (b) The use of any land or existing building or structure for any use allowed in the applicable base district other than those listed in Section 26-54-010.

(Ord. No. 4643, 1993.)

Article 56. - F1 Floodway Combining District.

Sec. 26-56-005. - Purpose.

Purpose: to provide land use regulations for properties situated in floodways, to safeguard against the effects of bank erosion, channel shifts, increased runoff or other threats to life and property and to implement the provisions of the general plan public safety element. The application of this district shall be based upon data from the Federal Emergency Management Agency. Additional more detailed engineering analysis of flooding, erosion or other conditions may be necessary so as to prevent property damage and safeguard the health, safety and general welfare of people.

(Ord. No. 4643, 1993.)

Sec. 26-56-010. - Location and boundaries.

- (a) The F1 district shall be applied to properties which lie within the floodway as shown on the most recent FEMA maps and accompanying report. The boundaries of the floodway as indicated on the zoning maps should be considered approximate.
- (b) The provisions of this article may be waived by the decision-making body where it is demonstrated through engineering analysis, field determinations or other appropriate data, that the precise floodway boundary differs from that shown on the FEMA maps, and provided further, that FEMA approval and sign-off is first secured. No use shall be approved within the floodway that will significantly increase the flood hazard or significantly affect the carrying or storage capacity of the floodway.

(Ord. No. 4643, 1993.)

Sec. 26-56-020. - Uses within floodway.

All uses allowed within the base district with which this district is combined shall be permitted subject to the provisions of Section 26-56-030, except that no new permanent structure nor structure intended for human occupancy shall be permitted within the floodway.

(Ord. No. 4643, 1993.)

Sec. 26-56-030. - Development standards for floodways.

The decision-making body shall be guided by the following standards in administering the FW district:

- (a) The placement and type of materials used in bank stabilization shall be complementary to surrounding development and natural conditions and shall not be depreciative of surrounding property values.
- (b) Where, in the opinion of the planning director or other decision-making body, topographic data, engineering studies or other studies are needed to determine the effects of bank erosion on a proposed structure or the effect of the structure, including bank stabilization activities, on the floodway and natural vegetation, the applicant may be required to submit such data.
- (c) Within the Laguna de Santa Rosa, a "zero net fill" policy shall be enforced whereby no fill shall be permitted to be placed in the Laguna unless an engineering analysis demonstrates that no reduction in flood storage capacity would result from the placement of fill. For purposes of this article, the "Laguna" shall be defined as the Laguna de Santa Rosa and tributaries thereto which are within designated floodways on the most recent FEMA maps.
- (d) Temporary structures such as floating docks and moorage facilities may require issuance of a use permit.
- (e) Except as specifically allowed in this article, no building or structure shall be constructed, erected, moved, converted, altered or enlarged in the floodway, nor shall any other condition be allowed which would tend to cause significant stream channel alteration or adversely affect the carrying or storage capacity of a floodway, or otherwise constitute a threat to life and property. Ordinary maintenance and repair of existing nonconforming structures shall be permitted subject to the provisions of Article 94.

(Ord. No. 4643, 1993.)

Article 58. - F2 Floodplain Combining District.

Sec. 26-58-005. - Purpose.

Purpose: to provide for the protection from hazards and damage which may result from flood waters. This district shall be combined with other districts as provided in this chapter.

(Ord. No. 4643, 1993.)

Sec. 26-58-010. - Location and boundaries.

The F2 district shall be applied to properties which lie within the one hundred (100) year flood hazard area as shown on the most recent FEMA maps and accompanying report. The boundaries of the one hundred (100) year floodplain as indicated on the zoning maps should be considered approximate. The provisions of this article may be waived by the decision making body where it is demonstrated through engineering analysis, field determinations or other appropriate data, that the precise one hundred (100) year floodplain boundary differs from that shown on the FEMA maps, and provided further, that FEMA approval and sign-off is first secured.

(Ord. No. 4643, 1993.)

Sec. 26-58-020. - Uses within floodplain.

All uses allowed within the base district with which this district is combined shall be permitted subject to the provisions of Section 26-58-030.

(Ord. No. 4643, 1993.)

Sec. 26-58-030. - Development standards.

The decision-making body shall be guided by the following standards, the purpose of which is to prevent the encroachment of flood waters on adjacent properties as well as preventing undue increase in flood heights and danger to life and property within this district and adjoining districts:

- (a) Any structure permitted shall be constructed in accordance with the provisions of Chapter 7B of the Sonoma County Code.
- (b) Where, in the opinion of the planning director, or other decision-making body, topographic data, engineering studies or other studies are needed to determine the effects of flooding on a proposed structure, or the effect of the structure on the floodway, the applicant may be required to submit such data or studies prepared by competent engineers or other technicians.
- (c) In combining the F2 district with one or more other zoning districts, new residential, commercial and industrial structures will be permitted, if designed, constructed and utilized so that appreciable damage will not occur from the selected flood and provided that such structures comply with the flood protection regulations established in Chapter 7B of the Sonoma County Code. On parcels not being subdivided nor involving more than a one (1) acre development site, the Sonoma County water agency will assist applicants for building permits in locating the flood profile levels. Subdivisions will be allowed, provided that all of the area to be subdivided is filled to the elevation of the selected flood profile level prior to platting.
- (d) Within the Laguna de Santa Rosa, a "zero net fill" policy shall be enforced whereby no fill should be placed in the Laguna unless an engineering analysis demonstrates that no reduction in flood storage capacity would result from the placement of fill. For purposes of this article, the "Laguna" shall be defined as the Laguna de Santa Rosa and tributaries thereto which are designated as AE on the most recent FEMA maps.

(Ord. No. 4643, 1993.)

Article 59. - AH Affordable Housing Combining District.[\[5\]](#)

Footnotes:

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Editor's note— Ord. No. [6247](#), § II(Exh. E), adopted Oct. 23, 2018, repealed the former Art. 59, §§ 26-59-005—26-59-020, and enacted a new article as set out herein. The former Art. 59 pertained to similar subject matter and derived from Ord. No. 5799 § 2, adopted in 2008.

Sec. 26-59-005. - Purpose.

Purpose: to implement policies and programs of the Sonoma County Housing Element by providing for the use of under-utilized commercial or industrial , or residential lands within the county's urban service areas to increase the supply of rental housing affordable to lower-income residents. Vacation rental or transient occupancy uses are not allowed.

(Ord. No. [6247](#), § II(Exh. E), 10-23, 2018)

Sec. 26-59-010. - Permitted uses.

Permitted uses include the permitted uses of the underlying base zone, as well as the following:

- (a) Projects consisting entirely of dwelling units affordable to households with incomes in the extremely low, very low and low income categories on permanent foundations with residential densities between sixteen (16) and twenty-four (24) dwelling units per acre;
- (b) Home occupations;
- (c) Accessory buildings and uses appurtenant to the primary use; and
- (d) Small family day care.

(Ord. No. [6247](#), § II(Exh. E), 10-23, 2018)

Sec. 26-59-020. - Residential density, building intensity and development criteria.

- (a) Multi-family residential projects shall meet the design and development criteria in Section 26-24-030 (R3 - High Density Residential).
- (b) Affordable Housing Agreement. All units shall be affordable to low, very low and extremely low income households, and shall be subject to the terms of an affordable housing agreement pursuant to Article 89.
- (c) Design Review. Design review shall be required in the manner provided in Article 82.

(Ord. No. [6247](#), § II(Exh. E), 10-23, 2018)

Article 60. - RE Renewable Energy Combining Zone.

Sec. 26-60-005. - Purpose.

To identify, designate and protect areas suitable for the development of large scale renewable energy facilities based on the availability of renewable resources, the location of existing or proposed infrastructure, and the potential for renewable energy facilities to be appropriately sited and to effectively mitigate potential significant impacts.

(Ord. No. 6046, § II(b), Exh. A, 9-10-2013)

Sec. 26-60-010. - Applicability.

The RE combining zone may be applied only within the following base zones:

LEA (Land Extensive Agriculture)

DA (Diverse Agriculture)

RRD (Resources and Rural Development)

TP (Timber Production)

C3 (General Commercial)

M2 (Heavy Industrial)

PF (Public Facilities)

The uses allowed and standards required in the RE combining zone shall be in addition to those of the base zone.

(Ord. No. 6046, § II(b), Exh. A, 9-10-2013)

Sec. 26-60-020. - Criteria for designation.

The RE combining zone may be applied only to property meeting all of the following designation criteria:

- (1) The RE combining zone may not be combined with the Land Intensive Agriculture Zone (LIA).
- (2) The RE combining zone may not be combined with any residential zone including R1, R2, R3, RR, AR or PC, nor may it be applied within 300 feet of these zones.
- (3) The RE combining zone shall not be placed on any property under Williamson Act contract or within an open space or conservation easement unless renewable energy power generation facilities are specifically allowed under the Agricultural Preserve or Open Space District Rules, contract and/or easement.
- (4) The RE combining zone shall not be placed within the approach zone (outer or inner safety zones) or the inner turning zones for any public use airport.
- (5) The RE combining zone shall exclude areas within the General Plan, Area Plan or Specific Plan designated as Biotic, Historic or Scenic Resources including the Biotic Resource (BR), Scenic Resources (SR), or Historic District (HD) combining zones, unless a protective easement is provided to ensure protection of the resources. The RE Combining Zone shall also exclude areas mapped as state designated Important Farmland unless a protective easement is placed over these farmlands.
- (6) An RE combining zone shall not be applied within 300 feet of an urban service area for a city or unincorporated community, except that RE combining zone may be applied to public facility, industrial, and commercially zoned properties regardless of location within or outside of urban service areas.

(Ord. No. 6046, § II(b), Exh. A, 9-10-2013)

Sec. 26-60-030. - Permitted uses.

All uses allowed as permitted uses by the underlying primary zone with which the RE combining zone is combined shall be permitted in the RE combining zone in compliance with the provisions and standards of the primary zone.

In addition to the uses allowed by the underlying primary zone, the following renewable energy facilities shall be allowed as a permitted use, subject to a zoning permit and the site planning and development standards of Section 26.88.200.

- (1) Exploratory wells for either low temperature or steam geothermal development.
- (2) Wind anemometers.
- (3) Accessory bioenergy and related cogeneration facilities using off-site feedstocks for onsite energy demands, subject to the standards of Section 26.88.202;
- (4) Commercial low temperature geothermal facilities for heat and power, subject to the standards of Section 26.88.204;
- (5) Accessory wind electric generation facilities on parcels over 5 acres with towers not exceeding 100 feet, subject to the standards in Section 26-88-208.
- (6) Cogeneration and similar technologies resulting in a net reduction in carbon output.

(Ord. No. 6046, § II(b), Exh. A, 9-10-2013)

Sec. 26-60-040. - Uses permitted with a use permit.

In addition to the uses permitted with a use permit by the underlying base zone, the following renewable energy facilities may be permitted subject to granting of a use permit and compliance with the site planning and development standards of Section 26.88.200, unless otherwise exempted by state or federal law.

- (1) Commercial bioenergy production facilities and related cogeneration facilities, subject to the standards in Section 26.88.202;
- (2) Steam geothermal or solar thermal electric power facilities less than 50 MW, subject to the standards in Section 26.88.204;
- (3) Commercial solar photovoltaic facilities, subject to the standards of Section 26.88.206;
- (4) Commercial wind electric generation facilities, subject to the standards in Section 26.88.208;
- (5) Transmission lines, pipelines, substations and similar facilities associated with a renewable energy facility;
- (6) Other hybrid or emerging renewable energy technologies which in the opinion of the director are of a similar and compatible nature to those uses described in this section.

(Ord. No. 6046, § II(b), Exh. A, 9-10-2013)

Article 63. - LG Local Guidelines Combining District.

Sec. 26-63-005. - Purpose.

The purpose of the LG combining zone is to identify parcels subject to compliance with Article 90 (Local Area Guidelines and Standards).

(Ord. No. 6057, § III(b), Exh. B, 2-4-2014)

Sec. 26-63-010. - Applicability.

The LG combining zone is applied concurrently to properties where Local Area Guidelines and Standards have been established by the Board.

(Ord. No. 6057, § III(b), Exh. B, 2-4-2014)

Sec. 26-63-020. - Allowed land use and permit requirements.

All uses allowed within the base zone shall be allowed subject to compliance with the requirements of Article 90 (Local Area Guidelines and Standards) and all other applicable Code requirements.

(Ord. No. 6057, § III(b), Exh. B, 2-4-2014)

Sec. 26-63-030. - Local area development guidelines combining zones established.

When Article 90 (Local Area Guidelines and Standards) establishes a new Local Area Development Guideline, the parcels within the boundary shall be added to the LG combining zone with an appropriate suffix to indicate the specific area. The following specific LG combining zone subareas have been established and are included within the Zoning Database:

- (1) Canon Manor West (LG/CMW), Section 26-90-050.
- (2) Glen Ellen Subareas 1 and 2 (LG/GE1)(LG/GE2), Section 26-90-060.
- (3) Highway 116 Scenic Corridor (LG/116), Section 26-90-070.
- (4) Penngrove Main Street (LG/PNG), Section 26-90-080.
- (5) Russian River Corridor (LG/RRC), Section 26-90-90.
- (6) Russian River Corridor & Highway 116 (LG/RRC116) Sections 26-90-070 and 26-90-090.
- (7) Sebastopol Road Urban Vision Plan (LG/SRV), Section 26-90-100.
- (8) The Springs Highway 12 Corridor (LG/SPR), Section 26-90-110.
- (9) Taylor/Sonoma/Mayacamas Mountains (LG/MTN), Section 26-90-120.

(Ord. No. 6057, § III(b), Exh. B, 2-4-2014)

Article 64. - SR Scenic Resources Combining District.

Sec. 26-64-005. - Purpose.

Purpose: to preserve the visual character and scenic resources of lands in the county and to implement the provisions of Sections 2.1, 2.2 and 2.3 of the general plan open space element.

(Ord. No. 4643, 1993.)

Sec. 26-64-010. - Development criteria.

Maximum building heights, minimum lot areas and lot widths, yard requirements and maximum percentages of lot coverage shall comply with the requirements for the districts with which the SR regulations are combined unless otherwise provided herein.

(Ord. No. 4643, 1993.)

Sec. 26-64-020. - Community separators and scenic landscape units.

- (a) All structures, except certain telecommunications facilities as provided for in Section 26-64-040, located within community separators and scenic landscape units illustrated on Figures OS-5a through OS-5i, inclusive, of the general plan open space element and included within the SR district shall be subject to the following criteria:

- (1) Structures shall be sited below exposed ridgelines;
- (2) Structures shall use natural landforms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire resistant plants may be required;
- (3) Cuts and fills are discouraged, and where practical, driveways are screened from public view;
- (4) Utilities are placed underground where economically practical;

The above criteria shall not apply to agricultural accessory structures which do not require a use permit in the district with which this district is combined.

In the event that compliance with these standards would make a parcel unbuildable, structures shall be sited where minimum visual impacts would result.

- (b) In addition to the criteria listed in subsection (a) of this section, the following standards shall apply to subdivisions within community separators and scenic landscape units and included within the SR district unless otherwise provided herein:

- (1) Building envelopes shall be established for structures. Use of height limitations should be considered, if necessary to further mitigate visual impacts;
- (2) Clustering shall be used to reduce visual impact where consistent with the applicable base district;
- (3) Building sites and roadways shall be located to preserve trees and tree stands as provided in Section 26-88-040(m) of this chapter;
- (4) To the extent allowed by law, dedication of a permanent scenic or agricultural easement shall be required at the time of subdivision for projects in community separators. Consider requiring such easements in critical scenic landscape units pursuant to general plan Policy OS-2g.

- (c) Where development occurs on parcels located both within scenic landscape units and adjacent to scenic corridors, the more restrictive provisions set forth in this article shall apply.
- (d) Require development within community separators to be clustered and limited in scale and intensity.
- (e) Minor timberland conversions shall be allowed within community separators and scenic landscape units, subject to compliance with the requirements of this article and Section 2-88-140.
- (f) Certain single-family dwelling units and appurtenant structures within the area covered by the Taylor Mountain/Sonoma Mountain development guidelines shall be subject to Section 26-90-050, as specified therein. Where the provisions of this section conflict with the provisions of Section 26-90-050, the general plan, or any applicable area plan, the more restrictive provisions shall apply.

(Ord. No. [6252](#), § II(Exh. C), 12-4-2018; Ord. No. 5132 § 2, 1999; Ord. No. 4985 § 1(d), 1996; Ord. No. 4973 § 12(a), 1996; Ord. No. 4643, 1993.)

Sec. 26-64-030. - Scenic corridors.

The following provisions shall apply to properties along scenic corridors illustrated on Figures OS-5a through OS-5i, inclusive, of the general plan open space element unless otherwise provided herein:

- (a) All structures located within scenic corridors established outside of the urban service area boundaries shown on Figures LU-5a through LU-5i, inclusive, of the general plan land use element shall be subject to the setbacks of thirty percent (30%) of the depth of the lot to a maximum of two hundred feet (200') from the centerline of the road. Development within the setback shall be prohibited with the following exceptions, where such uses are allowed by the base district with which this district is combined:
- (1) New barns and similar agricultural support structures which are added to existing farm complexes provided that such structures proposed within a state scenic highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review;
 - (2) New barns and similar agricultural support structures which do not require a use permit in this chapter; provided, however, that such structures proposed within a State Scenic Highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review;
 - (3) Maintenance, restoration, reconstruction or minor expansion of existing structures;
 - (4) Certain telecommunication facilities as provided in Section 26-64-040;
 - (5) Other new structures provided they are subject to design review and
 - (i) They are associated with existing structures,
 - (ii) There is no other reasonable location for the structure,
 - (iii) The location within the setback is necessary for the use, or
 - (iv) Existing vegetation and topography screen the use;
 - (6) Compliance with the setback would render the parcel unbuildable;
 - (7) Satellite dishes which are not visible from the roadway.
- (b) Where the scenic corridor setback provided for in Section 26-64-030(a), conflicts with the scenic corridor setback along Highway 12 established by Ordinance 1810, the latter shall apply.
- (c) A building setback of twenty feet (20') shall be applied along the Highway 101 scenic corridor to properties which are within the urban service area boundaries shown on Figures LU-5b, -5c, -5e, -5g, and -5h of the general plan land use element, to be reserved for landscaping.
- (d) Where development occurs on parcels located both within scenic landscape units and adjacent to scenic corridors, the more restrictive provisions set forth in this article shall apply.
- (e) Building permits within the setback established in Section 26-64-030(a) along Bohemian Highway between Occidental and Freestone and Bodega Highway between Bodega and Freestone shall be referred to the county landmarks commission for review and recommendation.

(Ord. No. 4973 § 12(b), 1996; Ord. No. 4643, 1993.)

Sec. 26-64-040. - Telecommunication facilities in the SR district.

The following provisions shall apply to telecommunication facilities on properties in community separators, scenic landscape units, and scenic corridors as shown on Figures OS-5a through OS-5i, inclusive, of the general plan open space element.

Telecommunication facilities which are allowed by the applicable base district shall meet the provisions of said base district and the applicable standards of Section 26-64-020 or 26-64-030, except that:

- (a) An attached commercial telecommunication facility shall also be subject to design review approval.
- (b) A noncommercial telecommunication facility shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts to the extent feasible. While cuts and fills are discouraged, they should be considered if, on balance, they enhance the overall scenic quality of the designated scenic resource area.
- (c) A freestanding commercial telecommunication facility may be considered subject to the following additional criteria:
 - (1) The facility shall be subject to approval of a use permit.
 - (2) While cuts and fills are discouraged, they should be considered if they result in enhancement of the overall scenic quality of the designated scenic resource area.
 - (3) An alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of Section 26-88-130(a)(3)(xiv).
 - (4) A visual analysis, which may include photo montage, field mock up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility and its feasible alternatives. Consideration shall be given to views from public areas as well as from private residences, but shall focus on preservation of scenic resources. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.

(Ord. No. 4973 § 12(c), 1996.)

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

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

(Ord. 5132 § 3, 1999.)

Article 65. - RC Riparian Corridor Combining Zone.

Sec. 26-65-005. - Purpose.

The RC combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value, and to implement the provisions of the General Plan Open Space and Resource Conservation and Water Resources Elements. These provisions are intended to protect and enhance riparian corridors and functions along designated streams, balancing the need for agricultural production, urban development, timber and mining operations, and other land uses with the preservation of riparian vegetation, protection of water resources, floodplain management, wildlife habitat and movement, stream shade, fisheries, water quality, channel stability, groundwater recharge, opportunities for recreation, education and aesthetic appreciation and other riparian functions and values.

(Ord. No. 6089, § I(d)(Exh. A), 11-24-2014)

Sec. 26-65-010. - Applicability.

The RC combining zone shall be applied to designated streams and include the stream bed and bank and an adjacent streamside conservation area on each side of the stream as measured from the top of the higher bank. The minimum streamside conservation area shall be shown in the zoning database followed by the minimum setback for agricultural cultivation (e.g., RC 100/50). Where the drip line of existing riparian trees with trunks located wholly or partially within the streamside conservation area extends beyond the streamside conservation area boundary, as indicated in the zoning database, the boundary shall be increased to include the outer drip line of the riparian trees.

(Ord. No. 6089, § I(d)(Exh. A), 11-24-2014)

Sec. 26-65-020. - Determination of streamside conservation areas and setbacks for agricultural cultivation.

The streamside conservation area indicated in the zoning database is approximate to allow for a parcel-specific determination of the boundary based upon the location of the top of the higher bank and existing riparian vegetation. The streamside conservation area shall be determined by the director. The setback for agricultural cultivation indicated in the zoning database is also approximate to allow for a site-specific determination of the boundary based upon the location of the top of the higher bank, existing riparian vegetation, and, for upland areas of 50-foot riparian corridors, the slope and soil types of the planting area. The setback for agricultural cultivation shall be determined by the agricultural commissioner.

(Ord. No. 6089, § I(d)(Exh. A), 11-24-2014)

Sec. 26-65-030. - Prohibited uses and exceptions.

Except as allowed by Section 26-65-040, grading, vegetation removal, agricultural cultivation, structures, roads, utility lines, and parking lots shall be prohibited within any stream channel or streamside conservation area.

A. An exception to this prohibition may be approved by the director with a zoning permit if:

1. It makes a parcel unbuildable, provided vegetation removal is minimized;
2. The use involves the minor expansion of an existing legally established structure in conformance with Article 94 where it is demonstrated that the expansion will be accomplished with minimum vegetation removal and protection of riparian functions;
3. The use involves only the maintenance, restoration, or reconstruction of an existing legally established structure or use in conformance with Article 94; or

4. The director determines that the affected area has no substantial value for riparian functions.
- B. An exception to this prohibition may be approved with a use permit if a conservation plan is adopted that provides for the appropriate protection of the biotic resources, water quality, floodplain management, bank stability, groundwater recharge, and other applicable riparian functions. Off-site mitigation will be considered only where on-site mitigation is infeasible or would provide superior ecological benefits, as determined by the director.

(Ord. No. 6089, § I(d)(Exh. A), 11-24-2014)

Sec. 26-65-040. - Allowed land uses, activities and permit requirements.

The following activities and uses may be allowed within a streamside conservation area, if allowed by the base zone and any combining zones, subject to any required permits and the standards specified in this section. These activities and uses shall also be conducted and maintained in compliance with any prohibitions, permits, approvals, or authorizations required by applicable resource agencies.

- A. Stream maintenance and restoration carried out or overseen by the Sonoma County Water Agency.
- B. Levee maintenance.
- C. Invasive plant removal, such as Himalayan blackberry (*Rubus armeniacus*), giant reed (*Arundo donax*), salt cedar (*Tamrix* sp.), and star thistle (*Centaurea solstitialis*), not exceeding five (5) acres in disturbed area, principally involving hand labor and not using mechanized equipment.
- D. Streamside maintenance and small riparian habitat restoration not exceeding five (5) acres of disturbed area, principally involving hand labor and not using mechanized equipment, as described by State CEQA Guidelines Section 15333, subject to a zoning permit.
- E. Stream dams and stream-related water storage systems, subject to a zoning permit.
- F. Road and utility line crossings in compliance with county road construction standards and maintenance guidelines, subject to a zoning permit.
- G. Fencing and maintenance of existing outdoor activity areas, such as yards, gardens, and landscaped or natural vegetation, associated with a legally established structure or use and not involving further encroachment into existing riparian vegetation.
- H. The following agricultural activities, provided that they are conducted and maintained in compliance with agricultural best management practices developed or referenced by the agricultural commissioner, or defined in a farm or ranch water quality plan acceptable to the agricultural commissioner. The agricultural commissioner shall determine the applicable agricultural best management practices and shall enforce the provisions of this subsection.
 1. Grazing and similar agricultural production, not involving cultivation or structures. Livestock control fencing and watering facilities are allowed.
 2. Agricultural cultivation and related access roads, drainage, planting, seeding, fertilizing, weeding, tree trimming, irrigation, and harvesting that do not involve the removal of existing contiguous riparian vegetation within two hundred feet (200') of the top of the higher bank, and are located as follows:
 - a. No closer than one hundred feet (100') from the top of the higher bank in the 200-foot riparian corridor for the Russian River;
 - b. No closer than fifty feet (50') from the top of the higher bank in the 100-foot riparian corridors designated in the General Plan and the upland areas of the 50-foot riparian corridors; or
 - c. No closer than twenty-five feet (25') from the top of the higher bank in all other riparian corridors.

3. Replanting existing cropland and related access roads, drainage, planting, seeding, fertilizing, weeding, tree trimming, irrigation, and harvesting that are located closer to the top of the higher bank than specified in Subsection 26-65-040.H.2, provided that the existing cropland is under active cultivation and the footprint of the planting area is not increased within the applicable setback for agricultural cultivation.
 4. Filter strips, equipment turnarounds, grassy avenues, and fencing associated with agricultural cultivation that does not involve the removal of existing contiguous riparian vegetation within two hundred feet (200') of the top of the higher bank.
- I. Selective vegetation removal as part of an integrated pest management program administered by the agricultural commissioner.
 - J. Wells in compliance with Sonoma County Code Chapter 25B (Water Wells).
 - K. Fire fuel management in compliance with county fire safe standards, provided that no redwood trees are removed and vegetation removal is limited to the minimum required for fire safety purposes. New development located within one hundred feet (100') of any riparian corridor shall be allowed with a zoning permit only where there are no feasible alternative development locations that do not require vegetation removal for fire protection and fire resistive construction materials are used to avoid or minimize the need for vegetation removal in the riparian corridor.
 - L. Bikeways, trails, and parks on publicly owned land or public use easements, or on private lands, subject to a zoning permit.
 - M. Temporary seasonal gangway and floating dock of up to one hundred twenty square feet (120' sq.) with encapsulated floatation and grated deck, subject to a zoning permit.
 - N. Timber operations conducted in compliance with an approved timber harvest plan.
 - O. Tree removal subject to a zoning permit, to protect life or property from the threat of harm posed by a dead, dying, diseased, or damaged tree likely to die within one (1) year of the date proposed for removal, or a tree at risk of falling when the structural instability cannot be remedied. A report by a certified arborist or registered professional forester documenting the hazardous condition and a tree replacement plan is required.
 - P. Mining operations, subject to a use permit for surface mining activities in compliance with the Chapter 26A (Surface Mining) of this code.
 - Q. Other activities or uses not meeting the above criteria may be permitted with an exception under Section 26-65-030 (Prohibited Uses and Exceptions), subject to a use permit and approval of a conservation plan.

(Ord. No. 6089, § I(d)(Exh. A), 11-24-2014)

Article 66. - BH Biotic Habitat Combining Zone.[\[U\]](#)

Footnotes:

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Editor's note— Ord. No. 6089, § I(e)(Exh. B), adopted Nov. 24, 2014, amended the title of Article 66 to read as set out herein. The former Article 66 was titled "BR Biotic Resources Combining District."

Sec. 26-66-005. - Purpose.

The BH combining zone is established to protect and enhance Biotic Habitat Areas for their natural habitat and environmental values and to implement the provisions of the General Plan Open Space and Resource Conservation Element, Area Plans and Specific Plans. Protection of these areas helps to maintain the natural vegetation, support native plant and animal species, protect water quality and air quality, and preserve the quality of life, diversity and unique character of the County.

(Ord. No. 6089, § I(e)(Exh. B), 11-24-2014)

Sec. 26-66-010. - Applicability.

The BH combining zone is applied to the areas that are designated as Biotic Habitat Areas in the General Plan Open Space and Resource Conservation Element. The BH combining district may also be applied to other biotic resource areas that are identified in adopted area or specific plans. Where such plans require greater protection of biotic resources, the more restrictive standards shall apply. As biotic resources are assessed and new occurrences are reported, additional areas may be considered for BH zoning.

(Ord. No. 6089, § I(e)(Exh. B), 11-24-2014)

Sec. 26-66-020. - Standards for biotic habitats.

The following requirements shall apply to properties within the BH combining zone that are designated as Biotic Habitat Areas on Open Space Plan Maps, of the General Plan Open Space and Resource Conservation Element.

- A. **Biotic resource assessment.** A biotic resource assessment to develop mitigation measures may be required where the Director determines that a discretionary project could adversely impact a designated critical habitat area.
- B. **Tentative map requirements.** Each tentative map shall include building envelopes that avoid biotic habitat areas.
- C. **Setback requirements.** Each proposed structure shall be set back a minimum of fifty feet (50') from the edge of any wetland within a designated biotic habitat area, with the following exceptions:
 - 1. Existing farm structures are exempt and may be expanded or modified, provided that the expansion or modification shall not encroach further into any wetland; and
 - 2. The director may modify the setback if, after preparation of a biotic resource assessment, the director determines that either:
 - a. Applying the setback makes an otherwise buildable parcel unbuildable; or
 - b. The structure is a noncommercial agricultural structure and needs to be located adjacent to an existing farm complex for efficient farm operation.

(Ord. No. 6089, § I(e)(Exh. B), 11-24-2014)

Article 67. - VOH Valley Oak Habitat Combining District.

Sec. 26-67-005. - Purpose.

Purpose: to protect and enhance valley oaks and valley oak woodlands and to implement the provisions of Section 5.1 of the general plan resource conservation element.

(Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-010. - Interpretation.

The provisions of this article shall be liberally construed to effectuate the purpose of this article. Where a provision of this article conflicts with another provision of this chapter or this code, the more restrictive provision shall prevail.

(Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-020. - Permitted uses.

All uses permitted within the respective district with which the VOH district is combined shall be permitted in the VOH district, subject to the provisions of this article.

(Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-030. - Mitigation required—Exceptions.

- (a) Except as provided in subsection (b), when any person cuts down or removes any large valley oak, or any small valley oaks having a cumulative diameter at breast height greater than sixty inches (60"), on any property within the VOH district, such person shall mitigate the resulting valley oak loss by one of the following measures: (1) retaining other valley oaks on the subject property, (2) planting replacement valley oaks on the subject property or on another site in the county having the geographic, soil, and other conditions necessary to sustain a viable population of valley oaks, (3) a combination of measures (1) and (2), or (4) paying an in-lieu fee, which shall be used exclusively for valley oak planting programs in the county. Such person shall have the sole discretion to determine which mitigation measure to use to mitigate the valley oak loss. The requirements for each mitigation measure are specified in Table 26-67-030. The selected mitigation measure shall be undertaken and completed within one (1) year after the valley oak or valley oaks are cut down or removed in accordance with guidelines established by resolution or ordinance of the board of supervisors.
- (b) This section shall not apply to the cutting down or removal of any valley oak within the VOH district that is (1) determined necessary by emergency personnel engaged in emergency procedures, (2) dead or irretrievably damaged or destroyed by causes beyond the property owner's control, including, without limitation, fire, flood, wind, lightning, or earth movement, or (3) part of a development project subject to the provisions of Section 26-67-040.

TABLE 26-67-030

MITIGATION REQUIREMENTS FOR CUTTING DOWN OR REMOVING VALLEY OAKS WITHIN THE VOH DISTRICT

LARGE VALLEY OAKS

Diameter at Breast Height of Large Valley Oak Being Cut Down or Removed	Valley Oak Retention Requirement ¹	Valley Oak Replacement Requirement ²	Valley Oak Retention and Replacement Requirement ²	In-Lieu Fee Requirement
Greater than 20 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the diameter at breast height	Plant 16 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than one-half the diameter at breast height being cut	\$ 50.00

being cut down or removed

down or removed and plant 8 trees

¹ All retained trees shall be valley oaks.

² All replacement trees shall be valley oak acorns, seedlings, saplings, or container grown stock.

SMALL VALLEY OAKS

Cumulative Diameter at Breast Height of Small Valley Oaks Being Cut Down or Removed	Valley Oak Retention Requirement ¹	Valley Oak Replacement Requirement ²	Valley Oak Retention and Replacement Requirement ²	In-Lieu Fee Requirement
60 inches of less	None	None	None	None
Greater than 60 inches up to and including 80 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 16 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 8 trees	\$ 50.00
Greater than 80 inches up to and including 100 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 20 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 10 trees	\$ 75.00
Greater than 100 inches up to and including 120 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 24 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 12 trees	\$100.00

Greater than 120 inches up to and including 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 28 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 14 trees	\$125.00
Greater than 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed	Plant 32 trees plus additional 4 trees for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than the cumulative diameter at breast height being cut down or removed and plant 16 trees, plus additional 2 trees for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches	\$150.00, plus additional \$25.00 for each 20 inches of cumulative diameter at breast height being cut down or removed over 140 inches

¹ All retained trees shall be valley oaks.

² All replacement trees shall be valley oak acorns, seedlings, saplings, or container grown stock.

(Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-040. - Design review approval.

Where any development project within the VOH district is subject to design review pursuant to another provision of this chapter, the design review approval shall include measures to protect and enhance valley oaks on the project site in accordance with guidelines adopted by resolution or ordinance of the board of supervisors. Such measures shall include, but not be limited to, a requirement that valley oaks shall comprise a minimum of fifty percent (50%) of the required landscape trees for the development project.

(Ord. No. 4991 § 1(h), 1996.)

Sec. 26-67-050. - Penalty for violation of article.

Any person who knowingly fails to comply with the mitigation or design review requirements of this article shall be required to mitigate any valley oak loss at five (5) times the rate otherwise required by this article.

(Ord. No. 4991 § 1(h), 1996.)

Article 68. - HD Historic Combining District.

Sec. 26-68-005. - Purpose.

Purpose: to protect those structures, sites and areas that are remainders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the county and its communities.

(Ord. No. 4643, 1993.)

Sec. 26-68-010. - Designation of historic structures and historic districts.

Pursuant to the normal zoning procedures:

- (a) An individual structure or an integrated group of structures on a single lot or lots having a special historical, architectural or aesthetic interest or value as a historic structure may be designated; and
- (b) An area having special historical, architectural or aesthetic interest or value as a historic district may be designated. Before creating a historic district the advice of local citizens and committees may be sought.

(Ord. No. 4643, 1993.)

Sec. 26-68-020. - Alterations of designated historic structures and new construction within a historic district.

No zoning permit authorizing alterations (including demolition) in the exterior of a structure within the boundaries of a historic district and no zoning permits authorizing construction of a new building within the boundaries of a historic district shall be granted unless approval has been granted by the county landmarks commission. Minor alterations may be reviewed and approved by staff in conformance with adopted design guidelines and standards. In all cases where the request for a zoning permit involves demolition alone, however, the county landmarks commission shall take action on such request within six (6) months of the date of application for the permit. It is not intended by this chapter to grant the county landmarks commission jurisdiction over zoning or use permit matters other than in the area of design review.

(Ord. No. 4643, 1993; Ord. No. 6020, § I, 3-12-2013.)

Sec. 26-68-025. - Conformance with historic district design guidelines.

Alterations to existing structures and construction of new structures within historic districts shall be consistent with the historic district design guidelines adopted by the board of supervisors including:

- 1. Bodega Historic District Design Guidelines.
- 2. Freestone Historic District Design Guidelines.
- 3. Occidental Historic District Design Guidelines.

(Ord. No. 6020, § I, 3-12-2013.)

Sec. 26-68-030. - Standards governing decisions of county landmarks commission.

In determining whether to approve or to disapprove an application for a zoning permit required by Section 26-68-020, the county landmarks commission shall apply the standards:

- (a) Described in the purpose of this article, set out in the ordinance codified in this chapter; and

- (b) Such additional standards as may be specifically delineated upon the particular sectional district map establishing the historic zoning district for a particular area.

(Ord. No. 4643, 1993.)

Sec. 26-68-040. - Appeal to planning commission and/or board of supervisors.

- (a) Any interested person(s) may appeal the decision of the county landmarks commission under this article to the Sonoma County planning commission in the manner required by Section 26-92-040.
- (b) Any interested person(s) may appeal the decision of the planning commission under this article to the Sonoma County board of supervisors in the manner required by Section 26-92-160.

(Ord. No. 4643, 1993.)

Article 70. - G Geologic Hazard Area Combining District.

Sec. 26-70-005. - Purpose.

Purpose: to reduce unnecessary exposure of people and property to risks of damage or injury from earthquakes, landslides and other geologic hazards in the Alquist-Priolo Special Studies Zone and to implement the provisions of Section 2.3 of the general plan public safety element.

(Ord. No. 4643, 1993.)

Sec. 26-70-010. - Location and boundaries.

The G district may be applied to properties which are located within the Alquist-Priolo Special Studies zone.

(Ord. No. 4643, 1993.)

Sec. 26-70-020. - Permitted uses.

All uses permitted within the respective district with which the G district is combined shall be permitted, except that no structure intended for human occupancy or otherwise defined as a project in the Alquist-Priolo Special Studies Zone Act, shall be permitted to be placed across the trace of an active fault or within fifty feet (50') of the surface trace of any fault.

(Ord. No. 4643, 1993.)

Sec. 26-70-030. - Geologic reports required.

Geologic reports shall be required for development of properties within the G district and shall describe the hazards and shall include mitigation measures to reduce risks to acceptable levels.

(Ord. No. 4643, 1993.)

Article 72. - MR Mineral Resource Combining District.

Sec. 26-72-005. - Purpose.

Purpose: to conserve and protect land that is necessary for future mineral resource production. The MR district is intended to be applied only where consistent with the aggregate resources management plan and combined with base zoning within the general plan's land intensive agriculture, land extensive agriculture, diverse agriculture and resources and rural development land use categories. This zone allows mining with the issuance of a surface mining use permit and the approval of a reclamation plan, but restricts residential and other incompatible uses. Its uses supersede those allowed in the applicable base district.

(Ord. No. 4643, 1993: Ord. No. 2862)

Sec. 26-72-010. - Permitted uses.

- (a) Geotechnical studies involving no grading or construction of new roads or pads;
- (b) Timber management including planting, raising and harvesting of trees and logs for lumber or fuel woods subject to requirements of California Department of Forestry and Fire Protection;
- (c) Raising, grazing, maintaining and breeding of horses, cattle, sheep, goats and similar animals;
- (d) The outdoor growing and harvesting of plants, flowers, fruits, vegetables, shrubs, vines, trees, hay, grain and other similar food and fiber crops. Except as noted below, agricultural cultivation shall not be permitted in the following areas:
 - (1) Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor,
 - (2) Within fifty feet (50') from the top of the bank in designated flatland riparian corridors,
 - (3) Within twenty-five feet (25') from the top of the bank on designated upland riparian corridors.

Agricultural cultivation may be allowed as set out in subsections (d)(1) through (3) of this section upon approval of a management plan which includes appropriate mitigation for potential erosion, bank stabilization and biotic impacts. This plan may be approved by the planning director or by use permit pursuant to Section 26-72-020(k);

- (e) The indoor growing and harvesting of shrubs, vines, trees, hay, grain and similar food and fiber crops provided that the greenhouse or similar structure for indoor growing is less than eight hundred (800) square feet;
- (f) Incidental cleaning, grading, packing, polishing, sizing or similar preparation of crops which are grown on the site but not including agricultural processing;
- (g) Temporary or seasonal sales and promotion, and incidental storage of crops or fuel woods which are grown on the site;
- (h) Temporary or seasonal sales and promotion of livestock which have been raised on the site;
- (i) Beekeeping.
- (j) Attached commercial telecommunication facilities subject to the applicable criteria for such facilities in the CO district set forth in Section 26-88-130;
- (k) Minor freestanding commercial telecommunication facilities that are consistent with any applicable mining and reclamation plan, and subject to the applicable criteria for such facilities in the CO district set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which written notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section.
- (l) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet

(80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section.

(Ord. No. 4973 § 13(a), 1996; Ord. No. 4643, 1993.)

Sec. 26-72-020. - Uses permitted with a use permit.

Uses permitted with a use permit include the following:

- (a) Mineral extraction and production as described below. In addition to meeting the requirements of this chapter, every use permit issued hereunder shall meet the requirements for a surface mining permit under the surface mining and reclamation ordinance, Chapter 26A of the Sonoma County Code and as such, when approved, shall constitute the surface mining permit required by Chapter 26A-3.
 - (1) Hardrock quarry operations; defined as processed or crushed rock operations which entail the extraction, stockpiling, processing and sale of bedrock geologic deposits.
 - (i) Asphalt batch plants incidental to hardrock quarries,
 - (ii) Cement concrete batch plants incidental to hardrock quarries,
 - (iii) Equipment storage yards incidental to resource management, including packing, repairing and storage of equipment so used,
 - (iv) Accessory structures, offices or other uses incidental to hardrock quarry operations,
 - (2) River terrace operations, defined as sand and gravel operations which entail the extraction, stockpiling, processing and sale of sand and gravel from terrace floodplain deposits.
 - (i) Sand and gravel operations which entail the extraction, stockpiling, processing and sale of sand, gravel, overburden, and topsoil,
 - (ii) Equipment storage yards incidental to resource management, including parking, repairing and storage of equipment so used,
 - (iii) Accessory structures, offices or other uses incidental to river terrace operations,
 - (3) Instream operations; defined as sand and gravel operations which entail the extraction and sale of sand, gravel, and overburden from streams and rivers. Processing shall be limited to the removal and placement of oversized (+3") particles;
- (b) The raising, feeding, maintaining and breeding of poultry, fowl, rabbits, fur-bearing animals or animals such as veal calves, pigs, hogs and the like, which are continuously confined in and around barns, corrals and similar areas for other than domestic purposes. Incidental processing of such animals which are raised on site. This subsection shall not be interpreted so as to require a use permit for animals allowed by Section 26-72-010(c);
- (c) Geotechnical studies which involve grading or construction of new roads or pads;
- (d) Commercial harvesting and sales of off-site fuel woods not subject to the requirement of the California Department of Forestry and Fire Protection;
- (e) Controlled burns undertaken for purposes of fuel load management and wildlife habitat enhancement;
- (f) Oil and gas wells;
- (g) Unpaved private landing strips;

- (h) Accessory structures, or uses incidental and appurtenant to any use for which a use permit has been granted or is required;
- (i) Water conservation dams and ponds;
- (j) Minor public utility buildings and public service or utility uses (transmission and distribution lines and telecommunication facilities excepted) including, but not limited to, reservoirs, storage tanks, pumping stations, telephone exchanges, small power and transformer stations, fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are otherwise exempt by state law;
- (k) Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26-72-010(d).
 - (1) Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor,
 - (2) Within fifty feet (50') from the top of the bank in designated flatland riparian corridors,
 - (3) Within twenty-five feet (25') from the top of the bank on designated upland riparian corridors;
- (l) Game preserves and refuges;
- (m) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria for such facilities in the C2 district set forth in Section 26-88-130 and provided that the proposed facility is consistent with any applicable mining and reclamation plans.
- (n) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130 and provided that the proposed facility is consistent with any applicable mining and reclamation plans.

(Ord. No. 4973 § 13(b), (c), 1996; Ord. No. 4643, 1993.)

Sec. 26-72-030. - Permitted residential density and development criteria.

The use of land and structures within this district is subject to this article and the applicable regulations of this chapter. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.

- (a) Density. Residential density shall be as shown in the general plan land use element, or that density permitted by a B combining district, whichever is more restrictive. There shall be no minimum lot size for inclusion into the MR district.
- (b) Minimum Yard Requirements for Uses Other than Mineral Extraction and Production:
 - (1) Front Yard Required. Ten percent (10%) of the depth of the lot, but not more than one hundred feet (100') nor less than thirty feet (30').
 - (2) Side Yard Required. Ten percent (10%) of the width of the lot, but not more than fifty feet (50').
 - (3) Rear Yard Required. Fifty feet (50').
- (c) Maximum Building Height.
 - (1) Fifty feet (50'), provided that additional height may be permitted where special structures are required if a use permit or use permit waiver is first secured in each case.
 - (2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.
- (d) Parking Requirements.
 - (1) On-site parking shall be screened where practical from view from public roadways by natural vegetation, landscaping, natural topography, fencing or structures.

- (2) On-site parking shall not block emergency vehicle accessways and turnarounds.

(Ord. No. 4973 § 13(d), 1996; Ord. No. 4643, 1993; Ord. No. 2862.)

Article 75. - WH Workforce Housing Combining District.

Sec. 26-75-005. - Purpose.

The purpose of the Workforce Housing (WH) Combining District is to implement policies and programs of the Sonoma County Housing Element by increasing the supply of housing for the local workforce in close proximity to job centers or major transit services.

(Ord. No. [6247](#), § II(Exh. F), 10-23-2018)

Sec. 26-75-010. - Applicability.

The WH combining district may be applied to properties within designated urban service areas with the following base zones:

- (a) LC (Limited Commercial) District;
- (b) C2 (Retail Business and Service) District;
- (c) MP (Industrial Park) District;
- (d) M3 (Rural Industrial) District;
- (e) M1 (Limited Industrial); and
- (f) PF (Public Facilities) District

(Ord. No. [6247](#), § II(Exh. F), 10-23-2018)

Sec. 26-75-020. - Designation criteria.

Parcels proposed for rezoning to add the Workforce Housing Combining District must meet all of the following criteria:

- (a) Parcel must be located within an Urban Service Area.
- (b) There is adequate sewer and water capacity to serve the projected residential development.
- (c) The proposed parcel would accommodate housing for on-site commercial or industrial uses; or the parcel is located within three thousand feet (3,000') from any one (1) of the following:
 - (1) A passenger rail or transit station with headways of sixty (60) minutes or less during peak hours;
 - (2) An employment node that encompasses an aggregate of:
 - i. Three (3) acres of commercial-zoned land;
 - ii. Ten (10) acres of industrial-zoned land; or
 - iii. Any combination of (i) and (ii) that provides an equivalent ratio;
- (d) The proposed rezoning is consistent with the overall goals, objectives, policies and programs of the general plan and any applicable area or specific plans as amended from time to time;

- (e) The proposed rezoning is consistent with the allowable residential densities and other limitations of the Comprehensive Airport Land Use Plan (CALUP) as amended from time to time.
- (f) Parcel is not adjacent to incompatible land uses that emit noxious levels of noise, odor, and other pollutants, nor adjacent to lands zoned for such uses.

(Ord. No. [6247](#), § II(Exh. F), 10-23-2018)

Sec. 26-75-030. - Permitted uses.

The following uses are permitted in addition to those allowed by the underlying base zone, in compliance with all applicable provisions of Article 89 (Affordable Housing Program) and subject to design review:

- (a) Multi-family housing projects providing at least ten percent (10%) of the total units affordable to very low- and extremely low-income households;
- (b) Multi-family housing projects providing at least fifteen percent (15%) of the total units affordable to low- and very low-income households;
- (c) Planned developments and condominiums providing at least twenty percent (20%) of the total units affordable to low- and moderate-income households;
- (d) Housing opportunity rental (Type A) projects providing at least forty percent (40%) of the total units affordable to very low- and low-income households;
- (e) Housing opportunity ownership (Type C) projects providing at least twenty percent (20%) of the total units affordable, with one-half of the total number of required affordable units shall be provided as affordable to low-income households; the remaining affordable units may be provided as affordable to households with moderate or low incomes;
- (f) Mixed-use projects in compliance with Section 26-88-123 (Mixed Use Developments) providing at least twenty percent (20%) of the total residential floor area affordable to lower-income households.

(Ord. No. [6247](#), § II(Exh. F), 10-23-2018)

Sec. 26-75-040. - Uses permitted with a use permit.

- (a) Multifamily, mixed-use, or ownership housing projects providing less than the minimum affordable units required of Section 26-75-030;
- (b) Multifamily, mixed-use, or ownership housing projects that do not meet all of the development criteria or design standards.

(Ord. No. [6247](#), § II(Exh. F), 10-23-2018)

Sec. 26-75-050. - Residential densities, building intensity and development criteria.

Workforce housing projects shall conform to the residential densities and development standards listed in Section 26-24-030 (R3 High Density Residential), except as set forth below:

- (1) Workforce housing projects shall have a minimum residential density of sixteen (16) units per acre and a maximum residential density of twenty four (24) units per acre based on the calculation of density unit equivalents for High Density Residential provided in Section 26-24-030. Additional density may be granted in compliance with Article 89 (Affordable Housing Program).

- (2) Vacation rentals or other transient occupancies are prohibited in workforce housing.
- (3) As a condition of approval, workforce housing projects must notify prospective tenants of the potential for noise disturbance or future noise disturbance.

(Ord. No. [6247](#), § II(Exh. F), 10-23-2018)

Article 76. - Z Accessory Dwelling Unit Exclusion Combining District.[\[9\]](#)

Footnotes:

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Editor's note— Ord. No. [6191](#), § VI(Exh. E), adopted Jan. 24, 2017, amended the title of Article 76 to read as herein set out. The former Art. 76 was titled, "Z Second Unit Exclusion Combining District."

Sec. 26-76-005. - Purpose.

Purpose: the purpose of this district is to provide for the exclusion of accessory dwelling units in the following areas:

- (a) Areas where there is an inadequate supply of water for drinking or firefighting purposes;
- (b) Areas where there are inadequate sewer services or danger of groundwater contamination;
- (c) Areas where the addition of accessory dwelling units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads or highways; and
- (d) Areas where, because of topography, access or vegetation, there is a significant fire hazard.

(Ord. No. [6191](#), § VI(Exh. E), 1-24-2017; Ord. No. 4643, 1993.)

Sec. 26-76-010. - Permitted uses.

All uses permitted in the respective district with which the Z district is combined shall be permitted in the Z district, except for the establishment, placement or construction of an accessory dwelling unit otherwise authorized by Section 26-92-040.

(Ord. No. [6191](#), § VI(Exh. E), 1-24-2017; Ord. No. 4643, 1993.)

Article 77. - VR Visitor Residential Combining Zone.[\[10\]](#)

Footnotes:

--- (10) ---

Editor's note— [Ord. No. 6145, § VI\(Exh. B\)](#), adopted March 15, 2016, amended the title of Article 77 and certain provisions contained therein to reflect provisions related to the VR Visitor Residential Combining Zone. Formerly, Article 77 pertained to X Mixed Occupancy Zone.

Sec. 26-77-005. - Purpose.

The purpose of the VR combining zone is to provide flexibility in types and terms of occupancy for residential units on lands zoned for recreation and visitor-serving uses. The X zone may be applied where surrounding uses or zoning are compatible with uses allowed in the X combining zone.

([Ord. No. 6145, § VI\(Exh. B\)](#) , 3-15-2016; Ord. No. 6041, § II, 6-25-2013.)

Sec. 26-77-010. - Applicability.

The VR combining zone may be applied to the following base zones:

Recreation and visitor-serving commercial (K).

([Ord. No. 6145, § VI\(Exh. B\)](#) , 3-15-2016; Ord. No. 6041, § II, 6-25-2013.)

Sec. 26-77-015. - Designation prohibited.

The VR combining zone may not be applied to any property or residential unit protected under a long-term affordability agreement. The VR combining zone may also not be applied when a rezone to a different base zone would better reflect the proposed land use or the project objectives.

([Ord. No. 6145, § VI\(Exh. B\)](#) , 3-15-2016; Ord. No. 6041, § II, 6-25-2013.)

Sec. 26-77-020. - Uses permitted with a use permit.

In addition to the uses permitted within the base zone district, the following uses may be permitted subject to the granting of a use permit:

- (a) Single room occupancy (SRO) facilities, subject to the standards in Section 26-88-125.
- (b) Mixed Occupancies. Residential uses such as condominiums with mixed lengths of occupancy, time shares, stock cooperatives, resorts, extended stay hotels, and similar projects where a mix of transient and long-term occupancies are desired.

(Ord. No. 6041, § II, 6-25-2013.)

Sec. 26-77-030. - Development standards.

- (a) Development standards shall be the same as those of the underlying zone district.
- (b) No new development shall be allowed within the F1 flood way, other than seasonal camping.
- (c) Development within the F2 flood plain shall conform to Chapter 7B of this Code.
- (d) Development and conversions of existing structures shall be subject to applicable accessibility requirements, as determined by the building official.

(Ord. No. 6041, § II, 6-25-2013.)

Article 78. - B Combining Districts.

Sec. 26-78-005. - Purpose.

Purpose: to specify residential density and/or minimum parcel or lot size for a particular parcel, lot or area

(Ord. No. 4643, 1993.)

Sec. 26-78-010. - Generally.

The following regulations shall apply to the respective B districts:

Combining

District: Requirements:

B6 The adopted zoning maps shall specify the maximum permitted density, determined by gross acreage for all residential uses. Minimum front, side and rear yard requirements and the minimum parcel or lot size, if not otherwise specified, shall conform to the base district with which the B6 district is combined unless specifically approved otherwise by the planning commission.

B7 Minimum parcel or lot size shall be as specified on the recorded final or parcel maps and the parcels or lots shall not be further subdivided. The B7 combining district signifies that the lot has been frozen in order to restrict further subdivision of large remaining parcels left after approval of a clustered subdivision as provided in general plan Policy LU-6c. A lot line adjustment may be applied for, processed, and approved pursuant to Chapter 25 of the Sonoma County Code and this chapter. Minimum front, side and rear yard requirements shall conform to the base district with which the B7 district is combined unless specifically approved otherwise by the planning commission.

B8 Minimum parcel or lot size shall be as specified on the recorded final or parcel map and the parcels or lots shall not be further subdivided. The B8 combining district signifies that the lot has been frozen for one of the following reasons:

1. The property is designated rural residential on the general plan land use map, but is subject to a Williamson Act contract;
2. The property lies within the designated urban service boundary surrounding a city where the county intends to limit urban development until annexation or similar occurrence pursuant to a general plan area policy;
3. The property is subject to a specific plan or area plan policy where the county intends to limit urban development for the reasons set forth in the applicable plan.

A lot line adjustment may be applied for, processed, and approved pursuant to Chapter 25 of the Sonoma County Code and this chapter. Minimum front, side and rear yard requirements shall conform to the base

district with which the B8 district is combined unless specifically approved otherwise by the planning commission.

(Ord. No. 4643, 1993.)

Article 79. - X Vacation Rental Exclusion Combining District.

Sec. 26-79-005. - Purpose.

The purpose of this district is to provide for the exclusion of vacation rentals in the following areas:

- (a) Areas where there is inadequate road access or off-street parking;
- (b) Areas where the prevalence of vacation rentals is detrimental to the residential character of neighborhoods;
- (c) Areas where the residential housing stock is to be protected from conversion to visitor-serving uses;
- (d) Areas where, because of topography, access or vegetation, there is a significant fire hazard.
- (e) Areas where residential character is to be preserved or preferred; and
- (f) Other areas where the board of supervisors determines that it is in the public interest to prohibit the establishment and operation of vacation rentals.

(Ord. No. 6145, § VII(Exh. C), 3-15-2016)

Sec. 26-79-010. - Permitted uses.

All uses permitted in the respective district with which the X district is combined shall be permitted in the X district, except for the establishment, operation, placement or construction of a vacation rental otherwise authorized by [Section] 26-88-120.

([Ord. No. 6145, § VII\(Exh. C\)](#), 3-15-2016)

Article 80. - TS Traffic Sensitive Combining District.

Sec. 26-80-005. - Purpose.

Purpose: the traffic sensitive combining district is intended to implement the provisions of Section 2.3.3 of the Sonoma County general plan land use element, providing sites for uses allowed by the base zoning district, but which are constrained by severe traffic congestion.

(Ord. No. 4828 § 1, 1994; Ord. No. 4643, 1993.)

Sec. 26-80-010. - Permitted uses and uses permitted with a use permit.

All permitted uses and uses permitted with a use permit in the applicable district with which the TS district is combined, except that the intensity of such uses shall be limited so as not to exceed anticipated traffic generation levels which are specified below:

1. Each parcel designated "limited commercial" within the Sonoma Valley redevelopment area on the general plan land use map shall be limited to a total of sixty-three (63) trips per acre per weekday evening peak hour.

2. Each parcel designated "limited commercial traffic sensitive" within the aforementioned area shall be limited to a total of eighteen (18) trips per acre per weekday evening peak hour.
3. In addition to the above traffic levels, development on these parcels must also be found consistent with Objective CT-4.1 and Policy CT-4a of the general plan circulation and transit element.

The most recent trip generation manual published by the Institute of Transportation Engineers shall be used to evaluate projects in order to determine the number of trips the proposed uses will generate and thereby the intensity of uses permitted.

(Ord. No. [6252](#), § II(Exh. C), 12-4-2018; Ord. No. 4828 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-80-020. - Permitted building intensity and development criteria.

The use of land and structures is subject to the standards of the applicable base district except that the intensity and type of permitted uses may be limited by specified traffic levels. The most recent trip generation manual published by the Institute of Transportation Engineers shall be used to determine the traffic levels which would result from proposed uses.

A summary table of anticipated traffic levels resulting from various categories of use from the trip generation manual is available at the Sonoma County planning department.

(Ord. No. 4828 § 1, 1994: Ord. No. 4643, 1993.)

Article 82. - Design Review.

Sec. 26-82-005. - Purpose.

Purpose: in order to carry out the objectives of this chapter and to protect values, plans for new or altered uses, structures and land divisions in certain zoning districts shall be reviewed by the planning director or his appointed design review committee. The intent of this article is not to stifle individual initiative, but to set forth the minimums necessary to achieve a healthful community whose property values are protected from unplanned developments.

(Ord. No. 4643, 1993.)

Sec. 26-82-010. - Preliminary development plan requirements.

All development shall be planned as a unit. Applications for design review approval shall be accompanied by a development plan, including the entire parcel or parcels to be developed.

Approval of the preliminary development plan shall concentrate on the general acceptability of land uses, open space configuration, conformity to adopted general plans or area land use plans, specific uses and densities proposed and their interrelationships and relationship to the surroundings. The preliminary development plan application shall include the following:

- (a) Proposed land uses, showing general location of open space, building areas and specific uses;
- (b) The proposed maximum density for residential uses measured in units per gross acre;
- (c) The type and location of proposed major public facilities;
- (d) Topography at intervals determined by the planning director;
- (e) A tabulations of the total land area and percentage thereof designated for various uses;

- (f) General circulation pattern indicating both public and private vehicular and pedestrian ways, including trail systems where proposed;
- (g) Relationships of present and future land uses to the surrounding area and any adopted general plan, specific plan or area land use plan;
- (h) A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures and open space;
- (i) A preliminary report indicating provisions for storm drainage, sewage, disposal, grading and public utilities;
- (j) Delineation of development staging, if any;
- (k) Significant natural features such as trees, rock outcroppings and bodies of water;
- (l) Existing manmade features and areas where natural materials are to be deposited and removed;
- (m) Methods of preventing soil erosion or slippage;
- (n) Any other data deemed necessary by the planning director.

(Ord. No. 4643, 1993.)

Sec. 26-82-020. - Final development plans.

Before a building permit or a zoning permit may be issued for any zoning district in which this section is applicable, final plans of development shall be approved by the planning director. Such final development plans shall include a plot plan and elevations drawn to a workable scale, depicting the following:

- (a) Topography, significant natural features and trees;
- (b) Location and design of buildings and structures including materials to be used;
- (c) Location and type of landscaping, irrigation and its relationship to open spaces and existing vegetation, and any adopted county low-water use regulations;
- (d) Location and design of off-street parking and loading facilities, and any required public roadway improvements;
- (e) Location and type of fences and walls;
- (f) Location of trash storage areas;
- (g) Location and design of signs and exterior night lighting;
- (h) Grading plans as necessary to meet the requirements of the Sonoma County tree protection ordinance;
- (i) Any other data deemed necessary by the planning director.

In the case of a development of a group of commonly designed building, the planning director may limit his review to typical elevations.

(Ord. No. 4643, 1993.)

Sec. 26-82-030. - General development standards.

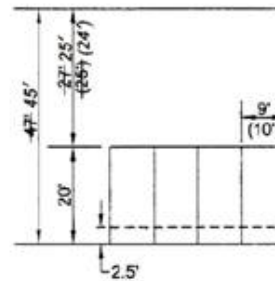
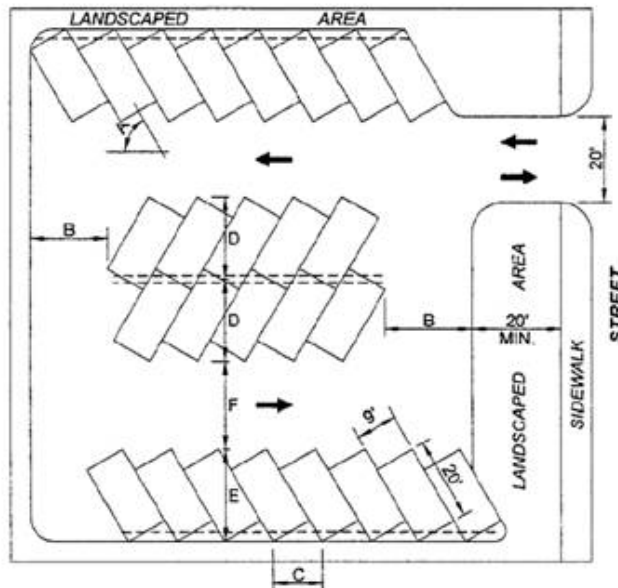
- (a) The orientation of building sites shall be such as to maintain maximum natural topography and cover.

- (b) The design of buildings, fences and other structures shall be evaluated on the basis of harmony with site characteristics and nearby buildings, including historic structures, in regard to height, texture, color, roof characteristics and setback.
- (c) Streets shall be designed and located in such a manner as to maintain and preserve mutual topography, cover, significant landmarks and trees; to necessitate minimum cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- (d) Horticultural groundcovers and other surfacing shall be used to prevent dust and erosion where natural vegetation and groundcover is disturbed or removed.
- (e) All refuse collection areas shall be enclosed on all sides unless, by nature of the building design, the trash areas are obscured from the adjacent properties and from vehicular and pedestrian traffic. Refuse enclosures shall be of six-foot (6') height with adequate access for refuse vehicles.
- (f) Where nonresidential or high-density residential areas are adjacent to low-density residential areas (R1), the planning director may require six-foot (6') screening in the form of a wall or landscape planting; except, that screen shall be reduced to three feet (3') if within or abutting a required front setback. The height limit may be modified where, because of differences in ground elevation, the purposes of this section would be better met. The precise location and type of screening shall be determined by the planning director.
- (g) The color, size, height, lighting and landscaping of appurtenant signs and structures shall be elevated for compatibility with local architectural motif and the maintenance of view and vistas of natural landscapes, recognized historic landmarks, urban parks or landscaping.
- (h) A complete system of underground utilities shall be provided in accordance with public utility commission regulations.
- (i) All mechanical or air-conditioning apparatus shall be screened from view and baffled for sound.
- (j) Each unit of development, as well as the total development, shall create an environment of desirability and stability. Every structure, when completed and in place, shall have a finished appearance.
- (k) A minimum of eight percent (8%) of all parking lot areas where more than ten (10) parking spaces are provided shall be landscaped. The landscaping shall be uniformly distributed and provision shall be made for its perpetual maintenance.
- (l) The parking layout shall conform to the dimensions on the following diagram. Where two-way traffic is desired, aisle widths shall be a minimum of twenty feet (20'), except where item F of the diagram requires a greater width. The planning director may modify the layout provided the goals of this chapter are achieved. Such modifications may include, but are not limited to parking at other angles than indicated, a combination of parking angles or a herringbone pattern. (Diagram shown at end of this section).
- (m) Circulation within a parking area shall be such that:
 - (1) A car entering the parking area need not enter a street to reach another side;
 - (2) Except for parking areas accommodating three (3) or fewer vehicles, a car entering a street or highway can do so by traveling in a forward direction.
- (n) All lighting in parking areas shall be arranged to prevent director glare or illumination onto adjacent properties.
- (o) Off-street parking areas and driveways, exclusive of required landscaping, shall be surfaced with materials approved by the planning director. Paved parking areas shall be painted with lines showing parking spaces and with directional arrows, showing traffic movements.
- (p) Required residential covered off-street parking facilities shall be located on the premises they are intended to serve, and shall not extend into a required front yard or any other required yard abutting a street.

- (q) Off-street parking for other than residential uses shall be on the premises they are intended to serve or within three hundred feet (300') thereof. Where parking is provided on sites other than that of the use, a parking easement stipulating to the permanent reservation of the use of the site for parking, shall be recorded with the county recorder and filed with the building inspector and planning director prior to the issuance of building or zoning permits.

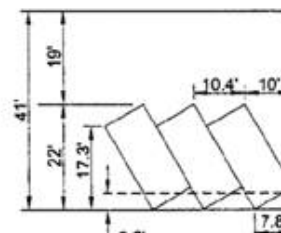
OFF-STREET PARKING DESIGN STANDARDS

SONOMA COUNTY PERMIT & RESOURCE MANAGEMENT DEPARTMENT

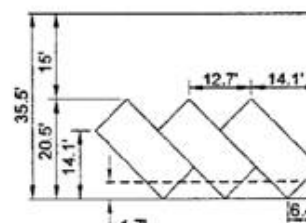


90° PARKING

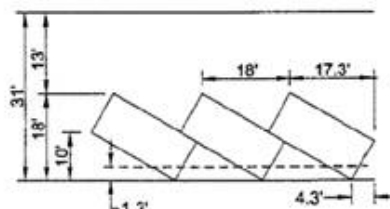
NOTE: Alternate dimensions (), for residential use or where desired.



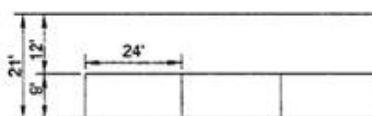
60° PARKING



45° PARKING



30° PARKING



PARALLEL PARKING

DIMENSION TABLE					
PARKING ANGLE	A	30°	45°	60°	90°
TURNAROUND	B		17'	14'	14'
CURB LENGTH	C	18'	12.7'	10.4'	9'
STALL DEPTH	D	16.5'	18.8'	19.6'	20'
STALL DEPTH	E	17.8'	20.5'	21.8'	20'
DRIVEWAY	F	13'	15'	19'	27'

NOTE: Parking stalls shall be 9' x 20'.
Compact stalls shall be 8' x 16'.
Handicap stalls shall be 12' x 20'.
Loading stalls shall be 12' x 40' x 14'.
Fully enclosed parking spaces shall be 10' x 20'.

(Ord. No. 5711 § 9 (Exh. J), 2007; Ord. No. 4643, 1993.)

Sec. 26-82-040. - Approval of building permits, zoning permits and land use—Status of approved preliminary and final development plan(s), and improvement agreements.

- (a) Compliance. No building permit, zoning permit nor land use approval shall be issued in any zoning district where this article is applicable until the preliminary and final development plan(s) have been approved by the planning director or other applicable decision making body.

The planning department shall not authorize final building inspection or any level of occupancy of the building(s) until satisfied that: all on-site improvements shown on the grading and utility drawings are installed or bonded for in accordance with the site plan approved by the design review committee; the buildings are constructed in accordance with the illustrative building elevation drawings, material samples and color samples approved by the design review committee; the landscaping and landscape irrigation system are installed or bonded for in accordance with the drawings approved by the design review board and that all conditions of approval are met.

- (b) Improvement Agreements.

- (1) If the improvement works required as a condition of an approval of a project by the design review committee are not satisfactorily completed before the issuance of a building permit(s) the owner(s) of the property shall, prior to the issuance of such permit(s), enter into an agreement with county, agreeing to have the work completed within the time required, and specifying that should such work not be satisfactorily completed within the time limit, in addition to any other remedies it may have, the county may complete all specified improvements and be completely reimbursed for such improvements by the owner of the property. For purposes of this section, "improvement works" means those landscape, street and drainage improvements required as a condition of design review. Any such improvement agreement shall be approved as to form by the county counsel and shall include, but not be limited to:
- (i) Construction of all improvements works per the approved plans; provided, however, that the development shall not be obligated to complete design review improvements in the event the developer elects not to construct the underlying project;
 - (ii) Completion of improvements within one (1) year from approval of design review. This completion date may be extended by the county as provided in this chapter;
 - (iii) Warranty by developer that construction of on-site drainage improvements will not adversely affect any portion of adjacent properties;
 - (iv) Payment of inspection fees in accordance with the county's established fees and charges;
 - (v) Improvement security;
 - (vi) Maintenance and repair of any defects or failures and causes thereof;
 - (vii) Release and indemnification of the county from all liability incurred as a result of construction associated with the development and payment of all reasonable attorney's fees that the county may incur because of any legal action arising as a result of construction associated with the development;
 - (viii) Registered civil engineer's, architect's or landscape architect's written verification to the county, based upon field inspection, that landscaping, private road and drainage improvements located on the property and subject to the agreement have been constructed in substantial conformance with approved plans.
- (2) Modification of Improvement Agreements. Improvement agreements may be modified to reduce the amount of security in recognition of the partial completion of improvements, and to allow changes to improvement plans as approved by the design review committee as specified under the terms of an existing agreement. All modifications of improvement agreements shall be

at the discretion of the county of Sonoma, upon written request by the developer. In consideration of a modification to reduce the amount of security, the following will be required:

- (i) Engineer's, architect's, landscape architect's or licensed Contractor's written verification to the county that the partially constructed landscaping, private road and drainage improvements located on the property and subject to the agreement have been completed in substantial conformance with approved plans;
 - (ii) Revised improvement construction estimate to reflect current improvement costs as approved by the responsible department;
 - (iii) Revised improvement securities in accordance with revised construction cost estimates;
 - (iv) A fee shall be paid to the county to cover the actual costs for processing the modification.
- (3) Extension of Improvement Agreements. The completion date for any improvements to be constructed under an improvement agreement may be extended by the county of Sonoma upon written request by the developer and the submittal of evidence to justify such extension. The request shall be made not less than thirty (30) days prior to the expiration of the improvement agreement. Any such extension shall be authorized in writing by the county. Any request for extension, at the discretion of the county, may be denied. In consideration of the extension, the following will be required:
- (i) In those cases where construction has not commenced, revision of the improvement plan to provide the current design and construction standards required by the responsible department;
 - (ii) Revised improvement construction estimate to reflect current improvement costs as approved by the responsible department;
 - (iii) Increase of improvement securities in accordance with revised construction estimates;
 - (iv) Increase in any inspection fees to reflect current fees;
 - (v) The design review committee may impose additional requirements it may deem necessary as a condition to approving any time extension for the completion of improvements;
 - (vi) A fee shall be paid to the county to cover the actual costs for processing the extension.
- (4) Amount of Security to Accompany Improvement Agreement. Applicant/developer shall, prior to county's execution of the design review agreement, deliver to county the following security in a form satisfactory to the county counsel:
- (i) Either a cash deposit, a corporate surety bond or an instrument of credit sufficient to assure county that the improvement work approved by the county will be satisfactorily completed. Nothing contained in this section shall be construed to require duplicate security for improvements for which the county, as principal obligee, is already holding security;
 - (ii) If required by county, a cash deposit, corporate surety bond, or instrument of credit sufficient to assure county that wet weather construction mitigation measures will be constructed in accordance with the approved plan.
- (5) Release of Improvement Securities. The performance security for dedicated improvements shall be released only upon acceptance of the improvements by the county and, if required as a condition of design review, approved warranty security has been filed with the county. The performance security for other improvements shall be released only upon satisfactory passage of final inspection by the county. Additional, with respect to improvements which will not be dedicated and accepted by the county, the applicant/developer shall comply with Section 3093 of the Civil Code and deliver forthwith to the planning director or the directors' appointed designee, a copy of the notice of completion and the engineer's, architect's or licensed landscape architect's written verification based upon field inspection of satisfactory completion as required for the landscaping, private road and drainage improvements; and, if required as a

condition of design review, shall deliver to the county any required maintenance and/or warranty agreements and security, prior to the release of the performance security.

- (6) Delegation to Approve Improvement Agreements. Where the board of supervisors has, by resolution, adopted a standard form design review agreement which conforms to the requirements of this section, the planning director is authorized to execute such agreements and accept security therefore on behalf of the county, including any extensions or minor modification thereto which are consistent with this section.
- (7) The planning director may waive the requirement for an improvement agreement and securities on landscape and irrigation improvements when found appropriate and the applicant enters into an agreement with the county to hold occupancy on the project pending completion of all required improvements. In considering such a waiver, the planning director shall review the scale of the project, visibility of the project from adjacent roads and properties, and demonstrated prior performance of the applicant.

(Ord. No. 5933, § II(j), 5-10-2011; Ord. No. 4643, 1993; Ord. No. 3707.)

Sec. 26-82-050. - Design review requirement.

- (a) No permit shall be issued for any project requiring design review approval unless and until drawings and plans have been approved by the design review committee or other applicable decision making body as the case may be. All buildings, structures and grounds shall be developed in accordance with the approved drawings and plans.
- (b) The design review committee, composed of three (3) members appointed by the planning director, shall be responsible for and shall have the authority to approve drawings and plans within the meaning of this section. The committee, or other applicable decision-making body as the case may be, shall endeavor to provide that the architectural and general appearance of buildings or structures and grounds are in keeping with the character of the neighborhood and are not detrimental to the orderly and harmonious development of the county and do not impair the desirability of investment or occupation in the neighborhood.
- (c) The planning director may waive the above requirement for design review committee approval of a project in the following instances. In such cases, administrative design review approval shall be required as described in (d) below.
 - (1) New commercial, institutional or industrial uses permitted by zoning in existing buildings or uses that have been previously authorized by use permit or design review approval. Approval shall be based on a review of the property to assure compliance with the terms and conditions of the original authorization of the use. Additional conditions may be required to implement the objectives of the Sonoma County general plan, applicable specific or area plans, any local area development guidelines and the Sonoma County Code;
 - (2) Signs for residential, commercial, industrial and institutional uses permitted by this chapter, for which a sign program has been approved, or for appurtenant signs less than thirty-two (32) square feet, which are not located along a designated scenic corridor;
 - (3) Minor facade changes or building additions for residential, institutional, commercial and industrial uses not requiring use permit approval or for such uses for which a use permit has been granted, if such changes or additions involve less than twenty percent (20%) of the existing floor area, do not exceed five thousand (5,000) square feet and are exempt from the provisions of the California Environmental Quality Act;
 - (4) Fruit and produce stands (if exempt from CEQA);
 - (5) Bed and breakfast inns (subsequent to use permit approval);

- (6) Any other project requiring design review approval as specified in this chapter which in the opinion of the planning director based on the small scale and the nature of the development should qualify for administrative design review.
- (d) Administrative design review approval shall consist of a formal written waiver specifying conditions, if any. Copies of the written waiver will be distributed to the applicant and any interested persons. The administrative determination is appealable to the design review committee within ten (10) calendar days following the mailing date of the report. An appeal is made by filing the appropriate application and required fees with the county planning department.
- (e) Any interested person may appeal any decision made by the design review committee pursuant to this chapter to the planning commission. An appeal shall be filed in writing with the planning director within ten (10) days after the decision that is the subject of the appeal. The appeal shall specifically state the basis for the appeal and shall be accompanied by the required filing fee.
- (f) The design review committee may, if it deems it advisable, refer any application for design review approval to the planning commission for its decision.

(Ord. No. 5537 § 2 (b), (c), 2004; Ord. No. 4643, 1993.)

Article 84. - Sign Regulations.

Sec. 26-84-005. - Purpose.

Purpose: to insure the stability and safeguarding of property values; to protect the investments, both public and private, in buildings and land; to preserve and improve the appearance of the county as a place to live and work; to encourage sound signing practices as an aid to business and for the information of the public; to prevent excessive and abusive signing; to reduce hazards and confusion to motorists and pedestrians; and to promote the public health, safety and general welfare.

(Ord. No. 4643, 1993.)

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

- (a) The provisions established by this section shall apply to signs in all base zoning districts. Signs shall further be regulated by additional provisions which may be set forth in other sections of this chapter. In addition, policies and criteria of the general plan, and any applicable specific or area plan, or local area development guidelines shall supersede the standards herein.
- (b) Any sign or advertising structure for which no regulations or provision in such ordinance stands applicable may be considered by the board of zoning adjustments under the normal procedures and determinations of the use permit process, and the board shall approve or deny such applications in harmony and spirit with the purpose and intent of these regulations.
- (c) No person shall erect any sign regulated by this chapter without first obtaining the written consent of the property owner(s) upon which such sign is located and filing such written consent with the planning department.
- (d) No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines that prescribed by the laws of the state of California or rules and regulations duly promulgated by agencies thereof.
- (e) Prohibited Signs. All signs not expressly permitted in Section 26-84-030 or exempt in this section are prohibited. Prohibited signs include, but are not limited to the following:
 - (1) Signs in the form of banners, pennants, promotional flags and similar contrivances;

- (2) Signs that consist of, or include, any moving part of any flashing, blinking, animated, fluctuating or otherwise intermittent light;
 - (3) Illuminated signs of such brightness as to create hazardous or annoying glare viewed by the general public;
 - (4) Signs so located as to prevent free ingress and egress from any door, window or fire escape;
 - (5) Signs erected at or near intersections in such a manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device;
 - (6) Signs attached to trees and poles with the exception of campaign and political signs permitted in accordance with Section 26-84-030 and those placed by governmental agencies for public information purposes.
- (f) Exempt Signs. The provisions of this chapter shall not apply to the following signs, nor shall the area of such signs be included in the area of signs permitted for any site or use.
- (1) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
 - (2) Signs of public utility companies indicating danger or which serve as an aide to public safety or which show the location of underground facilities or of public telephones;
 - (3) Signs located in the interior of any building or within the enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses.

(Ord. No. 4643, 1993.)

Sec. 26-84-020. - Definitions.

As used in this article:

Appurtenant sign means any sign which directs attention to an occupancy, business, commodity, service or entertainment conducted, sold or offered only from the premises where the sign is maintained.

Area of sign means the entire area within a single continuous perimeter or geometric form or sphere enclosing the extreme limits of writing, representation, emblem or any figure or similar character excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, except where two such faces are placed back to back and are at no point more than two feet (2') from one another, the area of all faces shall be included in determining the area of a sign. When only one (1) face of the sign is to be used for area calculations, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if two (2) faces are of unequal area.

Attached sign means any sign attached to, made a part of, or included on any building surface (also known as a wall sign).

Detached sign means any sign which is not an attached sign and which is supported primarily by one or more columns, uprights or braces placed in or upon the ground.

Directional sign means any structure 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 but excluding onsite information signs and real estate signs. Such signs shall indicate a point of change in travel, and shall not exceed thirty-two (32) square feet in area.

Directly illuminated sign means any sign designed to give forth artificial light directly or through transparent or translucent material from a source of light visible from the street, or abutting from property, including but not limited to exposed tubing neon signs.

Height of sign means the vertical distance from the uppermost point and used in measuring the area of a sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway) whichever measurement permits the greater elevation of the sign.

Identification sign means any sign other than a bulletin board which serves to tell only the name, address and lawful uses of the premises upon which the sign is located and shall include name plates.

Indirectly illuminated sign means any sign whose illumination is reflected from its source by the sign display surface to the viewer's eye, the source of light not being visible from the street or from abutting property.

Off-site real estate sign means any sign advertising the sale, rental, lease or exchange of, and directions to, property other than that on which the sign is maintained.

On-site real estate sign means any sign advertising the sale, rental, lease or exchange of the premises on which the sign is maintained, including new development and subdivision signs.

Outdoor advertising sign means any off-site card, cloth, paper, metal, painted or wooden sign of any character (excluding appurtenant and directional signs) placed for outdoor advertising purposes, on the ground or onto any tree, wall, bush, rock, post, fence, building, structure or thing. The term "placed," as used in this definition, includes erecting, constructing, maintaining, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing to, or making visible in any manner.

Outdoor advertising structure means an off-site structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed for advertising purposes. The term "placed," as used in this definition, includes erecting, constructing, maintaining, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing to or making visible in any manner.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs equipped with wheels, casters or rollers. Advertising displays affixed to, or being supported by, a vehicle are portable signs.

Reader board means any sign of permanent character, but with movable letters, words or numerals indicating the names of persons associated with, or events conducted upon, or products or services offered upon the premises upon which such sign is maintained. For purposes of this chapter, a reader board is considered an appurtenant sign.

Sign means any visual announcement, declaration, demonstration, display, illustration or insignia used to advertise, identify or promote the interest of any person, product or place of business when the same is placed out of doors in view of the general public.

Viticultural area sign means a sign to identify one or more wineries within an area recognized as an American Viticultural Area by the U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms (BATF).

(Ord. No. 4876 § 1, 1995; Ord. No. 4643, 1993.)

Sec. 26-84-030. - Permitted signs.

- (a) The following signs are permitted by this chapter and subject to the following regulations. Figure A, set out at the end of this section, summarizes the applicable permits required prior to placement of these signs. Where no permit is specified on Figure A, the applicable signs are not permitted; provided, however, that where the use of a parcel is a mobilehome park, signs may be permitted which conform to the provisions of Section 26-81-030(q)(17), subject to design review approval pursuant to Section 26-81-030(h), and provided further, that signs advertising the sale, exchange and rental of mobilehomes located inside mobilehome parks may be permitted in accordance with the provisions of state law.
- (1) On-site informational signs;
 - (2) Directional signs;
 - (3) Appurtenant signs;
 - (4) Real estate signs;
 - (5) Campaign and political signs;
 - (6) Outdoor advertising signs and structures.
- (b) On-site Informational Signs. On-site informational signs which meet either of the following criteria are permitted without prior approval of a permit:
- (1) Not more than six (6) square feet in area having no advertising message and not exceeding six feet (6') in height. Such signs shall bear only name, address, symbol and directing arrow to place of use.
 - (2) Signs not exceeding two (2) square feet in area erected for the convenience of the public, such as signs identifying restrooms, entry/exit, public telephones, walkways and similar features and facilities.
- On site informational signs not meeting either of the above criteria shall be treated as appurtenant signs and subject to Section 26-84-030(d).
- (c) Directional Signs. Directional signs shall be subject to approval of a use permit in the base districts indicated on said Figure A.
- The requirement for use permits for directional signs may be waived only if such signs do not exceed eight (8) square feet in area. In the event of such waiver, the directional sign shall be subject to design review approval. In addition, the use permit requirement may be waived by the planning director for temporary (thirty (30) day) signs advertising events of community interest such as fairs, festivals, parades and the like.
- (d) Appurtenant Signs. Appurtenant signs shall be subject to design review approval in the base districts as indicated on said Figure A, and shall be subject to the following:
- (1) The number of appurtenant signs per parcel shall be limited to one (1) attached sign per building side which fronts onto a project access road. One (1) detached sign may be permitted in place of an attached sign.
 - (2) A sign program shall be prepared for multiple occupancy buildings to ensure design consistency and to facilitate sign permit processing.
 - (3) The size of appurtenant signs shall be compatible with the proposed use and surrounding land uses and shall not exceed thirty-two (32) square feet.
 - (4) Monument style signs with landscaping provided at the base are recommended for detached appurtenant signs. The maximum height of monument signs shall be six feet (6') above ground level.
 - (5) Lighting. Internal illumination of signs shall be by low intensity lamps and shall be limited to letters and graphic elements, with the surrounding background opaque. Where signs are externally illuminated, adjacent roads and properties shall be screened from the light source.

The design review committee may approve signs which exceed the above standards where it is deemed appropriate in light of topography, vegetation or unique physical characteristics or design features.

Appurtenant signs in the MP (Industrial Park) district shall be permitted pursuant to the provisions of Section 26-44-030. Additional appurtenant signs and sign area beyond that specified in Section 26-44-030 may be allowed subject to issuance of a use permit. The use permit requirement may be waived pursuant to Section 26-88-010(g). In the event of such waiver, additional signs or sign area shall be subject to approval of the design review committee.

(e) Real Estate Signs.

- (1) On-site real estate and recorded subdivision signs which meet the following criteria are permitted without prior approval of a permit:
 - (i) It is located entirely within the property;
 - (ii) It is unlighted;
 - (iii) It is removed within fifteen (15) days after close of escrow, rental, lease or exchange has been accomplished;
 - (iv) Such signs shall not exceed three (3) square feet for lots of less than ten thousand (10,000) square feet; six (6) square feet for lots of less than twenty thousand (20,000) square feet; twelve (12) square feet for lots less than one (1) acre; eighteen (18) square feet for lots of less than five (5) acres; twenty-four (24) square feet for lots less than ten (10) acres; and thirty-two (32) square feet for lots of twenty (20) acres or more;
 - (v) A recorded subdivision shall be permitted sixty-four (64) square feet of sign area for temporary sign use, with the provision of additional sign area available through the use permit procedure. One (1) sign not exceeding six (6) square feet in area shall be permitted advertising the sale of a model home or lot for sale. All model home and lot for sale signs shall be removed when the home or lot is sold; provided, further that all signs shall be removed when all homes or lots are sold in the subdivision. Prior to placing the sign on the property or applying for a building permit, the applicant and the recorded owner(s) of the property shall furnish the planning department with written authority granting the county permission to enter upon the premises and remove the sign in the event the permit holder defaults upon the agreement to remove same.
- (2) Off-site real estate signs which are in place for no longer than three (3) days, are less than four (4) square feet in area, are less than four feet (4') in height, are not illuminated and are not located along a designated scenic corridor, are permitted without prior approval of a permit.

Otherwise, off-site real estate signs shall be subject to approval of a use permit or zoning permit in the base districts as indicated on said Figure A. Notwithstanding said Figure A, all off-site real estate signs located along a designated scenic corridor shall require a use permit. Where such signs require a zoning permit, they are subject to the following criteria:

- (i) No more than two (2) single faced signs, nor more than one (1) double-faced wing type sign, each having a maximum of sixteen (16) square feet on each face, shall be permitted per parcel;
- (ii) They shall not exceed four feet (4') in height;
- (iii) They shall not be illuminated;
- (iv) They shall be removed within ten (10) days after the close of escrow, lease or exchange has been accomplished. For new residential, commercial and industrial developments, all signs shall be removed within ten (10) days after the close of escrow for the remaining lot or unit in a subdivision, planned development or condominium project, or within ten (10) days after the lease of the remaining unit in a planned development or condominium

- project. In the event that all signs are not properly removed, a penalty may be imposed sufficient to cover the costs of removal;
- (v) The maintenance and removal of the signs shall be the responsibility of the applicant or his or her representative;
 - (vi) They shall be erected in a safe manner in accordance with standards established by the building department;
 - (vii) The zoning permit shall be subject to revocation upon failure to comply with the above conditions.
- (f) Campaign and Political Signs. Campaign and political signs may be permitted in any zoning district upon being issued a zoning permit and are subject to the following criteria:
- (1) No more than two (2) sixteen (16) square foot single-faced, nor more than one (1) double faced or wing type, maximum sixteen (16) square feet on each face, political or campaign sign is permitted, per parcel, in the R1 (single family residential) districts;
 - (2) In all other zoning districts, two (2) single faced, or one (1) double faced, V-type political campaign sign, maximum thirty-two (32) square feet on each face is permitted, per parcel;
 - (3) Prior to the erecting or posting of any political or campaign sign on private property, the candidate, campaign manager or sponsor shall contact the planning department to determine the applicable sign regulations. All signs shall be removed entirely within twenty (20) days of the close of the campaign. In the event that all signs are not properly removed, a penalty may be imposed sufficient to cover the costs of removal;
 - (4) No signs shall be erected earlier than ninety (90) days prior to the election in which the candidate or measure will be voted upon. Signs on behalf of a political candidate who is successful in the primary election may be retained for the general election, provided they are properly maintained;
 - (5) The maintenance and removal of the signs is the responsibility of the candidate, campaign manager or sponsors;
 - (6) No detached sign shall be located closer to a road, street or common driveway than the property line and may not obstruct sighting distance for vehicle traffic;
 - (7) No sign shall be placed so that the top of the sign is more than four feet (4') above the top of a fence, and in no case, more than seven feet (7') above the ground;
 - (8) All sign structures shall be erected in a safe manner in accordance with standards established by the building department;
 - (9) The zoning permit shall be subject to revocation upon failure to comply with the above conditions.
- (g) Outdoor Advertising Structures and Signs. Outdoor advertising structures and signs are subject to prior approval of a use permit only in the base districts as indicated on Figure A and are subject to, at a minimum, the following criteria. The use permit requirement for temporary (30-day) outdoor advertising signs for events of general community interest, such as fairs, festivals, parades and the like may be waived by the planning director.
- (1) 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.
 - (2) No outdoor advertising structures or signs shall be erected or maintained closer than two thousand feet (2,000') to any historical or national monument or shrine.
 - (3) Outdoor advertising structures and signs located along roadways which are not designated as scenic corridors shall meet the following spacing requirements:

- (i) Outdoor advertising structures and signs along any freeway, expressway or limited access highway: no closer than one thousand feet (1,000') from any other outdoor advertising structure or sign, with the distance to be measured parallel to the centerline of such highway;
 - (ii) Outdoor advertising structures and signs in a business area not located along a freeway, expressway or limited access highway: no closer than two hundred feet (200') to any other outdoor advertising structure or sign facing in the same direction, and on the same side of the highway;
 - (iii) Outdoor advertising structures or signs in other than a business area, and not located along a freeway, expressway or limited access highway: no closer than five hundred feet (500') from any other advertising structure or sign with the distance to be measured parallel to the centerline of the highway.
- (4) Outdoor advertising structures and signs along designated scenic corridors shall meet, at a minimum, the following design criteria, in addition to criteria (1) and (2) above.
- (i) The structure or sign shall be for on-site advertising purposes only;
 - (ii) The advertising message shall be restricted to the name and location of the business or service;
 - (iii) The structure or sign shall not exceed ten feet (10') in height along the Highway 101 Scenic Corridor or six feet (6') in height along all other scenic corridors;
 - (iv) The size of the structure or sign shall be limited to that which is necessary to allow passing motorists to identify the location;
 - (v) Landscaping shall be provided at the base of the structure or sign;
 - (vi) The structure or sign shall consist of colors and materials which complement and blend in the surrounding landscape; bright colors should be avoided;
 - (vii) Outdoor advertising structures or signs shall meet the following spacing requirements:
 - (A) Along any freeway, expressway or limited access highway: no closer than two thousand feet (2,000') from other outdoor advertising structure or sign facing in the same direction and on the same side of the highway;
 - (B) In a business area not located along a freeway, expressway or limited access highway: no closer than five hundred feet (500') from any other outdoor advertising structure or sign facing in same direction, and on the same side of the highway;
 - (C) In other than a business area and not located along a freeway, expressway, or limited access highway: no closer than one thousand feet (1,000') to any other outdoor advertising structure or sign measured parallel to the centerline of the highway.
- (h) Viticultural Signing.
- (1) Viticultural area signs shall be subject to approval of a zoning permit in the base zoning districts indicated in Figure A.
 - (2) The maximum height of height of the sign is to be twenty feet (20') above road grade, including the header.
 - (3) The viticultural area signs are to be located on a six inch (6") by six inch (6") post.
 - (4) Panels. No more than fifteen (15) panels with winery names are to be placed on the post. The panels shall not be more than one inch (1") by six inches (6") by thirty-six inches (36").
 - (5) Header. An oval header panel is to be located on top of the post with the name "Sonoma County," the name of the grape growing area and with a grape logo. It is to be made of similar

construction to the winery panel not more than one inch (1") by thirty inches (30") by fifteen inches (15").

- (6) Approval of all signs shall be conditioned on maintenance of the sign by the applicants of the zoning permit. If the sign is determined to be a hazard, the county may remove the sign without notice, hearing or compensation.
- (7) The sign shall not cause a visual obstruction, as defined in the state's outdoor advertising act.

(Ord. No. 4876 § 1, 1995; Ord. No. 4774 § 1(C), 1994; Ord. No. 4643, 1993.)

Figure A

Permitted Signs

By Type and Base Zoning District

	Directional	Appurtenant	Real Estate Off-Site	Campaign and Political Signs	Outdoor Advertising Structures and Signs	Viticultural Area Signs
LIA	UP	DR	ZP	ZP		ZP
LEA	UP	DR	ZP	ZP		ZP
DA	UP	DR	ZP	ZP		ZP
RRD	UP	DR	ZP	ZP		ZP
RRDWA	UP	DR	ZP	ZP		ZP
TP		DR	ZP	ZP		ZP
AR	UP	DR	ZP	ZP		ZP
RR		DR	ZP	ZP		ZP
R1		DR	UP	ZP		ZP
R2			UP	ZP		ZP
R3			UP	ZP		ZP
PC		DR	UP	ZP		ZP

CO		DR	UP	ZP		ZP
C1	UP	DR	UP	ZP	UP	ZP
C2	UP	DR	UP	ZP	UP	ZP
C3	UP	DR	UP	ZP	UP	ZP
LC	UP	DR	UP	ZP	UP	ZP
RC	UP	DR	UP	ZP	UP	ZP
AS	UP	DR	UP	ZP		ZP
K	UP	DR	UP	ZP		ZP
MP		see 26-422(C)	UP	ZP	UP	ZP
M1	UP	DR	UP	ZP	UP	ZP
M2	UP	DR	UP	ZP	UP	ZP
M3	UP	DR	UP	ZP	UP	ZP
PF		DR	UP	ZP		ZP

ZP — Zoning District

DR — Design Review

UP — Use Permit

Article 86. - Parking Regulations.

Sec. 26-86-010. - Required parking.

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

Use	Parking Spaces
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(a) Bicycle Parking

All commercial, industrial and institutional uses permitted by this chapter	1 bicycle parking space per 5 spaces of required automobile parking
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(b) Residential (except as otherwise specified by this chapter)

One single-family dwelling	1 covered space
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One duplex	2 covered spaces
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One triplex	3 covered spaces
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Single mobile homes	1 covered space/unit
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Travel trailer parks	1 space/10 coach sites
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Condominiums and planned unit developments	1 covered space/unit plus 1 uncovered guest space/unit
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Multi-family projects	1 covered parking space plus ½ uncovered guest parking space for each dwelling unit. An additional ½ parking space shall be provided for each dwelling unit having more than 2 bedrooms.
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Micro-apartments	1 space per unit
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Affordable housing projects provided pursuant to Section 26.89.050 (Density bonus programs)	1 space for each studio or 1-bedroom unit; 2 spaces for each 2- or more bedroom unit
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Cottage Housing Developments	1 reserved space per unit, and 1 guest parking space for every 3 units or portion thereof.
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SRO facilities	1 space for every 2 SRO rooms, plus 1 space for the management unit or office and 1 space for each employee, if
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	any, on maximum shift.
Homeless shelters	1 space for every 6 beds, plus 1 space for the management unit or office and 1 space for each employee, if any, on maximum shift.
Home occupations	1 parking space, in addition to that required by the residential use of the property.
Live/work units	1 parking space, in addition to that required by the residential use of the property. An additional parking space shall be provided for each non-resident employee.
Work/live units	2 spaces/unit (need not be covered)
Senior mobile home parks	1 space per unit PLUS 1 guest parking space for every 3 mobile homes in accordance with Section 26-88-100 (Mobile home parks).
Family mobile home parks	2 spaces per unit PLUS 1 guest parking space for every 3 mobile homes in accordance with Section 26-88-100 (Mobile home parks).
(c) Medical offices, clinics, hospitals and other facilities	
Dental and medical clinics	1 space/200 sq. ft. of floor area whichever is greater
Veterinary hospitals and offices	1 space/250 sq. ft. floor area
Major medical facilities; hospitals	1 space/250 sq. ft. floor area
Group care facilities and resocialization facilities	2 covered spaces
Medical cannabis dispensary	2 spaces, including at least 1 van-accessible space; plus 1 additional space for every 200 square feet of gross floor area, plus 1 additional space for each employee on maximum shift; but in no case less than 5 off-street parking spaces
(d) Schools, colleges, universities	

Kindergarten and nursery schools and day care centers	1 space/employee PLUS 1 space/10 children
Elementary and junior high schools	1 space/employee PLUS 1 space/8 students
Senior high schools	1 space/employee PLUS 1 space/6 students
Colleges, universities and institutions of higher learning; business and professional schools and colleges; music and dancing schools	1 space/employee PLUS 1 space/3 students
Large family daycare	At least 3 spaces which may include spaces provided to fulfill residential parking requirements and on-street parking so long as it directly abuts the site.
(e) Places of public assembly	
Auditoriums, community centers	1 space/4 seats or 1 space/75 sq. ft. floor area, whichever is greater
Libraries, museums, art galleries	1 space/300 sq. ft. floor area
Sports arenas, stadiums	1 space/4 seats
Dance halls	1 space/50 sq. ft. floor area
Theaters	1 space/4 seats
Private clubs and lodges	1 space/100 sq. ft. floor area
Churches, chapels	1 space/4 seats or 1 space/75 sq. ft. floor area, whichever is greater
Mortuaries, crematoriums and columbariums	1 space/4 seats in sanctuary
(f) Recreational facilities	
Gymnasiums	1 space/4 fixed seats
Skating rinks	1 space/100 sq. ft. floor area

Bowling alleys	5 spaces/alley
Golf courses	7 spaces/hole
Golf driving ranges	1 space/tee
Miniature golf courses	2 spaces/hole
Billiard and/or pool parlors	2 spaces/table
Swimming pools - public, private and commercial	1 space/100 sq. ft. pool area
Baseball parks	1 space/4 seats
Commercial stables and riding academies	1 space/3 horses
Auto race tracks, horse race tracks	1 space/4 seats
(g) Commercial facilities, offices	
General retail, except as otherwise specified	1 space/200 sq. ft. floor area
Offices including all county offices, except as otherwise specified	1 space/250 sq. ft. floor area with a minimum of 4 spaces
Stores selling furniture and major appliances only	1 space per 500 sq. ft. area
Hotels, motels and similar lodging	1 space/unit plus 1 space for manager
Bed and breakfast inns	1 space/guest room PLUS 2 spaces for the resident family
Motor vehicle sales	1 space/500 sq. ft. floor area or 1 space/2000 sq. ft. of outdoor sales area, with a minimum of 4 spaces
Auto repair shops, body and fender shops	1 space/400 sq. ft. floor area
Self-serve laundries and dry cleaners	1 space/3 washing machines

Self-serve auto washes	2 spaces/stall
Barber shops, beauty and styling	3 spaces/barber or salons stylist, with a minimum of 4 spaces
Health studios	1 space/100 sq. ft. floor area
Contractor's storage yards	1 space/3000 sq. ft. lot area
Nurseries, retail	1 space/2000 sq. ft. site area PLUS 1 15' × 30' loading space/acre
Feed yards, fuel yards, material yards	1 space/2000 sq. ft. site area PLUS 1 15' × 30' loading space/acre
Banks	1 space/250 sq. ft. floor area PLUS 5 tandem land spaces/teller or teller station
Savings and loan and other financial institutions, title companies	1 space/250 sq. ft. floor area
Shopping centers	1 space/200 sq. ft. floor area
Cabinet, plumbing, heating, electrical shops	1 space/500 sq. ft. floor area
General business and professional offices	1 space/250 sq. ft. floor area, with a minimum of 4 spaces
Antique shops, second hand sales	1 space/200 sq. ft. floor area,
Restaurants	1 space/60 sq. ft. dining area
Outdoor markets, flea markets, etc.	1 space/200 sq. ft. sales area, with a minimum of 4 spaces
All uses permitted in the MP (Industrial Park) District	1 space/2000 sq. ft. gross building floor area for warehousing
	1 space/250 sq. ft. gross building floor area for office space for buildings having 15,000 square feet or less of office space
	1 space/275 sq. ft. gross building floor area of office space for buildings having more than 15,000 sq. ft. of office space

1 space/500 sq. ft. of area devoted to manufacturing

(Ord. No. [6247](#), § II(Exh. G), 10-23, 2018)

Editor's note— Ord. No. [6247](#), § II(Exh. G), adopted Oct. 23, 2018, repealed the former § 26-86-010 and enacted a new section as set out herein. The former § 26-86-010 pertained to similar subject matter and derived from Ord. No. 4643, adopted in 1993; Ord. No. 5569 §§ 4, 6, 7, 8, 10, adopted in 2005; Ord. No. 5711 § 8 (Exh. I), adopted in 2007; Ord. No. 5715 § 2, adopted in 2007; Ord. No. 5883, § IV, adopted March 30, 2010; and Ord. No. 6046, § II(c), Exh. B, adopted Sep. 10, 2013.

Sec. 26-86-020. - Bicycle parking and support facilities.

- (a) For nonresidential projects with fifty (50) or more employees, covered bike parking or bike lockers shall be provided at the rate of one (1) secured, covered space or bike locker for every eight (8) employees. Each covered bicycle space shall be a minimum of three (3) feet in width and six (6) feet in length, and have a minimum of seven feet of overhead clearance. For each three (3) covered bicycle spaces or bike lockers provided, the required onsite parking requirement may be reduced by one (1) space. For each shower and changing area provided as set forth in the table below, the required parking may be reduced by three (3) spaces.
- (b) In addition to the bicycle parking requirements set forth in subsection 26-86-010(a), the additional support facilities shown in the table below are recommended for nonresidential projects with fifty (50) or more employees that are located both within a designated urban service area and within one half of one (½) mile of a Class 1 bikeway:

Recommended Shower and Changing Facilities		
Type of Land Use	Number of Showers with Changing Area Required for Specified Building Floor Area in Gross Square Feet	
	1 Shower for Each Gender	1 Additional Shower for Each Gender
Commercial, Industrial, or Mixed Use (Nonresidential Portion Only)	50,000 to 150,000 gross square feet	Each 100,000 gross square feet over 150,000

(Ord. No. 6046, § II(c), Exh. B, 9-10-2013)

Article 88. - General Exceptions and Special Use Standards. [\[12\]](#)

Footnotes:

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Editor's note— Ord. No. [6191](#), § II(Exh. A), adopted Jan. 24, 2017, amended the title of Article 88 to read as herein set out. The former Art. 88 was titled, "General Use and Bulk Exceptions—Building Lines."

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

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

- (a) **Public Transmission and Utility Lines.** Public utility, transmission and distribution lines, both overhead and underground, shall be permitted in all districts without limitation as to height and without the necessity of obtaining a use permit; provided, that the routes of all proposed transmission lines shall be submitted to the planning commission for review and recommendation prior to acquisition of rights of way therefore or application to the public utilities commission.
- (b) **Natural Resource Development.** The development of natural resources as used within this chapter shall not be construed to mean the drilling of wells or other development or improvements made for the production of water for domestic or irrigation purposes by a person or persons not engaged in the business of furnishing or developing water.
- (c) **Manufactured Home Storage.** Manufactured homes for which zoning clearance for residential use has not been issued and which are in excess of eight feet (8') in width and thirty feet (30') in length may not be stored on any lot in any district other than in the C3, M1 M2 and M3 districts in compliance with adopted regulations for such land use.
- (d) **Christmas Tree Sales.** Christmas tree sales may be permitted in the C, and M districts with a zoning permit provided, that the zoning permit is limited to a period not to exceed one month.
- (e) **Landfill Operations.** Zoning permits may be issued for landfill operations utilizing imported material in any district only when the project review and advisory committee is satisfied that there has been prior compliance with Article 1, Chapter 22; Chapter 7; Article 7, Chapter 11 of the Sonoma County Code and Chapter 70 of the Uniform Building Code, or similar superseding agency, and that the filling will not be detrimental to neighboring property.
- (f) **Entertainment Establishments.** No dance hall, road house, night club, commercial club or any establishment where liquor is served, or commercial place of amusement or recreation, or any place where entertainers are provided, whether as social companions or otherwise, shall be established in any district closer than two hundred feet (200') to the boundary of any residential district unless a use permit is first secured in each case.

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

- (1) A minimum of one thousand feet (1,000') from any other adult entertainment business;
 - (2) A minimum of one thousand feet (1,000') from any residential zoning district.
- (g) **Minor Land Use Alterations; Grading within Waterways.** Use permit procedures for minor land use alterations and additions or for grading and excavation within a waterway which is also exempt from Section 26A-3a(i) of the county surface mining ordinance may be waived when it is demonstrated to the satisfaction of the planning director that the addition/alteration will not be

detrimental to the health, safety or welfare of adjacent land uses or properties or when such alterations are required by another public agency.

(Ord. No. 3436.)

- (h) Multifamily, Commercial and Industrial Uses within Cities' General Plan Boundaries. The board of supervisors finds and determines that cities have a special and important concern with respect to multifamily (fourplex or larger), commercial and industrial uses that might be established in unincorporated portions of the county that lie within the boundaries of the various city general plans. It is possible that cities will annex at least some of such property in the future. When annexed, the development then existing on such property should be consistent with the particular city's development plan for the area. The procedure established in this section is intended to protect the integrity of city general plans and to permit development that is consistent with the most appropriate development plan for the area involved.

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

- (1) The planning director sends a written notice to the affected city stating "The Sonoma County Planning Department will issue a zoning permit for a (use) on this property if written appeal is not received within twenty (20) days from the date of this notice;" and
- (2) The affected city does not file a written appeal with the planning director requesting a hearing before the board of zoning adjustments within ten (10) days from the date notice is sent. In the event that the affected city does file a written appeal requesting a hearing before the board of zoning adjustments within the required time period, the board of zoning adjustments shall hold a hearing and the decision of the board of zoning adjustments shall be based on whether the use requested by the application will be consistent with the various elements and objectives of the general plan and will promote the public health, safety, comfort, convenience and general welfare. Notice shall be given in the manner set forth in Section 26-92-050(a). If an appeal is taken to the board of supervisors, the board's decision shall be governed by the same standard.

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

- (i) The property is within an existing city public sewer service area as shown on the map attached to the ordinance codified in this chapter and on file in the public works department, or within an area projected to be served by public sewers by the Sonoma County local agency formation commission or within the area designated on those certain maps submitted by cities as growth areas and adopted from time to time by the board of supervisors entitled "City-County Permit Referral Maps;"
 - (ii) The existing zoning and city general plan are not identical.
- (i) Outdoor Vendors. Outdoor vendors are authorized subject to the following standards:
- (1) All sales will take place at least twenty feet (20') from the nearest property line, but in no case shall such sales take place within twenty feet (20') from the edge of any road right-of-way.
 - (2) Parking shall be designated for a minimum of three automobiles, located at least twenty feet (20') off the public right-of-way or twenty feet (20') from the front property line with no automobile maneuvering permitted in the public right-of-way. The use permit may require additional parking, depending on the nature of the sales proposed.
 - (3) No freestanding signs shall be allowed. Two attached signs shall be permitted no larger than sixteen (16) square feet each in area and not located within twenty feet (20') of the public right-of-way.

- (4) The outdoor sales shall not be conducted in a manner so as to cause a traffic hazard to passing motorists due to poor visibility and/or inadequate sign distance for safe ingress and egress.
- (5) The area designated for outdoor vendor activities, excluding parking, shall not be greater than five hundred (500) square feet unless the board of zoning adjustments finds that a larger area so designated will not be detrimental to the health, safety or general welfare of persons residing or working the area.
- (6) The use permit shall remain in effect for a maximum of one (1) year, after which approval of a new use permit will be required to continue. The planning director or designee may issue the second and subsequent use permit without a public hearing based upon evidence submitted by the applicant that the operation was conducted in compliance with the conditions and provision of the previous use permit. Uses not authorized by a valid use permit will be subject to abatement proceedings.
- (7) All applicable permits from other county departments shall be obtained prior to operating the outdoor vendor business on the premises.

(Ord. No. 3348.)

- (j) Open Space Easements. The board of supervisors may require, on appeal or otherwise, and the planning commission or board of zoning adjustments may recommend, as a condition of approval of a development application, the dedication of an open space easement on all or a portion of the property to be developed. Applications for development shall include, but not be limited to, applications for general plan amendments, specific plan amendments, rezonings, major and minor subdivisions, use permits or precise development plans. Prior to requiring an open space easement or an offer of easement pursuant to this section, the board or commission shall make one of the findings set forth in subsections (j)(1) through (3) in addition to making the findings set forth in subsections (j)(4) and (5).
 - (1) The area which is to be the subject of the open space easement is characterized by great natural scenic beauty; or
 - (2) The existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development; or
 - (3) The existing openness, natural condition or present state of use, if retained, would maintain or enhance the conservation of natural or scenic resources;
 - (4) The imposition of the open space easement bears a reasonable relationship to the public welfare;
 - (5) The acquisition of the scenic/open space easement is consistent with the general plan.

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

- (i) A provision that the subject property shall be used only for those purposes which will maintain the existing open and scenic character of the property;
- (ii) A prohibition on the placing or erecting or causing the placement or erection of any new building, structure or vehicle intended for human occupancy or commercial purposes at the site;
- (iii) A prohibition of any act which will materially change the general topography or the natural form of the subject property;
- (iv) A prohibition on the division of the subject property into two or more parcels under separate ownership by sale, gift, lease or otherwise except such divisions necessary for public acquisition;

- (v) A reservation of rights to the grantors for all uses not inconsistent with the restrictions specifically enumerated in subsections (i) through (iv), inclusive including the right to prohibit entry thereon by unauthorized persons;
- (vi) A reservation of rights to the grantor to develop water sources, including springs, and to lay, construct, repair and replace pipes and conduits for the transportation of water;
- (vii) A reservation of rights to the grantors to manage the land and its resources in a manner consistent with accepted principles of conservation practice;
- (viii) A reservation of rights to the grantor to use and develop the subject property from time to time for agricultural purposes.

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

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

- (k) Reserved.
- (l) Seasonal farmworker housing shall meet the following standards:
 - (1) Seasonal farmworker housing shall be located on parcels of one and one-half (1.5) acres or more having an agricultural or resources and rural development General Plan land use designation. Such parcels shall be owned by the applicant. If less than ten (10) acres, such parcels shall be located within one (1) mile of a minimum of twenty (20) contiguous acres of land cultivated and either owned or long term leased by the applicant.
 - (2) Seasonal farmworker housing shall be located on parcels having direct access to a publicly maintained road. If a private road is to provide such access, the applicant shall file with the planning department a written agreement signed by all of the property owners entitled to use such road acknowledging and agreeing to the road's use as access for the seasonal farmworker housing.
 - (3) Seasonal farmworker housing located on parcels of less than ten (10) acres shall house no more than nineteen (19) workers, including a caretaker, at any time unless a use permit is first obtained.
 - (4) Seasonal farmworker housing and support structures shall be set back a minimum of fifty-five feet (55') from the center line of any roadway, sixty feet (60') from any other property line, forty feet (40') from any other structure, and forty feet (40') from watering troughs, feed troughs and accessory buildings. Seasonal farmworker housing and support structures shall also be set back seventy-five feet (75') from barns, pens or similar quarters of livestock or poultry. These setbacks may be reduced if a use permit is first obtained.
 - (5) Seasonal farmworker housing shall have off-street parking provided at a ratio of one (1) space per four (4) persons housed. The parking does not need to be covered or paved, but may not be located within any scenic corridor setback unless a use permit is first obtained. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.
 - (6) Seasonal farmworker housing may be either one (1) or two (2) story structures.
 - (7) Seasonal farmworker housing shall be occupied no more than one hundred eighty (180) days in any calendar year. The director of Permit and Resource Management Department may restrict the occupancy of seasonal farmworker housing to one hundred thirty-seven (137) days between July 1st and November 15th in any calendar year for health and safety reasons.

- (8) Seasonal farmworker housing having accommodations for at least six (6) workers may have a single caretaker unit per parcel occupied year-round, provided that the property meets the criteria for an agricultural employee housing unit, there are no other permanent residences on the property, and a zoning permit for the caretaker unit is obtained.
 - (9) Seasonal farmworker housing shall not be located within any floodway.
 - (10) Seasonal farmworker housing located within the one hundred (100) year flood elevation shall have the structure of the finished floor of the living quarters above the one hundred (100) year flood level, but may have a storage area below the living quarters.
 - (11) Seasonal farmworker housing located within the one hundred (100) year flood elevation shall have its septic tank and disposal field at least one hundred feet (100') removed from the ten (10) year flood elevation unless otherwise authorized by the director of environmental health.
 - (12) Seasonal farmworker housing shall be maintained in such a manner so as not to constitute a zoning violation or a health and safety hazard.
 - (13) Prior to the issuance of a building permit for seasonal farmworker housing, the applicant shall place on file with the planning department an affidavit that the seasonal farmworker housing will be used to house persons employed for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, acknowledging and agreeing that park and traffic mitigation fees for the seasonal farmworker housing shall be waived unless and until the housing units are no longer used to house persons employed for agricultural purposes and further acknowledging and agreeing that in the event the housing units are converted to some other use, the park and traffic mitigation fees existent at the time of conversion shall be immediately due and payable and the housing units shall be either removed or, if the new use is otherwise permitted, brought into compliance with the provisions of this code and state laws in effect at the time of conversion.
- (m) Tree Protection Ordinance.

General Provisions. Projects shall be designed to minimize the destruction of protected trees. With development permits, a site plan shall be submitted that depicts the location of all protected trees greater than nine inches (9") and their protected perimeters in areas that will be impacted by the proposed development, such as the building envelopes, access roads, leachfields, etc. Lot line adjustments, zoning permits and agricultural uses are exempt from this requirement. The provisions of this section shall not apply to trees which are the subject of a valid timber harvesting permit approved by the state of California. This section shall not be applied in a manner that would reduce allowable density lower than that permitted as a result of C.E.Q.A. or by other county ordinances or render a property undevelopable. To achieve this end, adjustments may be made.

Agricultural uses exempt from the tree protection ordinance are as follows: the raising, feeding, maintaining and breeding of confined and unconfined farm animals, commercial aquaculture, commercial mushroom farming, wholesale nurseries, greenhouses, wineries and agricultural cultivation.

Construction Standards. Applicants are encouraged to use a qualified specialist to establish tree protection methods.

- (1) Protected trees, their protected perimeters and whether they are to be retained or removed are to be clearly shown on all improvement plans. A note shall be placed on the improvement plans that "Construction is subject to requirements established by Sonoma County to protect certain trees."
- (2) Before the start of any clearing, excavation, construction or other work on the site, every tree designated for protection on the approved site plan shall be clearly delineated with a substantial barrier (steel posts and barbed wire or chain link fencing) at the protected

perimeter, or limits established during the permit process. The delineation markers shall remain in place for the duration of all work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of brush, earth and other debris as to avoid injury to any protected tree.

- (3) Where proposed development or other site work must encroach upon the protected perimeter of a protected tree, special measures shall be incorporated to allow the roots to obtain oxygen, water and nutrients. Tree wells or other techniques may be used where advisable. No changes in existing ground level shall occur within the protected perimeter unless a drainage and aeration scheme approved by a certified arborist is utilized. No burning or use of equipment with an open flame shall occur near or within the protected perimeter (except for authorized controlled burns).
- (4) No storage or dumping of oil, gasoline, chemicals or other substances that may be harmful to trees shall occur within the drip line of any tree, or any other location on the site from which such substances might enter the drip line.
- (5) If any damage to a protected tree should occur during or as a result of work on the site, the county shall be promptly notified of such damage. If a protected tree is damaged so that it cannot be preserved in a healthy state, the planning director shall require replacement in accordance with the arboreal value chart. If on-site replacement is not feasible, the applicant shall pay the in-lieu fee to the tree replacement fund.
- (6) The following design standards for protected trees shall be adhered to:
 - (i) Underground trenching for utilities should avoid tree roots within the protected perimeter. If avoidance is impractical, tunnels should be made below major roots. If tunnels are impractical and cutting roots is required, it shall be done by hand-sawn cuts after hand digging trenches. Trenches should be consolidated to serve as many units as possible.
 - (ii) Compaction within the drip line or protected perimeter shall be avoided.
 - (iii) Paving with either concrete or asphalt over the protected perimeter should be avoided. If paving over the protected perimeter cannot be avoided, affected trees shall be treated as removed for purposes of calculating arboreal values.
 - (iv) Wherever possible, septic systems and/or leachlines shall not be located on the uphill side of a protected tree.
- (7) Security posted for the purpose of insuring the proper construction of public or private improvements shall also include an amount sufficient to secure any requirements imposed pursuant to this section. In addition, security for potential tree damage shall be twenty-five percent (25%) of the amount posted for planned tree replacement. In lieu fees shall be paid prior to recording any maps. Such security shall not be released until protection requirements, including planting replacement trees, and any long term maintenance requirements have been satisfactorily discharged. The initial bond amount may be reduced to cover only the maintenance and replacement of trees after construction is completed.
- (8) The Valley Oak-*Quercus lobata* shall receive special consideration in the design review process to the extent that mature specimens shall be retained to the fullest extent feasible. Valley Oaks contribute greatly to Sonoma County's visual character, landscape and they provide important visual relief in urban settings. On existing parcels created without the benefit of an accompanying EIR, design review shall focus on the preservation of Valley Oaks to the fullest extent feasible. Where such preservation would render a lot unbuildable, partial protection with accompanying appropriate mitigations developed by a certified arborist shall be incorporated into the project design. In such cases where only partial protection can be achieved, full replacement in accordance with the arboreal value chart shall be required.

Arboreal Value Charts. One of the following charts is to be used for determining arboreal values. The applicant shall indicate at time of application which chart is to be used. Chart No. 1 requires analysis to be done only in the development areas (building envelopes, access roads, etc.) and requires one hundred percent (100%) replacement or in-lieu fees. Chart No. 2 requires analysis of the entire site but allows for removal of up to fifty percent (50%) of the arboreal value. Compensation for the loss of greater than fifty percent (50%) arboreal value will require replacement by using the chart.

Chart No. 1: To Be Used For Measuring Trees Removed Only in The Development Areas.

d.b.h. ^[13] (inches)	Removed Trees	Weighted Value	Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	
over 33		5	

Total____

This value (the A.V.) is used to

calculate the replacement number.

Chart No. 2 Complete Site Analysis.

a. To Be Used For Measuring Existing Trees On The Entire Site.

d.b.h.* (inches)	Existing Trees	Weighted Value	Existing Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	
over 33		5	

Total____

b. To Be Used For Measuring Trees To Be Removed.

d.b.h.* (inches)	Removed Trees	Weighted Value	Removed Arboreal Value
9-15		1	
over 15-21		2	
over 21-27		3	
over 27-33		4	
over 33		5	

* d.b.h. (diameter at breast height, four and one-half (4 ½) feet above ground) can be calculated by measuring the circumference of the tree and dividing by 3.14 or pi.

Total____

Subtract the removed arboreal value from the existing arboreal value. If the removed arboreal value is more than fifty percent (50%) of the existing arboreal value, the developer must replace the difference between removed arboreal value and fifty percent (50%) of existing arboreal value using the arboreal valuations.

Arboreal Valuations. All trees to be replaced shall be the same native species as that removed unless specific approval has been granted by the planning director.

1 point = six 5-gallon trees (can be existing trees on site that are below 9" d.b.h. if preservation
A.V. methods are part of the development permit)

= two 15-gallon trees**

= \$200 in-lieu fee***

2 points = 24" Box Tree**
A.V.

= \$400 in-lieu fee***

** The large trees must come from nurseries where they have been irrigated. They must have on-site irrigation to insure their survival.

*** Annual average retail cost can be changed to reflect cost increases.

Replacement trees may be located on residentially zoned parcels of at least one and one-half acres and on any commercial or industrial zoned parcel, regardless of size, where feasible. Where infeasible, they may be located on public lands or maintained private open space. In-lieu fees may be used to acquire and protect stands of native trees in preserves or place trees on public lands.

(n) Area Design Review Committees. Where development is proposed on parcels which are subject to area design review committees which have been created by resolution of the board of supervisors, the following shall apply.

- (1) Prior to issuance of a building permit, the development plan will be reviewed and approved, conditionally approved, or denied by the planning director on the basis of site planning as it relates to designated open space or design policies of adopted general, specific or area plans or other such design criteria as may have been adopted by the board of supervisors.
- (2) Concurrent with the submittal of the development plan to the planning director, the owner shall submit the advisory recommendation of approval, conditional approval or denial of the local design review committee with jurisdiction over the parcel.
- (3) The planning director shall consider the advisory recommendation of the local design review committee but shall not be bound by it.
- (4) Decisions of the planning director approving, conditionally approving or denying a building permit pursuant to this section are appealable in accordance with Section 26-92-040.

(o) Year-Round and Extended Seasonal Farmworker Housing. Year-round and extended seasonal farmworker housing shall meet the following standards:

- (1) Year-round and extended seasonal farmworker housing shall be located on parcels of ten (10) or more acres having an agricultural General Plan land use designation for an agricultural employee housing unit. Year-round and extended seasonal farmworker housing may also be located on a parcel of ten (10) acres or more having a resources and rural development General Plan land use designation, provided the parcel is under Williamson Act contract or subject to a conservation easement or agricultural easement .

Notwithstanding the above, year-round and extended seasonal farmworker housing may be located on a parcel five (5) acres or less pursuant to Government Code Section 51230.2, when such farmworker housing otherwise meets the provisions of this subsection and the standards of the underlying zoning district. Such parcels shall be owned or leased by the applicant, unless the parcel is being subdivided pursuant to Government Code Section 51230.2 in which case it shall be owned by a public entity, or by a qualified non-profit agency.

- (2) Year-round and extended seasonal farmworker housing shall be located on parcels having direct access to a publicly maintained road. If a private road is to provide such access, the applicant shall file with the planning department a written agreement signed by all of the property owners entitled to use such road acknowledging and agreeing to the road's use as access for the seasonal farmworker housing
- (3) Year-round and extended seasonal farmworker housing located on any parcel shall house no more than thirty-eight (38) workers at any time, unless a use permit is first obtained.

- (4) Year-round and extended seasonal farmworker housing and support structures shall be set back a minimum of fifty-five feet (55') from the centerline of any roadway, sixty feet (60') from any other property line, forty feet (40') from any other structure, and forty feet (40') from watering troughs, feed troughs, and accessory buildings. Year-round and extended seasonal farmworker housing and support structures shall also be set back seventy-five feet (75') from barns, pens or similar quarters of livestock or poultry. On parcels adjacent to a residential zoning district, year-round and extended seasonal housing shall be set back a minimum of five hundred feet (500') from the property line adjacent to the residential zoning district. These setbacks may be reduced if a use permit is first obtained.
 - (5) Year-round and extended seasonal farmworker housing shall have off-street parking provided at the ration of one (1) space per four (4) persons housed. The parking does not need to be covered, but may not be located within a scenic corridor setback unless a use permit is first obtained. Parking areas shall be screened from public view by buildings, fences, landscaping or terrain features.
 - (6) Year-round and extended seasonal farmworker housing may be either one (1) or two (2) story structures.
 - (7) Year-round and extended seasonal farmworker housing shall not be located within any floodway.
 - (8) Year-round and extended seasonal farmworker housing located within the one hundred (100) year flood elevation shall have the structure of the finished floor of the living quarters above the one hundred (100) year flood level, but may have a storage area below the living quarters.
 - (9) Year-round and extended seasonal farmworker housing located within the one hundred (100) year flood elevation shall have its septic tank and disposal field at least one hundred feet (100') removed from the ten (10) year flood elevation unless otherwise authorized by the director of environmental health.
 - (10) Year-round and extended seasonal farmworker housing shall be maintained in such a manner so as not to constitute a zoning violation or a health and safety hazard.
 - (11) Prior to the issuance of a building permit for year-round and extended seasonal farmworker housing, the applicant shall place on file with the planning department an affidavit that the year-round and extended seasonal farmworker housing will be used to house persons employed for agricultural purposes. Further a covenant shall be recorded, in a form satisfactory to county counsel, acknowledging and agreeing that park and traffic mitigation fees for the year-round and extended seasonal farmworker housing shall be waived unless and until the housing units are no longer used to house persons employed for agricultural purposes and further acknowledging and agreeing that in the event the housing units are converted to some other use the park and traffic mitigation fees existent at the time of conversion shall be immediately due and payable and the housing units shall be either removed or, if the new use is otherwise permitted, brought into compliance with the provisions of this code and state laws in effect at the time of conversion.
- (p) Residential use of a travel trailer or recreational vehicle shall meet the following standards:
- (1) Parcel shall be at least six thousand (6,000) square feet in size.
 - (2) Use of the travel trailer or recreational vehicle shall be limited to residential use by (a) an ill, convalescent or otherwise disabled friend or relative needing care from the occupant of the primary residence, or (b) a friend or relative providing necessary care for an ill, convalescent or otherwise disabled occupant of the primary residence. The need for care shall be documented by a letter from a physician.
 - (3) No more than two (2) people may occupy the travel trailer or recreational vehicle.
 - (4) The temporary unit may only be placed on a legal parcel with an existing primary residence.

- (5) The temporary unit shall have an approved connection to the existing or expanded septic system or sanitary sewer system. The unit shall also have an approved connection to the existing well or a public water system.
- (6) The temporary unit shall meet zoning setback requirements, scenic resource (SR) requirements and, where applicable, have approval from board or specific plan designated design review committees.
- (7) The temporary unit must be currently licensed as required by the Vehicle Code of the state of California, have a valid state insignia and remain in a mobile condition.
- (8) The temporary unit shall not be considered a separate residential unit for the purpose of calculating development impact fees (sewer system, park and traffic fees, etc.).
- (9) The temporary unit shall not be rented, let or leased.
- (10) An administrative permit for residential use of a travel trailer or recreational vehicle shall be obtained. Such permits shall expire one year from the date of issuance. Permits may be renewed annually. Permit and renewal applications shall be accompanied by a written statement, signed by the applicant under penalty of perjury, that the use will conform to the standards set forth in this subsection. Renewal applications shall be submitted prior to permit expiration and shall include an updated letter from a physician.
- (11) Within sixty (60) days of cessation of the residential use described in subsection (q)(2) of this section, all occupancy of the unit shall cease and the unit shall be disconnected from all utilities and/or sewage disposal systems.

(Ord. No. 5964, §§ VIII, IX, 1-31-2012; Ord. No. 5570 § 2, 2005; Ord. No. 5569 § 9, 2005; Ord. No. 5154 § 1(a), 1999; Ord. No. 5016 § 1(q), 1997; Ord. No. 4839 § 1(F), 1994; Ord. No. 4643, 1993.)

Footnotes:

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d.b.h. (diameter at breast height, four and one-half (4 ½) feet above ground) can be calculated by measuring the circumference of the tree and dividing by 3.14 or pi.

Sec. 26-88-020. - General lot area and width regulations and exemptions.

- (a) 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, unless the owner of such lot owns any contiguous lot, in which case such lots shall be treated as one lot; provided, however, that such lots shall not be treated as one (1) lot if any of the following four (4) conditions are met:
 - (1) That each lot was created in compliance with applicable laws and ordinances in effect at the time of its creation, is served by public sewer and is at least five thousand (5,000) square feet in area;
 - (2) That each lot was created in compliance with applicable laws and ordinances in effect at the time of its creation, is not served by public sewer and is at least twenty thousand (20,000) square feet in area;
 - (3) That each of the lots was created in compliance with applicable laws and ordinances in effect at the time of its creation, is subject to Williamson Act Agricultural Preserve Contract, and conforms to minimum income requirements set forth in the Agricultural Preserve Contract;
 - (4) That each of the lots was created in compliance with applicable laws and ordinances in effect at the time of its creation, is subject to timber preserve and is eighty (80) acres or larger.

- (b) For purposes of the section, "served by public sewer" means that a governmental agency providing sewer service states in writing and without qualification that it will provide sewer service to the subject property.
- (c) Contiguous parcels not conforming to subsections (a)(1), (2), (3) and (4) of this section may be merged into one (1) parcel subject to the provisions of Section 26-12-030 of the subdivision ordinance.

(Ord. No. 4643, 1993.)

Sec. 26-88-030. - General height regulations and exceptions.

- (a) In an AR, RR, R1, R2, R3 or K district, no fence shall hereinafter be constructed to exceed six feet (6') 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 feet (3') in height within any required front yard nor within fifteen feet (15') of the street corner nor within any required exterior side yard on any corner lot, without first securing a use permit in each case.

(Ord. No. 4643, 1993; Ord. No. 3180, § VI.)

Sec. 26-88-040. - General yard regulations and exceptions.

- (a) In the case of a through lot abutting on two (2) streets, no building shall be located so as to encroach upon the front yard required on either street. This provision may be waived for swimming pools when it is demonstrated to the satisfaction of the planning director that the location will not be detrimental to the health, safety or welfare of adjacent land uses or properties. The planning director may require a use permit or signatures from adjacent property owners.

(Ord. No. 3932.)

- (b) Any dwelling use to be located in any C district shall provide front, side and rear yards as required in the R3 district; provided, that this shall not apply to any dwelling use to be located over a commercial or industrial establishment.
- (c) 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 chapter.
- (d) In any case where an official plan line has been established as 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 chapter be construed as permitting any structure to extend beyond any such official plan line.
- (e) In any case where a building setback line or building envelope has been established by a recorded parcel map, final subdivision map or a specific plan, and such setback is different from the setback required by the zoning district in which the parcel is located, the established building setback line cannot be waived by the planning director nor through a variance procedure.

(Ord. No. 3932.)

- (f) Protect and encourage agricultural production by establishing a buffer between agricultural production on lands either designated in one (1) of the three (3) agricultural land use categories in the general plan or lands included within the AR zoning district, where any such lands abut a nonagricultural land use conducted on land outside the three general plan land use categories. Generally, buffers shall be defined as a physical separation of one hundred (100) to two hundred feet

(200'). These may be modified based upon topographic feature, a substantial tree stand, watercourse or similar existing feature. In some circumstances, a landscaped berm or other man-made feature may enhance the buffer. The requirement for buffer may be modified after hearing by the advisory agency following a written recommendation by the agricultural commissioner.

Notwithstanding the provisions of Article 94 (nonconforming uses) where the imposition of the buffer creates a nonconforming condition, expansion or modification of such use may be permitted, provided that encroachment into the setback does not exceed that of the existing structure.

"Agricultural production," as used herein, means either an existing agricultural operation or an agricultural operation that would be a reasonably anticipated use. No buffer or setback shall be created by the acquisition of a portion of a parcel devoted to an agricultural operation.

The provisions of this subsection (g) of this section shall only apply to discretionary permits which are either appealable pursuant to the chapter or over which the board of supervisors has original jurisdiction.

- (g) In any TP, LIA, LEA, DA, RRD, RRDWA, AR or RR district the required yard standards may be reduced when the planning director finds that such reduction(s) are appropriate in light of topography, vegetation or unique physical characteristics. In determining such findings, consideration will also be given to visibility from public roads and adjacent properties. Such reduction shall not result in a front yard of less than ten feet (10') for any garage or carport opening. The planning director may require a use permit or signatures from adjacent property owners.

(Ord. No. 4643, 1993.)

Sec. 26-88-050. - Building lines.

- (a) Building lines may be established for the purpose of determining building locations. Such building lines shall be indicated on the zoning maps.
- (b) Building lines shall be measured from the property line or adopted plan lines and shall supersede the front yard setback requirements of the zoning district within which the particular parcel(s) is located.
- (c) Building lines shall be established in the manner provided by Article 94.

(Ord. No. 4643, 1993.)

Sec. 26-88-060. - Accessory dwelling units.

- (a) Purpose. This section implements the requirements of Government Code Section 65852.2 and the provisions of the general plan housing element that encourage the production of affordable housing by means of accessory dwelling units.
- (b) Applicability. Except as otherwise provided by this section, accessory dwelling units shall be ministerially permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district in the following agricultural and residential zoning districts: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Rural Resources and Development), AR (Agricultural Residential), RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), and R3 (High Density Residential). Accessory dwelling units are prohibited in the Z (accessory dwelling unit exclusion) combining district.
- (b.1) Where a parcel is eligible for one (1) or more agricultural units and an application has been filed for an accessory dwelling unit, that parcel shall be eligible for one (1) less agricultural housing unit. Where a property has created the total amount of agricultural housing permitted on the lot, that

parcel is not permitted to create an accessory dwelling unit in addition to those agricultural housing units. For the purposes of this section, "agricultural housing unit" includes farm family, caretaker unit, year round farmworker, or agricultural employee units.

- (c) **Permit Requirements.** A ministerial zoning permit (Section 26-92-170) shall be required for an accessory dwelling unit. Additionally, accessory dwelling units must comply with all other applicable building codes, fire codes, and requirements, including evidence of adequate septic capacity and water yield.
- (d) **Appeals.** Notwithstanding the provisions of Article 92 or any other provision of this Chapter, decisions to approve an application for an accessory dwelling unit that meets all applicable standards set forth in this article, and decisions to deny an application for failure to meet all applicable standards, are final and not subject to appeal.
- (e) **Time Limits.** Unless a longer timeframe is voluntarily requested by the applicant, the required zoning and building permits for an accessory dwelling unit shall be approved or denied within one hundred twenty (120) days from submittal of an application that includes all materials required to process the permits.
- (f) **Use.** Accessory dwelling units may not be sold separately from the main unit or separated by subdivision, but may be rented separately. Occupant(s) need not be related to the property owner. Accessory dwelling units may not be rented on a transient occupancy basis (periods less than thirty (30) days). These requirements shall be included in a recorded deed restriction.
- (g) **Unit Type.** An accessory dwelling unit may be attached or detached from the primary dwelling on the site. A detached accessory dwelling unit may also be a manufactured home on a permanent foundation, in compliance with Section 26-02-140.
- (h) **Timing.** An accessory dwelling unit allowed by this section may be constructed prior to, concurrently with, or after construction of the primary dwelling.
- (i) **Density.** As provided by Government Code Section 65852.2(a)(1)(C), accessory dwelling units are exempt from the density limitations of the general plan, provided that no more than one (1) accessory dwelling unit may be located on any parcel. An accessory dwelling unit may not be located on any parcel already containing a dwelling unit that is non-conforming with respect to land use or density, or developed with a duplex, triplex, apartment or condominium.
- (j) **Site Requirements.**
 - (1) **Water Availability.**
 - (i) Except as provided in subsection (b) of this section, an accessory dwelling unit shall be permitted only in designated groundwater availability classification areas 1 or 2, or where public water is available.
 - (ii) An accessory dwelling unit in a Class 3 groundwater availability area shall be permitted only if:
 - (A) The domestic water source is located on the subject parcel, or a mutual water source is available; and
 - (B) Groundwater yield is sufficient for the existing and proposed use, pursuant to Section 7-12 of this code.
 - (iii) Accessory dwelling units shall not be established within designated Class 4 groundwater availability classification areas, or critical habitat areas as identified by the county and informed by the National Marine Fisheries Service Central Coast Coho Recovery Plan "Lower Russian River Priority Areas for Protection and Restoration" map and successor maps, except where both requirements for Class 3 areas, above, are met and a groundwater report prepared by a qualified professional certifies that the accessory dwelling unit would not result in a net increase in water use. On site water reduction may occur through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local

groundwater management project. The director shall issue administrative guidelines to assist applicants in complying with these standards.

(2) Minimum Parcel Size.

- (i) An accessory dwelling unit shall be permitted only on parcels with a minimum lot area as follows:

Accessory Dwelling Minimum Parcel and Unit Size

Water and Sanitation	Minimum Parcel Size	Maximum Unit Size (Sq. Ft.)
Well and Septic	2.0 acres	1,200
Public or Community Water, or on-site well ¹	1.5-1.99 acres	640/1-bdrm
Public or Community Water	1.0-1.49 acres ²	640/1-bdrm
Public Water and Sewer within urban service areas	5,000 square feet	1,200

¹ On-site well must meet current potable water supply standards as defined in Sonoma County Code Chapter 25B-3

² Not in Waiver Prohibition Area

(k) Design and Development Standards.

- (1) Height. In designated urban service areas, an accessory dwelling unit shall not exceed sixteen feet (16') in height except that where the unit is attached to the primary unit, or where the accessory dwelling unit is proposed to be located above a garage, carport or barn, the maximum height shall be that established for the primary dwelling in the underlying zoning district. In no case shall the provision of an accessory dwelling unit result in a substantial reduction in solar access to surrounding properties.
- (2) Design. The accessory dwelling unit shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping. Accessory units located within the SR (Scenic Resources) combining district shall be designed to meet the requirements in 26-24-020 (Community Separators and Scenic Landscape Units) or 26-24-030 (Scenic Corridors). Accessory units within the HD (Historic District) combining district shall meet the requirements of Section 26-68-025 (Standards Governing Decisions of County Landmarks Commission). However, review of accessory units within the HD combining district shall be completed administratively by the Director or his/her designee without public hearing. Accessory units located within the LG (Local Guidelines) Combining District shall meet the standards of Article 63 (LG Local Guidelines Combining District). Otherwise, no other design standards shall apply. Accessory dwelling units shall also meet all other standards set forth in any applicable combining district, specific plan or area plan, or local area development guidelines. Nothing in this subsection shall be construed to require discretionary review or permits for an accessory unit.
- (3) Size. An accessory unit shall not exceed one thousand two hundred (1,200) square feet in floor area.

- (i) Calculating the Size of Accessory Dwelling Units. Floor area shall be calculated by measuring the exterior perimeter of the accessory dwelling unit and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. Any storage space or other enclosed areas attached to the accessory dwelling unit shall be included in the size calculation, except: a) an attached garage, as described in subsection (i)(3)(ii) of this section; or b) where the accessory dwelling unit is constructed over or attached to an unconditioned accessory structure, as described in subsection (i)(3)(iii) of this section.

Accessory dwelling units located above garages of greater than four hundred (400) square feet shall be accessed through an exterior staircase only. Wherever an accessory dwelling unit is located above a garage, the total enclosed floor area of the second floor may not exceed the allowable floor area for the parcel.

- (ii) Allowable Garage Area. An attached garage up to four hundred (400) square feet in unconditioned floor area shall be permitted for an accessory dwelling unit provided that all required setbacks are met. No conditioned space shall be allowed within the garage area. An access door between the attached garage and the accessory dwelling unit may be provided. A deed restriction shall be recorded limiting the floor area of the accessory dwelling unit to the allowable floor area of the accessory unit for the parcel, and declaring that no portion of the attached garage is to be utilized as a part of the conditioned residential space.
 - (iii) Units Attached to Accessory Structures. Notwithstanding subsection (i)(3)(ii) above, an accessory dwelling unit may be located above or attached to a garage of more than four hundred (400) square feet, or a barn or other unconditioned accessory structure only where the garage or accessory structure clearly serves the primary residential or agricultural use of the property. In such cases, access to the accessory dwelling unit from the garage or accessory structure shall be provided by an exterior entrance only. Access doors between the attached structure and the accessory dwelling unit are prohibited.
- (4) Lot Coverage Limitation. The total lot coverage for parcels developed with an accessory dwelling unit shall not exceed that allowed within the applicable zoning district in which the parcel is located.
 - (5) Setback and Location Requirements.
 - (i) An accessory dwelling unit and any attached or detached garage must comply with the setback requirements of the applicable zoning district and combining districts in which the accessory dwelling unit is located, with the following exceptions:
 - (A) The rear yard setback for accessory dwelling units located in urban service areas within zone districts RR, R1, R2, and R3 shall be reduced to five feet (5').
 - (B) Setbacks for an accessory dwelling unit converted from a legal, permitted garage shall be reduced to zero feet (0'). Side and rear yard setbacks for an accessory dwelling unit constructed above a garage shall be reduced to five feet (5').
 - (6) Access and Parking Requirements.
 - (i) Driveway Access. Both the primary unit and the accessory dwelling unit are strongly encouraged to be served by one (1) common, all-weather surface access driveway with a minimum width of twelve feet (12'), connecting the accessory dwelling unit to a public or private road. Parking Required. One (1) off-street parking space with an all-weather surface shall be provided for the exclusive use of the accessory dwelling unit, in addition to the parking that is required for the primary dwelling. The parking space for the accessory dwelling unit may be allowed in the driveway and in tandem. Required parking shall be waived if:
 - (A) The parcel containing the accessory dwelling unit is within one-half ($\frac{1}{2}$) mile of a public transit stop; or

- (B) The accessory dwelling unit is located within the HD (Historic District) combining zone; or
 - (C) The accessory dwelling unit is part of the existing single-family dwelling or an existing accessory structure; or
 - (D) On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - (E) A car share vehicle is located within one (1) block of the property in which the accessory dwelling unit is located.
- (ii) Replacing Required Parking. If a garage or carport that provides required parking space(s) for the primary unit is demolished or converted in conjunction with construction of an accessory dwelling unit, the required replacement spaces may be provided as covered or uncovered spaces.
 - (iii) Surfaces. Wherever feasible, the use of permeable surfaces for parking, driveway and walkway areas is strongly encouraged.
- (7) Public Water and Sewer Connections. Accessory dwelling units approved under section 26-88-060(l) (Conversion of an Existing Structure) shall not be required to connect separately and directly to water or sewer systems and shall not be considered new residential uses for the purpose of calculating water and sewer connection fees or capacity charges. An accessory dwelling unit that is not approved under 26-88-060(k) may be required to connect separately and directly to water or sewer systems and may be subject to connection fees or capacity charges proportionate to the burden placed by the accessory dwelling unit on the utilities. Nothing in this subsection shall be construed to transfer responsibility for water and sewer services to the county from any utility district or zone or supersede the regulatory authority of any utility district or zone.
- (8) Standards for Accessory Dwelling Units Used to Meet the Affordable Housing Program Requirement. In addition to the standards set forth above, an accessory dwelling unit that is proposed to be made available for rent to another household in compliance with Article 89 requirements shall meet the following additional standards:
- (i) Separate Parking and Pathway. A designated parking space and a path of travel into the accessory dwelling unit that does not cross the private yard space of the main home.
 - (ii) Doorways. No connecting doorways between the accessory dwelling unit and the main unit, except for a shared laundry room or vestibule; and
 - (iii) Yard. Provision of a separate yard or open space area from that of the main dwelling. For accessory dwelling units located above other structures, this requirement may be met through the provision of a deck with no dimension of less than six (6) feet.
- (l) Conversion of an Existing Structure in the R1 District. Notwithstanding the requirements of this section, a building permit for an accessory dwelling unit shall be approved if all the following circumstances are satisfied.
- (1) The parcel is located within the R1 (Low Density Residential) zoning district and is not within the Z (Accessory Dwelling Unit Exclusion) combining district; and
 - (2) The accessory dwelling unit is located within the existing space of a single-family dwelling or a legal, permitted accessory structure in existence as of January 1, 2017; and
 - (3) The accessory dwelling unit has exterior access independent from the single-family residence; and
 - (4) The converted structure has side and rear setbacks sufficient for fire safety; and
 - (5) The property owner records a deed restriction prohibiting transient occupancy (less than thirty (30) days) and separate sale, including subdivision.

Accessory dwelling units approved under this subsection shall not be required to provide new or separate water and sewer connections and shall not be charged a related connection fee or capacity charge.

- (m) Development Fees. Notwithstanding any other provision of the Sonoma County Code, Traffic and Park Development Fees otherwise assessed on new accessory dwelling units shall be waived or reduced as follows. These fee reductions may be modified at such time as a new fee study or fee schedule is adopted.

Development Impact Fees for Accessory Dwelling Units

Size of Unit	% of Development Impact Fees Assessed
Up to 750 sq. ft.	0%
751-1000 sq. ft.	50%
1001-1200 sq. ft.	100%

- (n) Proposed accessory dwelling units that do not meet the minimum lot size requirements or the design and development standards may be considered on a case-by-case basis with a use permit application.

(Ord. No. [6285](#), § IV(Exh. B), 9-17-2019; Ord. No. [6222](#), § II(Exh. A), 5-8-2018; Ord. No. [6191](#), § II(Exh. A), 1-24-2017)

Editor's note— Ord. No. [6191](#), § II(Exh. A), adopted Jan. 24, 2017, amended § 26-88-060 in its entirety to read as herein set out. Former § 26-88-060 pertained to secondary dwelling units and derived from Ord. No. 5429, § 6, adopted in 2003; Ord. No. 5569, § 3, adopted in 2005; Ord. No. 5711, § 3(Exh. B), adopted in 2007; and Ord. No. 6129, § II(Att. A), adopted Aug. 18, 2015.

Sec. 26-88-061. - Junior accessory dwelling units.

- (a) Purpose. Consistent with Government Code Section 65852.22, this section implements the provisions of the General Plan Housing Element that encourage the production of affordable housing.
- (b) Applicability. Junior accessory dwelling units shall be permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district, except as otherwise provided by this section, in the following zoning districts: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Resources and Rural Development), TP (Timber Production), AR (Agricultural Residential), RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), R3 (High Density Residential), PC (Planned Community), CO (Administrative and Professional Office), C1 (Neighborhood Commercial), C2 (Retail Business and Service), C3 (General Commercial), LC (Limited Commercial), CR (Commercial Rural), AS (Agricultural Services), K (Recreation and Visitor-Serving Commercial), MP

(Industrial Park), M1 (Limited Urban Industrial), M2 (Heavy Industrial), and M3 (Limited Rural Industrial) zoning districts. This section does not apply to accessory dwelling units, which are regulated by Section 26-88-060.

- (c) **Permit Requirements and Fees.** A building permit shall be required for a junior accessory dwelling unit. A junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services.
- (d) **Time Limits.** Unless a longer timeframe is voluntarily requested by the applicant, the required zoning and building permits for an accessory dwelling unit shall be approved or denied within one hundred twenty (120) days from submittal of an application that includes all materials required to process the permits.
- (e) **Use.** Junior accessory dwelling units may not be sold separately from the single-family dwelling, but may be rented separately. Occupant(s) need not be related to the property owner. Junior accessory dwelling units may not be rented on a transient occupancy basis (less than thirty (30) days). The single-family dwelling must be owner-occupied, but the owner may reside in either the junior accessory dwelling unit or the remaining portion of the single-family dwelling. This owner-occupancy requirement does not apply to single-family dwellings owned by a public agency, land trust, or non-profit housing organization.
- (f) **Timing.** A junior accessory dwelling unit allowed by this section must be installed after construction of the single-family dwelling.
- (g) **Density.** As provided by Government Code section 65852.22(d) and (e), junior accessory dwelling units are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the General Plan. No more than one (1) junior accessory dwelling unit may be located on a parcel.
- (h) **Design and Development Standards.** Junior accessory dwelling units shall conform with the development standards of the base zoning district. In addition, junior accessory dwelling units shall meet the following standards.
 - (1) **Size.** A junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.
 - (2) **Location.** A junior accessory dwelling unit shall be installed within a legally established bedroom within the existing walls of a fully permitted single-family dwelling. In the case of a legal, non-conforming single-family dwelling unit, the applicant must demonstrate adequate septic capacity for the bedroom count and utilize an existing, fully permitted bathroom.
 - (3) **Access.** A separate entrance to the junior accessory dwelling unit shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained. Two (2) doors may be installed within one (1) frame for noise attenuation.
 - (4) **Kitchen.** A junior accessory dwelling unit shall contain an efficiency kitchen, as defined in Section 26-02-140. The efficiency kitchen must be removed when the junior accessory dwelling unit use ceases.
 - (5) **Sanitation.** A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single-family dwelling.
 - (6) **Parking.** A parking space is not required for the junior accessory dwelling unit.
- (i) **Deed Restriction.** A deed restriction shall be recorded that: prohibits the subdivision or sale of the junior accessory dwelling unit separate from the single-family dwelling; specifies that the deed restriction runs with the land and is therefore enforceable against future property owners; restricts the size and features of the junior accessory dwelling unit in accordance with this section; prohibits the junior accessory dwelling unit from being rented on a transient occupancy basis (less than thirty

(30) days); and further that the County shall be a third party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.

(Ord. No. [6191](#), § III(Exh. B), 1-24-2017)

Sec. 26-88-063. - Cottage housing developments.

- (a) Purpose. This section implements the provisions of the General Plan Housing Element that encourage new types of housing to meet a wide variety of housing needs, and encourage infill projects on underutilized urban land. Cottage housing developments are a type of infill development intended to provide small-scale, clustered housing units that are comparable in scale and intensity to single-family residential use, thereby minimizing the impact on adjacent low-density residential uses. This section allows up to three (3) units as interior conversion of a single-family home (attached cottage housing developments), or detached cottage housing developments, generally small, detached units clustered around common open space, designed with a coherent concept.
- (b) Applicability. This section applies to cottage housing developments where allowed by the base or combining zone.
 - 1. Cottage housing developments are allowed in the R1 (Low Density Residential) and R2 (Medium Density Residential) Zoning Districts, as provided in Articles 22 and 24 of this Code. Cottage housing developments must meet the development criteria of the base zone with the following additional standards and exceptions.
 - 2. Cottage housing developments may not be located on any parcel already containing an accessory dwelling unit, junior accessory dwelling unit, or developed with a duplex, triplex, apartment, or condominium. A parcel containing a single-family residence may be developed as a cottage housing development only if the single-family residence is included in the total floor area allowance per subparagraph (g)(2)(ii) below.
 - 3. Until January 1, 2023, cottage housing developments shall be limited within the Sonoma Complex fire perimeter as follows:
 - i. One (1) per radius of four hundred feet (400') in Glen Ellen.
 - ii. Prohibited in the Larkfield-Wikiup area within the fire perimeter.
- (c) Occupancy. Cottage housing units may not be rented on a transient basis (periods less than thirty (30) days).
- (d) Siting Requirements.
 - 1. Urban Service Area. The proposed site must be located within an Urban Service Area and be served by public sewer.
 - 2. Minimum parcel size. The minimum parcel size shall be eight thousand (8,000) square feet.
 - 3. Setbacks. Cottage housing developments shall meet the required front and side yard setbacks of the base zone. Rear yard setbacks shall be a minimum of ten feet (10') .
- (e) Parking. Cottage housing developments shall be subject to the parking provisions in Article 86.
- (f) Accessory structures that serve on-site users and are subordinate in use and scale to the cottages are allowed subject to lot coverage limitations of the base zoning district and design review.
- (g) Design and Development Standards. Cottage housing developments shall be subject to design review and site plan approval and meet the following additional standards and exceptions:
 - 1. Density. On parcels that meet the minimum parcel size, the maximum density shall be one (1) cottage per every two thousand five hundred (2,500) square feet of lot area. When calculating the number of units allowed, fractional units shall be rounded down to the nearest whole number.

2. Size. The total building square footage shall not exceed two thousand seven hundred (2,700) square feet, unless other sizes allowed by use permit.

(h) Site Layout.

1. Common Open Space. Common open space shall be one (1) or more areas that are designed and maintained for recreation, gardening, and similar activities open to all residents. Common open space shall total at least two hundred (200) square feet per unit, of which up to sixty (60) square feet may be private.
 - i. Cottages should generally be no more than twenty-five feet (25') from the common open area, measured from the facade of the cottage to the nearest delineation of the common open area.
2. Orientation of Cottages. Dwelling units shall be clustered around common open space that is not separated with fencing. Each unit shall have a primary entry and covered porch, generally oriented towards the common open space. Front porches are encouraged.

(Ord. No. [6247](#), § II(Exh. I), 10-23, 2018)

Sec. 26-88-070. - Recycling collection and processing facilities.

The criteria and standards for recycling collection and processing facilities are as follows:

(a) Permits Required.

- (1) No person shall place or permit placement, construction or operation of any recycling facility, including reverse vending machine, large or small collection facility, or light or heavy processing facility without first obtaining a use permit or design review approval pursuant to the provisions set forth in this section. Subject to the restrictions and requirements of this section, recycling collection and processing facilities may be permitted as set forth in the following table:

Type of Facility	Zones Permitted	Permit Required
Reverse vending machine	LC, C1, C2, C3, PF, RC, M1, M2, M3, PC	Administrative design review
Small collection facility	LC, C1, C2, C3, PF, RC, M1, M2, M3, PC	Administrative design review
Large collection facility	C3, M1, M2, M3	Use permit
Light processing facility	C3, M1, M2, M3	Use permit
Heavy processing facility	M2	Use permit

- (2) A planned community (PC) district may expressly permit or prohibit recycling facilities. Where a PC district does not specifically address such facilities but allows uses permitted in the C1, LC, RC, C2, C3, PF, M1, M2 districts, reverse vending machines and small collection facilities may be permitted with an administrative design review permit.

- (3) A single administrative design review permit may be granted to allow more than one reverse vending machine or more than one small collection facility, even if located on different sites, pursuant to the following criteria:
 - (i) The operator of each of the proposed facilities is the same;
 - (ii) The proposed facilities are determined by the director of planning to be similar in nature, size and intensity of activity;
 - (iii) All of the applicable criteria and standards set forth in this section are complied with.
- (b) Reverse Vending Machines. Reverse vending machines shall meet the following conditions:
 - (1) Shall be established in conjunction with a commercial use, industrial or public facility use, which is in compliance with all chapters of the codes of the county of Sonoma including but not limited to Sonoma County fire code, Uniform Building Code and zoning ordinance;
 - (2) Shall, when associated with a commercial or industrial use, be located within thirty feet (30') of the entrance to the primary use and shall not obstruct pedestrian or vehicular circulation;
 - (3) Shall be constructed and maintained with durable waterproof and rustproof material and shall be covered;
 - (4) Shall be clearly marked to identify the type of material to be deposited;
 - (5) Shall have a sign area of a maximum of four (4) square feet and sign(s) shall be attached to the machine;
 - (6) Shall be no more than eighty (80) cubic feet in bulk and no more than eight feet (8') in height per machine;
 - (7) The operator of the reverse vending machine and the operator of the primary use, on a daily basis, shall remove any and all recyclable materials or refuse which has accumulated or is deposited outside the reverse vending machines;
 - (8) Reverse vending machines located within a structure in which the primary use is located shall not require any permits under this section;
 - (9) Where a reverse vending machine is located nearer than fifty feet (50') to a residential property, structure barriers shall be provided to reduce noise impacts;
 - (10) Reverse vending machine operation may be limited to the hours of operation of the host use.
- (c) Small Collection Facilities. Small collection facilities shall meet the following conditions:
 - (1) Shall be established in conjunction with a commercial use, industrial use institutional or community facility public facility use which is in compliance with all chapters of the codes of the county of Sonoma including but not limited to the Sonoma County fire code, Uniform Building Code and zoning ordinance;
 - (2) Containers shall be constructed and maintained with durable waterproof, rustproof and fire resistant material and shall be covered at all times when not attended;
 - (3) Containers shall be clearly marked to identify the type of recyclable materials which may be deposited. A sign shall be displayed stating that no materials shall be left outside designated containers;
 - (4) Facilities shall be clearly marked to identify the name and telephone number of the facility operator;
 - (5) The site shall be swept and maintained in a dust-free, litter-free condition on a daily basis;
 - (6) The facility shall be placed on a site so as not to obstruct on-site or off-site pedestrian or vehicular circulation, or any loading facilities;

- (7) The facility shall be set back at least twenty feet (20') from any street or right-of-way;
- (8) The facility shall not impair the landscaping required for any concurrent use or any permit issued pursuant thereto;
- (9) The noise level for the collection facility shall not at any time exceed fifty-five (55) dBA as measured at the property line of any residentially zoned or residentially used property, and shall not exceed sixty-five (65) dBA;
- (10) The facility shall not include power-drive sorting and/or consolidation equipment such as crushers, balers or bulk reverse vending machines;
- (11) Signs may be provided as follows:
 - (i) Maximum sign area shall be four (4) square feet,
 - (ii) No illuminated signs, and
 - (iii) Signs must be consistent with the character of the location;
- (12) Use of the facility for collection or disposal of refuse or hazardous material is prohibited;
- (13) The facility shall be removed from the site no later than the date following expiration of the zoning permit for the primary use of the property or the state certification permit, whichever expires earlier;
- (14) The facility shall be in operation only during the hours of operation of the primary use, unless permission is otherwise given by the operator of primary use;
- (15) The facility shall conform to all development regulations for the zoning district in which it is located;
- (16) The occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary use unless all of the following conditions exist:
 - (i) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation,
 - (ii) A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site,
 - (iii) The use permit or design review approval will be reconsidered at the end of eighteen (18) months.

If the conditions set forth in subsections (c)(16)(i) through (iii) of this section exist, a reduction in available parking spaces in an established parking facility may then be allowed as follows:

For a priority commercial or industrial host use:

Number of Available Parking Spaces Maximum Reduction

0-25	0
26-35	2
36-49	3
50-99	4

100+

5

For a primary institutional use. A maximum five (5) spaces reduction will be allowed when not in conflict with parking needs of the primary use;

- (17) The facility operator shall, on a daily basis, remove any and all recyclable materials or refuse which has accumulated or is deposited outside the containers, bins or enclosures intended as receptacles for such materials;
 - (18) Small collection facilities are encouraged to accept all types of recyclable materials including, but not limited to all types of beverage and food containers made from aluminum, nonaluminum metal, glass and plastic, and in appropriate circumstances the county may require collection of all types of recyclable materials as a condition of design review approval. Small collection facilities may collect newspapers and cardboard in containers constructed of nonflammable materials.
- (d) Large Collection Facilities. Large collection facilities shall meet the following conditions:
- (1) The facility will be screened from the public right-of-way and adjacent properties zoned, planned or used for residential purposes by operating in an enclosed building or:
 - (i) Will be located within an area enclosed by an opaque fence at least six feet (6') in height with landscaping;
 - (ii) Will meet all the noise standards set forth in subsection (d)(7) of this section.
 - (2) Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located.
 - (3) Materials stored outside shall be bailed, palletized, densified or in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the fire district, California Department of Forestry and the Sonoma County public health department. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
 - (4) The site shall be maintained free of litter and any other undesirable materials and will be cleaned of loose debris on a daily basis.
 - (5) Space will be provided on site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the planning director determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety.
 - (6) In addition to the parking spaces required in subsection (d)(5) of this section, one (1) parking space will be provided for each commercial vehicle operated by the recycling facility. Parking requirements will be as provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility.
 - (7) Noise levels shall not exceed fifty-five (55) dBA as measured at the property line of residentially zoned or occupied property, and shall not otherwise exceed seventy (70) dBA.
 - (8) If the facility is located where it abuts property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.

- (9) Any containers provided for donation of recyclable materials will be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
 - (10) Unattended donation areas will be kept free of litter and any other undesirable material and the containers will be clearly marked to identify the type of material that may be deposited; the facility shall display a notice stating that no material shall be left outside the recycling containers.
 - (11) The facility will be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification and informational signs will meet the standards of the zone. Directional signs, bearing no advertising message, may be installed with the approval of the planning director, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
 - (12) Power-drive processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved through a use permit process where noise standards can be shown to be complied with.
 - (13) Other conditions may be required in connection with the use permit process.
- (e) Light and Heavy Processing Facilities. A light or heavy processing operation shall meet the following conditions:
- (1) The facility shall be screened from the public right-of-way and adjacent properties zoned, planned or occupied for residential use.
 - (2) Processors will operate in a wholly enclosed building except for incidental storage, or shall operate within an area enclosed on all sides by an opaque fence or wall not less than eight feet (8') in height and landscaped on all street frontages.
 - (3) Power-drive processing shall be permitted, provided noise level requirements of subsection (e)(11) of this section are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
 - (4) A light processing facility shall be no larger than forty-five thousand (45,000) square feet and may not shred, compact or bale ferrous metals other than food and beverage containers.
 - (5) A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code.
 - (6) Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located.
 - (7) Materials stored outside shall be baled, palletized, densified or shall be in sturdy containers maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the local fire district, Department of Forestry and Department of Public Health. No storage excluding truck trailers and overseas containers will be visible above the height of the fencing.
 - (8) The site shall be maintained free of litter and any other undesirable materials, will be cleaned of loose debris on a daily basis, and will be secured from unauthorized entry and removal of materials when attendants are not present.
 - (9) Parking space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space will be provided for a minimum of ten (10) customers except where the planning director determines that a lesser amount is surrounding business and public safety.

- (10) In addition to the parking required by subsection (e)(g) of this section, one (1) parking space will be provided for each commercial vehicle operated by the processing center. Parking requirements will otherwise be as mandated by the zone in which the facility is located.
- (11) Noise levels shall not exceed fifty-five (55) dBA as measured at the property line of residentially zoned or occupied property, and shall not exceed seventy (70) dBA.
- (12) If the facility is located within five hundred feet (500') of property zoned or planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open.
- (13) Any containers provided for donation of recyclable materials will be adequately screened from any property zoned or occupied for residential use and shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
- (14) Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited.
- (15) Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, the facility will be clearly marked with the name and phone number of the facility operator and the hours of operation.
- (16) No dust, fumes, smoke, vibration or odor above ambient level shall intrude on neighboring properties.
- (17) Other conditions may be required as part of the use permit process.

(Ord. No. 4643, 1993.)

~~Sec. 26-88-080. Large family day care.~~

- (a) ~~Performance Standards. Any applicant for large family day care shall provide evidence to the planning director at the time of application for a zoning permit of conformance to the following standards:~~
- (1) ~~Application. An application for a zoning permit shall be accompanied by all information, plans, fees and descriptions required by the planning department to process the application.~~
 - (2) ~~Fencing. Any front side or rear yard areas intended for day care use shall be surrounded by a barrier to separate the children from neighboring properties. Examples of acceptable barriers include hedgerows, chainlink or wood fences, walls and the like. Fences shall be installed to protect the children from possible hazards (e.g., swimming pools, ravines, vicious animals, etc.) according to state Social Services licensing provisions. The application shall state the type of barrier proposed and the area to be fenced.~~
 - (3) ~~Health and Safety Codes. Proposed day care homes shall comply with applicable building and fire code provision, with the applicable building codes, health codes, fire code standards adopted by the state and administered by the county fire marshal, and with Social Services Department licensing requirements (California Administrative Code, Title 22, Division 2).~~
 - (4) ~~Spacing and Concentration. Properties used for large family day care homes may be located closer than three hundred feet (300') from one another in all directions unless there is an appeal from a neighbor. In no case shall a residential property be directly abutted by large family day care on two (2) or more sides.~~
 - (5) ~~Noise. Noise emanating from a large family day care home or child care facility site shall not exceed sixty (60) decibels on the A scale measured at the property line. A noise wall or other sound attenuating device may be required to insure that this level of noise is not exceeded.~~

- ~~(6) Circulation. Residences located on arterial streets (as shown on the general plan circulation map) must provide a drop-off/pick-up area designed to prevent vehicles from backing onto the arterial roadway. An accurate circulation plan, including parking, circulation and drop-off areas, shall be included with the application.~~
- ~~(7) Parking. All dwellings used for large family day care facilities shall provide at least three (3) automobile parking spaces. These may include spaces already provided to fulfill residential parking requirements and on street parking so long as it abuts the site.~~
- ~~(8) Review and Enforcement.~~
 - ~~(i) One (1) Year Review. The zoning permit for large family day care shall be reviewed after one (1) year by the director to identify and achieve mitigation of any adverse conditions related to the day care activities conformance to these Zoning Ordinance regulations. The director may mitigate problems related to noise, traffic, parking and code violations by imposing new conditions, such as limiting hours of operation, requiring installation of solid fencing, subsequent or periodic review, etc. at his/her discretion. The director shall give notice of this review to owners and residents of property within one hundred feet (100') of the large family day care to allow at least ten (10) days for comment.~~
- ~~(b) Procedure for Application for Large Family Day Care:~~
 - ~~(1) An application for a zoning permit shall be accompanied by all information, plans, fees and descriptions required by the planning department. Large family day care is exempt from CEQA.~~
 - ~~(2) After the application is submitted, it will be referred to all interested agencies.~~
 - ~~(3) At least ten (10) days prior to the date upon which the zoning permit would be issued, the planning department shall mail notice of the application to all property owners within one hundred feet (100') of the subject property and shall post a notice on the property for at least ten (10) days indicating the applicant's intent to locate a large family day care on the property. The written notice which is mailed and posted shall state that the county intends to issue a zoning permit on the property unless a written protest is received by the planning department within the ten (10) day period.~~
 - ~~(4) If no written protest and fee is received within the ten (10) day period, the planning department may issue a zoning permit for the day care, subject to the adopted standards.~~
 - ~~(5) If a written protest is filed within ten (10) days of posting or publication, it must be accompanied by a fee in an amount set by resolution of the board of supervisors. The only grounds for a written protest shall be that the proposed family day care does not meet the criteria set forth in this section.~~
 - ~~(6) If a written protest on proper grounds and fee is received within the ten (10) day period, the planning department will schedule a hearing on the proposed large family day care before the board of zoning adjustments. The board of zoning adjustments will determine whether the proposed day care meets the criteria set forth in this section.~~
 - ~~(7) Decisions of the board of zoning adjustments are appealable to the board of supervisors within twelve (12) days from the date of the board of zoning adjustment's action. Appeals shall be accompanied by a fee to be set by resolution of the board of supervisors. The board of supervisors shall hear the matter de novo.~~
 - ~~(8) If the day care application is appealed to the board of zoning adjustments or the board of supervisors, the appropriate board may approve, or deny or conditionally approve the permit based on the criteria set forth in this section.~~
 - ~~(9) Operators of existing large family day care homes shall have twelve (12) months after adoption of the ordinance codified in this chapter in which to apply for a zoning permit, thereby establishing~~

~~the use as a legal day care facility. A fee shall be required for the zoning permit, but posting and standards shall be waived.~~

~~(Ord. No. 4643, 1993.)~~

Sec. 26-88-085. - Agricultural farmstays.

- (a) Agricultural farmstays shall be permitted only in compliance with the requirements and standards of this section and all other requirements of the applicable zoning district, subject to the issuance of a zoning permit. The zoning permit shall expire upon sale or transfer of the property or upon the owners moving their primary residence off the property, unless there is a tenant farmer continuing to operate the farm and farmstay.
- (b) Performance Standards.
 - (1) Where Allowed. Agricultural farmstays shall only be located on parcels that produce commercial agricultural products. The agricultural farmstay lodging and meals shall be incidental and secondary to the primary agricultural operation.
 - (2) Dwellings Allowed. Agricultural farmstays shall be provided in a legally established residence or guest house as defined in Section 26-02-140. Agricultural farmstays shall not be located within agricultural employee housing, seasonal or year-round farmworker housing, farm family dwellings, or accessory dwelling units. Tents and recreational vehicles (RVs) are not allowed as a part of an agricultural farmstay. Only one (1) farmstay is allowed per agricultural enterprise in compliance with the permitted residential density.
 - (3) Owner/Operator in Residence. The owner of the land on which an agricultural farmstay facility is located, or a tenant farmer, shall reside on the property. A homeowner's exemption from property tax or lease agreement may constitute evidence of this requirement.
 - (4) Maximum Number of Bedrooms and Guests. Agricultural farmstay establishments may have a maximum of five (5) bedrooms or sleeping rooms. The maximum overnight occupancy for agricultural farmstays shall be two (2) persons per sleeping room or bedroom. Children under three (3) years of age shall not be counted toward occupancy. If a lower limit is stated on the applicable septic permit, the maximum overnight occupancy shall be that stated on the septic permit.
 - (5) Food Service. An agricultural farmstay facility may serve food or meals at any time, but only to registered guests. The price of food shall be included in the price of the lodging. An agricultural farmstay facility that serves food shall maintain a food facility permit as required by the Health and Safety Code.
 - (6) Agricultural Promotion. The operator of the farmstay establishment shall engage in a program of agricultural promotion and guest education regarding the agricultural activities on-site and in the area, and may include active participation in the on-site agricultural activities as part of the consideration for the lodging. An Agricultural Promotion Plan shall be prepared and submitted with the farmstay application that demonstrates the primary use of land is agriculture and that the use promotes and educates guests about local agriculture.
 - (7) Noise Limits. All activities associated with the agricultural farmstay shall meet the standards contained in Table NE-2 and Policy NE-1c of the General Plan Noise Element.
 - (8) Events. Non-agricultural activities, agricultural promotional events and cultural events that involve more than the registered farmstay guests are not allowed, except that occasional cultural events, such as parties, weddings or other similar activities may be permitted with a cultural event zoning permit up to four (4) times per year, but for no more than two (2) years in a row.
 - (9) Septic Systems and Sewer Connections. The owner shall maintain a properly functioning and suitably sized septic system or sewer connection for the farmstay. In some cases, a per-room sewer fee may be applied.

- (10) Transient Occupancy Tax. The agricultural farmstay owner shall maintain a transient occupancy tax (TOT) license and remain current on all required TOT reports and payments. The owner or authorized agent shall include the TOT certificate number on all contracts or rental agreements, and in any advertising or websites.

(Ord. No. [6255](#), § I(Exh. A), 1-8-2019; Ord. No. 5964, § X, 1-31-2012)

Sec. 26-88-086. - Marketing accommodations.

- (a) Purpose. This section provides standards for permitting of private marketing accommodations for use by distributors, investors, partners and owners of the processing facility for short term occupancy related to the agricultural operation. These standards are intended to ensure that marketing accommodations are compatible with and do not adversely impact surrounding agricultural uses.
- (b) Applicability. Marketing accommodations shall only be located on parcels where the use promotes or markets agricultural products processed on the site and complies with applicable policies of the General Plan Agricultural Resource Element. Marketing accommodations shall not be permitted within accessory dwelling units, or in structures with County covenants or agreements restricting their use including, but not limited to, affordable housing units, agricultural employee units, farmworker housing, or farm family units.
- (c) Where Allowed. Marketing accommodations are allowed in agricultural and resource zones. Marketing accommodations are not allowed on properties where hosted rentals or vacation rentals are present.
- (d) Maximum Number of Units. No more than two (2) marketing accommodation units are allowed per winery operation or processing operation.
- (e) Size of Unit. Each marketing accommodation shall not exceed six hundred forty (640) square feet in size and shall not include a kitchen.
- (f) Performance Standards.
 - (1) No Commercial Use. Marketing accommodations shall not be rented for transient occupancy or used commercially as part of direct to consumer promotions.
 - (2) Noise Limits. All activities associated with the marketing accommodation shall meet the standards contained in Table NE-2 and Policy NE-1c of the General Plan Noise Element.
 - (3) Structures. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation.
 - (4) Affordable Housing. Marketing accommodations shall not be permitted within accessory dwelling units, nor in structures or dwellings with county covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, or farmworker housing.
 - (5) Temporary Structures Prohibited. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a marketing accommodation.
 - (6) Williamson Act. Any such use on a parcel under a Williamson Act contract must establish that the marketing accommodation is consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations

(Ord. No. [6255](#), § II(Exh. B), 1-8-2019)

Sec. 26-88-090. - Manufactured homes placed on permanent foundations.

- (a) Purpose. To increase the supply of housing and variety of housing types available to the public by establishing a method for placement of manufactured homes on permanent foundations on individual lots, while architecturally integrating the mobile home into the surrounding neighborhood.
- (b) Application. One (1) manufactured home per lot is permitted pursuant to subsection (c) of this section, wherever the single-family dwelling is permitted, provided that no other residential structures exist on the property. Additional manufactured homes, or manufactured homes which constitute additional residential units, may be permitted pursuant to this section where additional single-family dwellings are permitted, subject to obtaining a use permit or use permit waiver.

The provisions of this section shall not apply to the J (manufactured home exclusion) or HD (historic combining) districts, nor shall these provisions apply to manufactured homes used to house full-time agricultural employees where not placed on a permanent foundation. Manufactured homes in the SD combining district will require design review.

(c) General Requirements.

- (1) Effect of Locating a Manufactured Home on a Permanent Foundation System. A manufactured home which has been placed on a single lot and on a permanent foundation system pursuant to this section shall be deemed to be a single-family dwelling, and subject to local property taxation pursuant to Section 18551 of the Health and Safety Code and Section 109.7 of the Revenue and Taxation Code.
- (2) Construction Standards. A manufactured home shall not be located on a permanent foundation system on a single lot unless:
 - (i) (A) It has been certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and less than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of application for the issuance of a permit to install the manufactured home; or
 - (B) It is factory-built housing as defined in California Health and Safety Code Section 19971; and
 - (ii) It has not been altered in violation of applicable codes.

(Ord. No. 2985, § 2.)

- (d) Criteria. In the LIA, LEA, DA, RRD, RRDWA, TP, RR, AR, R1, R2, R3 and PC districts, manufactured homes placed on permanent foundations shall:
 - (1) Be occupied only as a residential use type in compliance with all applicable regulations;
 - (2) Be subject to all provisions of this chapter applicable to residential structures;
 - (3) Have a minimum width of twelve feet (12'), not including "expander";
 - (4) Be covered with an exterior material (including wood, stucco, masonite and horizontal "lap" siding) customarily used on conventional dwellings and approved by the planning director. The exterior covering materials shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering materials need not extend more than six inches (6") above finished grade;
 - (5) Have a roof with a pitch of not less than three inches (3") vertical rise for each twelve inches (12") of horizontal run and consisting of shingles or other material customarily used for conventional dwellings and approved by the planning director;
 - (6) Have eaves of a conventional design.

(Ord. No. 2985, § 2.)

(e) Installation of Manufactured Home.

- (1) Surrender of Registration. Subsequent to applying for the required building permits and prior to occupancy, the owner shall request a certification from the building department that a certificate of occupancy be issued pursuant to Section 18551(b)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of registration issued by a state agency is to be surrendered to the appropriate state agencies. Any manufactured mobile home which is permanently attached with underpinning or foundation to the ground must bear a California insignia or federal label pursuant to Section 18550(b) of the Health and Safety Code.
- (2) Compliance. The directors of building and planning shall determine that the project is in compliance with all requirements and conditions of the building permit prior to issuing final approval for occupancy.
- (3) Building Permit. Prior to installation of a manufactured home on a permanent foundation system the manufactured home owner or a licensed contractor shall obtain a building permit from the building department. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the Health and Safety Code.

(Ord. No. 4643, 1993.)

Sec. 26-88-100. - Mobile home park standards.

- (a) Design and Development Standards. All mobile home parks where approved by a use permit in the R1, R2, R3 or PC district shall be developed in conformance with the minimum design and improvement standards in this section.
- (b) Design Review. All mobile home parks shall be subject to design review in accordance with Article 82.
- (c) Submittal of Plans. Development plans shall be submitted to the director at least ten (10) days prior to application for those permits required by Section 18500 of the Health and Safety Code or its successors, and any other pertinent permit requirements of the county and the Department of Housing and Community Development of the state.

Detailed drainage plans shall be submitted to and approved by the county water agency.

(Ord. No. 1928.)

- (d) Expansion and Staged Development. Development may be in stages so long as each stage meets the minimum standards of this section.
- (e) Density. The maximum permitted residential density for a mobile home park shall be one hundred thirty-five percent (135%) of the density established on the zoning map.
- (f) Park Area. No mobile home park shall be less than three (3) acres in area within the R1 Low Density Residential Zone District, or less than two (2) acres in area within the R2 Medium Density Residential and R3 High Density Residential Zones.
- (g) Setbacks. All structures and mobile homes shall maintain setbacks from the exterior property lines of the mobile home park in accordance with the regulations of the applicable zoning district; provided, however, that a setback of at least twenty feet (20') shall be maintained from all exterior public roadways, so as to allow for fencing and landscaping in accordance with subsection (p) of this section.
- (h) Parking. Mobile home parks shall provide parking pursuant to Article 86, Parking. At least one (1) guest parking space shall be provided within a designated guest parking bay for every three (3) mobile homes. Guest parking shall be dispersed in parking bays throughout the development, and shall be in addition to the parking requirement which may be made for a community or recreational

building commonly open to visitors. Where the interior streets of a mobile home park do not allow for parking on both sides, scattered parking bays of a minimum nine feet (9') depth and containing from three (3) to five (5) visitor parking spaces are required to meet fire safe accessibility standards.

- (i) **Recreational Space.** Each mobile home park shall provide recreational space in accordance with applicable zoning district regulations for residential developments of similar size. Such recreation space may be provided as outdoor or indoor space, and may include such facilities as community swimming pools and other active recreational facilities, common landscaped and accessible walkways, developed recreational trails, parcourses, play areas and picnic areas, and indoor community gathering facilities. In no case shall credit toward the required minimum recreational area be granted for roadways, fire lanes, or parking areas. Recreation space design and location shall be approved by the director.
- (j) **Utilities.** All utility distribution facilities, including but not limited to electric, communication and cable television lines, installed in and for the purpose of supplying service to any mobile home park shall be placed underground, except as follows: equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts. The developer is responsible for complying with the requirements of this subsection and shall make the necessary arrangements with the utility companies involved for the installation of such facilities.
- (k) **Storage Facilities and Garbage Collection.** A minimum three-foot (3') by five-foot (5') by five-foot (5') cabinet for storage shall be provided within the rear yard, or within the rear half of a side yard, on each site. Adequate trash enclosures and facilities for park residents which allow for the source separation and collection of household recycling and garbage collection shall be provided to the satisfaction of the director.
- (l) **Accessory Uses.** Accessory uses are those uses that are incidental to the original use, exist for the sole purpose of service to residents, are customarily found in multiple-family development, and do not alter the character of the original use. Any structure used for an accessory use shall meet all requirements for a main structure. Allowable accessory uses include vending machines, a common car wash, storage area for travel trailers and boats, a management facility, recreational facility, and other uses which in the opinion of the director are of a similar nature.
- (m) **Occupancy of Recreational Vehicles (Travel Trailers).** In the R2 or R3 zoning districts, and where allowed by the HCD license and the use permit, short-term overnight use of recreational vehicles may be permitted where adequate sewer and water hook-ups, parking capacity, and compliance with all applicable health and safety and building codes can be shown. In each case, such proposed use shall be included in the application for use permit so that compatibility may be reviewed. All such recreational vehicle spaces shall be designated on the development plan and shall be separated from permanent mobile home spaces. Overnight use of recreational vehicles or travel trailers in mobile home parks located within the R1 or PC zoning districts is prohibited.
- (n) **Storage of RVs, Boats, Recreational Vehicles and Travel Trailers.** In the R2 or R3 zoning districts, the storage of RVs, boats and travel trailers owned by permanent park residents may be permitted with a use permit. Any areas proposed for the storage of recreational vehicles (RVs, boats, and/or travel trailers) owned by permanent park residents shall be shown on the development plan. The storage area shall be fully screened, shall have no public access, shall allow only limited access by park residents, and shall be fenced and otherwise secured at all times.
- (o) **Walls, Fences, etc.** A six-foot (6') wall, fence or landscape screen may be required along all perimeter boundaries of the mobile home park. The decision making body shall make a determination on the requirement for this fence on the basis of aesthetics and compatibility with surrounding proposed and existing development. Where a screening wall is required along a public street, it shall be placed fifteen feet (15') from the public right of way, in order to allow buffer landscaping to be placed outside of the fence and adjacent to the public street. Such wall or fence, if required, shall not be less than forty-two inches (42") in height nor greater than six feet (6') in height.
- (p) **Landscaping.** All open or common areas, excluding mobile home sites, shall be landscaped and maintained. At least forty percent (40%) of all the open or common areas shall be landscaped with

live materials. Landscaping shall include planting of trees of a five (5) gallon size along all perimeter boundaries of the mobile home park, at a minimum planting rate of one (1) tree per mobile home site. Additional trees and more mature trees may be required where they are being utilized for screening, or in lieu of fencing development. Plans shall indicate the means of irrigation for all landscaped areas, including perimeter areas where trees or other screening landscape are provided.

- (q) Signs. One non-illuminated or indirectly illuminated detached appurtenant sign not exceeding ten feet (10') in overall height or thirty-two (32) square feet in area shall be permitted for each mobile home park, and shall be integrated into the landscape with the location and elevation approved by the director.
- (r) Access. All entry streets shall be paved to a minimum of twenty-five feet (25'), and no parking shall be allowed within fifty feet (50') of the intersection. All interior park streets shall be paved to a width of not less than twenty-two feet (22') from shoulder to shoulder where no on-street parking is allowed. Interior streets shall be thirty-three feet (33') in width if car parking is permitted on one (1) side, and forty-one feet (41') in width if car parking is permitted on both sides.
 - (1) No park entry road shall be located closer than one hundred feet (100') to any public intersection unless authorized by the director of transportation and public works.
 - (2) A "looped" system of narrower interior roadways is encouraged in lieu of cul-de-sac streets. Where they are allowed, cul-de-sac streets shall have a minimum outside turning radius of thirty-eight feet (38').
 - (3) All interior corners shall have a minimum fifteen-foot (15') radii unless a reduced dimension is authorized by the director or the decision maker.
 - (4) Curbs and gutters shall be installed on both sides of entry and access roads. The planning commission may approve alternate treatment for vehicular, pedestrian and bicycle circulation where appropriate in cases of extreme topography or low-density developments.
 - (5) All streets shall be adequately lighted. The placement, style and height of all street lighting shall be subject to design review and shall generally not exceed a height of twelve feet (12') along interior streets or sixteen feet (16') along the park entry road so as to avoid lighting glare and spill-over into adjoining properties. Any taller light standards used, including any "cobra-head" fixtures as may be required along abutting streets, shall incorporate full cut-off shields to eliminate lighting glare and spill-over into the night sky and onto adjoining properties.
 - (6) Each site shall front on an access street. Alternatively, where mobile home sites are provided in clusters, no more than four (4) such clustered sites shall share a common frontage on an access street with a minimum ingress/egress width of twenty-four feet (24').
 - (7) Stop signs shall be provided at all intersections with all public streets.
- (s) Circulation. Proximity to public transit and alternative transportation modality shall be encouraged and accommodated. All mobile home park developments shall complement adjoining, existing or contemplated vehicle, transit and pedestrian/bicycle circulation patterns. All mobile home park developments shall dedicate such land adjoining public roads as may be required by the county for road widening purposes and improvements of the same to county standards may be required, as stipulated by the director of transportation and public works, to offset the burden placed on the public by the generation of new traffic.
- (t) Compliance with State Regulations and Other Regulations of the County. All pertinent state and county regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this section shall be construed to abrogate, void or minimize such other pertinent regulations.

(Ord. No. 5569 § 10, 2005)

Sec. 26-88-110. - Low water use landscaping.

- (a) Purpose. The purpose of this landscape ordinance is to effect efficient water use through proper landscape design and management. County decision-making bodies or the planning director may grant exceptions from this code section where appropriate and justified in light of unique project circumstances or conditions. Any such exception shall be conditioned upon the applicant providing alternative means of water conservation. For the purpose of this chapter, "landscaped areas" shall be defined as ornamental planted areas, patios, decks, walkways and natural areas (excluding creek setback zones) within that portion of the lot to be developed. Pools, ponds and fountains will be considered on an individual basis.
- (b) Applicability.
 - (1) The landscape ordinance is applicable to all new and rehabilitated landscaping in projects that are subject to county discretionary review, including common areas. When two (2) or more model homes are proposed in a residential complex, at least one (1) shall comply with this chapter. The low water use model home shall be identified with signage as water conserving.
 - (2) The following projects are exempt from the landscape ordinance:
 - (i) Landscaping on existing and proposed single-family lots. It is recommended but not required that front yard landscaping installed by developers on existing and proposed single-family lots comply with this chapter;
 - (ii) Areas devoted to agricultural cultivation;
 - (iii) Projects utilizing individual wells drawing groundwater for landscaping in water availability zones No. 1 and No. 2, as specified in the county general plan or by the county health department;
 - (iv) Areas utilizing reclaimed wastewater for irrigation;
 - (v) Public parks, golf courses, cemeteries, school recreational areas and private active use recreational areas where the applicant can demonstrate no other feasible alternative exists to turf groundcover.
- (c) Plant Selection. Plants selected in landscaped nonturf areas shall be well suited to the climate of the region and require minimal water once established. Plants that are of a higher water use variety shall be grouped together and be irrigated separately from water conserving plants.
- (d) Turf Selection and Limitations. Turf shall be limited to twenty-five percent (25%) (or thirty percent (30%) for drought tolerant turf varieties) of the projects landscaped areas. Infill lots, corner lots and other lots with more than one (1) street frontage may be permitted to have turf up to thirty-five percent (35%) (or forty percent (40%) for drought tolerant turf varieties) of the projects landscaped areas, where necessary to provide consistent streetscapes.

No turf shall be allowed:

 - (1) In areas eight feet (8') wide or less;
 - (2) On slopes exceeding ten percent (10%), or twenty-five percent (25%) where other project water-saving techniques can compensate for the increased runoff. A level buffer zone of eighteen inches (18") shall be provided between bermed turf areas and any hardscape (i.e., streets, walkways, etc.).
- (e) Soil Conditioning and Mulching.
 - (1) A minimum one-foot (1') depth of uncompacted soil shall be available for water absorption and root growth in planted areas.
 - (2) Soil tests for horticultural suitability shall be required at time of landscape installation. Soil shall be prepared and/or amended as appropriate.
 - (3) A minimum of two inches (2") of mulch shall be added in nonturf areas to the soil surface after planting. Plant types that are intolerant to mulch shall be excluded from this requirement. Nonporous material shall not be placed under the mulch.

- (f) Irrigation.
- (1) All landscaped areas shall be irrigated with an automatic system. Water-efficient systems (drip, minispray, bubbler-type, etc.) shall be used whenever feasible. Low gallonage type sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas. Lawns shall be sized and shaped so they can be efficiently irrigated. Spray or run-off onto paved areas shall be avoided.
 - (2) Dual or multiprogram controllers with separated valves and circuits shall be used when the project contains more than one (1) type of landscape treatment (lawn, ground cover, shrub, tree areas, etc.), or a variety of solar aspects. Soil moisture-sensing devices and rain sensors shall be used on larger projects (fifty thousand (50,000) plus square feet of landscaped area) to minimize or eliminate overwatering.
 - (3) Watering shall be scheduled at times of minimal wind conflict and evaporation loss.
 - (4) Sprinkler heads must have matched precipitation rates within each valve zone.
 - (5) Check valves are required where elevation differential may cause low head drainage.
 - (6) Within sixty (60) days of project completion, it is recommended a water audit be conducted by a certified consultant to insure efficient water usage.

(Ord. No. 4643, 1993.)

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 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 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.

([Ord. No. 6145, § VIII\(Exh. D\)](#), 3-15-2016)

Sec. 26-88-120. - Vacation rentals.

- (a) **Purpose.** This section provides requirements and standards for the operation of vacation rentals. These standards are intended to ensure that vacation rentals are compatible with and do not adversely impact surrounding residential and agricultural uses.
- (b) **Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. This section does not apply to legally established hosted rentals or bed and breakfast inns, which are regulated by Section 26-88-118. As used in this section, "primary owner" does not include residences or condominiums owned as a timeshare, limited liability partnership or corporation, or fractional ownership of six (6) or more interests. Vacation rentals shall not be permitted in non-habitable structures, nor on parcels where the AH Combining Zone or the X Combining Zone have been placed. Vacation rentals shall also not be permitted within second dwelling units, nor 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 a Williamson Act contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.
- (c) **Permits Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a zoning permit. Vacation rentals that do not meet the standards in this section may be permitted, subject to the granting of a use permit.
- (d) **Term of Permit.** Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property. Use permits shall run with the land but may be issued for limited term, as specified by the decision-maker. Both types of permits may be revoked for failure to comply with adopted standards, subject to the administrative and revocation procedures of Article 92 unless otherwise specified by this section.
- (e) **Permit Requirements.**
1. **Maximum Number of Guestrooms.** Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated, subject to the granting of a use permit. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.
 2. **Maximum Overnight Occupancy.** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.
 3. **Maximum Number of Guests and Daytime Visitors.** The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours. Vacation rentals with larger numbers of guests and visitors may only be allowed subject to the granting of a use permit.

Notwithstanding, maximum guest limits may be exceeded on the following national holidays: Easter, Memorial Day, 4th of July, Labor Day, Thanksgiving, Christmas Eve and Christmas, so long as the holiday event does not otherwise trigger the requirement for a special or cultural events permit.

4. **Limit on Number of Residences or Structures per Parcel.** Only a single family residence, and a legally established guest house meeting current standards shall be used as a vacation rental. Only one (1) tenant shall be allowed on-site at any given time: Only one (1) transient rental is allowed per parcel. Parcels containing multiple residences or habitable structures may only be used as vacation rentals subject to the granting of a use permit, except that two (2) residences or structures may be used when the total number of guestrooms does not exceed five (5).
5. **Parking.** Parking shall be provided as follows: a minimum of one (1) on-site parking space for a vacation rental with up to two (2) guestrooms or sleeping rooms; two (2) on-site parking spaces for a three (3) or four (4) guestroom vacation rental. Larger vacation rentals must demonstrate adequate parking with a minimum of three (3) spaces. On-street parking may be considered for up to one (1) of the required parking spaces; otherwise, the number of vehicles allowed for overnight guests shall be limited to the off-street parking available, as demonstrated by the application materials and the property checklist, but shall not exceed one (1) vehicle per bedroom. This maximum number of vehicles permitted for guests shall be clearly set forth in all rental agreements and in all online advertisements and listings.

(f) **Performance Standards.**

1. **Noise Limits.** All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.

Hourly Noise Metric ¹ , dBA	Activity hours 7:00 a.m. to 10:00 p.m.	Quiet Hours 10:00 p.m. to 7:00 a.m.
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (5 minutes in any hour)	60	55
L02 (1 minute in any hour)	65	60

¹ The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded fifty percent (50%) of the time or thirty (30) minutes in any hour; this is the median noise level. The L02 is the sound level exceeded one (1) minute in any hour.

If the ambient noise level exceeds the standards above, adjust the standard to equal the ambient level, up to a maximum of five (5) dBA above the standard, provided that no measurable increase (i.e. one and one-half (1.5) dBA or more) shall be allowed.

Reduce the applicable standards above by five (5) dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises, such as dog barking.

2. **Amplified Sound.** Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.
3. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
4. **Trash and Recycling Facilities.** Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within twenty-four (24) hours of trash pick-up.
5. **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.
6. **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.
7. **Transient Occupancy Tax.** The vacation rental owner or authorized agent 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 advertising or websites.
8. **Certified Twenty-Four-Hour Property Manager.** All vacation rentals operating within unincorporated Sonoma County must have a certified property manager who is available twenty-four (24) hours per days, seven (7) days per week during all times that the property is rented or used on a transient basis. Certified property managers may be professional property managers, realtors, property owners, or other designated person provided that the individual has successfully completed a training course and achieved a qualifying score on a county-administered certification test. Certification shall be granted by the county and may be revoked by the county. Once certified, a property manager must continue to comply with all provisions set forth in this section, including timely reporting of all complains and their resolutions, in order to remain certified. Certified property managers must be located within a thirty-mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. Any requested change to the certified property manager for a vacation rental property shall be made through submittal of a new vacation supplemental application or similar form provided by the department, and shall include the signature of the certified property manager and the desired effective date of the change. In no case may a vacation rental operate without a current certified property manager. Operation of a vacation rental without a valid certified property manager shall be considered a violation of this section. The name and twenty-four-hour contact information of the certified property manager shall be provided to any interested party upon request.
9. **Emergency Access.** The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by the sheriff and emergency or fire services departments.
10. **Posting and Neighbor Notification of Permit and Standards.** Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within six (6) feet of the front door of the vacation rental, and include them as part of all rental agreements. At the permit holder's expense, the County shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard three hundred feet (300') property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

11. **Requirements for All Internet Advertisements and Listings.** All online advertisements and/or listings for the vacation rental property shall include the following:
 - a. Maximum occupancy, not including children under three (3);
 - b. Maximum number of vehicles;
 - c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
 - d. Notification that no outdoor amplified sound is allowed; and,
 - e. The transient occupancy tax certificate number for that particular property.

(g) **Enforcement Process.**

1. Initial complaints on vacation rentals shall be directed to the certified property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available twenty-four (24) hours during all times when the property is rented, and shall be available by phone during these hours. Should a problem or arise and be reported to the certified property manager, the certified property manager shall be responsible for contacting the tenant to correct the problem within sixty (60) minutes, or within thirty (30) minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The certified property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to PRMD within twenty-four (24) hours of the occurrence. Failure to respond to complaints or report them to PRMD shall be considered a violation of this section, and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by PRMD code enforcement section who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Sheriff reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1 of the Sonoma County Code.

At the discretion of the code enforcement officer or the director, the zoning permit or use permit may be scheduled for a revocation hearing with the board of zoning adjustments. If the permit is revoked, a zoning or use permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year.

2. **Three Strikes Penalty.** Upon receipt of any combination of three (3) administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two-year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within ten (10) days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two (2) years.
3. **Violation of Performance Standards—Administrative Citations.**
 - a. In addition to all other legal remedies, criminal or civil, which may be pursued by the county to address a violation, a violation of this section may be subject to an administrative citation under Section 1-7.6.
 - b. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of an administrative citation:
 1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;
 2. Exceeding the maximum permitted occupancy, not including children under three (3) years of age;

3. Noise violations, as set forth in (f), above, including the use of outdoor amplified sound;
4. Violations of quiet hours (10:00 p.m. to 7:00 a.m.);
5. Exceeding maximum number of vehicles;
6. Exceeding fire limits, including lighting fires during bans;
7. Unsecured pets and/or nuisance barking;
8. Operation of a vacation rental without a certified property manager;
9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;
10. Failure to include the individual property's transient occupancy tax certificate number in all contracts, advertising and online listings;
11. Failure of the property owner to maintain current transient occupancy tax status.

(h) **Monitoring and Enforcement Fee.**

1. An annual fee may be adopted by the board of supervisors and collected by PRMD or the county tax collector to pay for monitoring and enforcement of vacation rentals.

([Ord. No. 6322](#), § III(Exh. C), 9-1-2020; [Ord. No. 6319](#), § III(Exh. C), 8-18-2020; [Ord. No. 6145, § IX\(Exh. E\)](#), 3-15-2016)

Editor's note— [Ord. No. 6145, § IX\(Exh. E\)](#), adopted March 15, 2016, amended § 26-88-120 in its entirety to read as herein set out. Former § 26-88-120 pertained to similar subject matter and derived from Ord. No. 5908, § II, adopted Nov. 9, 2010.

Sec. 26-88-121. - Home Occupations.

- (a) Purpose. This section provides standards for home occupations. These standards are intended to ensure that home occupations are incidental and secondary to residential use of the site, and are compatible with surrounding residential uses.
- (b) Limitations on Use. The following business activities are prohibited as home occupations:
 - (1) Adult entertainment activities/businesses;
 - (2) Animal hospitals and clinics; pet care services such as grooming, doggie day cares or kennels of any size;
 - (3) Automotive and other vehicle sales, repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;
 - (4) Boatmaking;
 - (5) Commercial cabinet or furniture making, furniture refinishing/antique restoration and sales;
 - (6) Dismantling, junk, scrap, or storage yards;
 - (7) Food processing, canning, baking, etc., including catering, or motorized mobile food vendors such as coffee carts or taco trucks;
 - (8) Gun and weapon sales or repairs, gunsmithing;
 - (9) Hair salons, day spas, and other uses which generate higher water and sewer demands, and higher customer visits;
 - (10) Uses which involve medical procedures;

- (11) Uses that require the handling of any hazardous (including biologically hazardous) or toxic materials, substances or wastes (as defined by California or federal law), except for small, nonreportable or unregulated quantities that are used in woodworking, painting, or photography, or in the making of jewelry, ceramics, pottery, and sculpture;
 - (12) Uses that require explosives or highly combustible materials;
 - (13) Uses that may trigger building modifications to meet California Building Code requirements related to Americans with Disability Act (ADA) or such that a change of occupancy classification is required;
 - (14) Welding, machine shop operations, or metal fabricating;
 - (15) Other uses that the director determines to be similar in impact to those listed above.
- (c) Allowable Home Occupations. Allowable home occupations include, but are not limited to:
- (1) Art and craft work such as ceramics, painting, photography, sculpture, woodwork, and similar cottage industries that do not involve reportable or regulated quantities of hazardous or flammable substances, where such operations will not generate noise, dust, or odors.
 - (2) Office-only uses by architects, attorneys, consultants, writers and owners of electronic commerce businesses, and similar uses.
 - (3) One-on-one services such as music, art, and dance lessons, tutors, licensed counseling and massage therapy.
 - (4) Tailoring and sewing.
 - (5) Other home occupation uses which in the opinion of the planning director are of a similar and compatible nature to those uses described above.
- (d) Design and Development Standards. Each home occupation shall comply with all of the following:
- (1) Location/Size. The home occupation shall be conducted entirely within one (1) of the following:
 - (i) A portion of the dwelling which does not exceed more than twenty-five percent (25%) of the total floor area of the dwelling;
 - (ii) A garage or portion thereof, (up to a maximum of five hundred (500) square feet) which does not displace any required parking;
 - (iii) A detached accessory structure or portion thereof (up to a maximum of five hundred (500) square feet).
 - (2) Technical codes. A home occupation shall comply with all of the codes adopted by reference at Sonoma County Code Section 7-13 (including the Uniform Building Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code, and Uniform Mechanical Code) and shall require building, septic division and other clearances as determined necessary by the director.
 - (3) Utilities. The home occupation shall not require any utility services modification, other than a modification required for normal residential use, that would be classed as commercial or industrial in load or design, and in no event shall electrical current to the home residence or home occupation exceed two hundred twenty (220) volts.
 - (4) Exterior appearance. The home occupation shall not require any change of the residential character or the outside appearance of the dwelling, either by the use of colors, materials, lighting, noise, or signs other than signage permitted by this section.
 - (5) Parking Requirements. Home occupations shall comply with the parking standards set forth in Section 26-88-010(g). The decision maker may modify this requirement to decrease or increase the required parking as appropriate to allow for the reuse of existing structures with limited parking, so long as adequate on-site parking for clients is demonstrated.

- (6) Signs. A home occupation shall be limited to one (1) attached, non-illuminated, two (2) square-foot sign.
- (e) Operating Requirements.
 - (1) Employees. No person shall be employed in the home occupation other than residents of the dwelling.
 - (2) Hours of Operation. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, and shall not occur on state and federal holidays.
 - (3) Number of Home Occupation Activities. No more than one (1) home occupation is allowed per legal dwelling unit on the property.
 - (4) Visits and Deliveries. Not more than four (4) customers or clients shall be allowed to visit the dwelling for any service or product during any one (1) day, nor more than two (2) customers or clients at any one (1) time. Not more than a total of ten (10) deliveries and/or pickups of materials, goods, supplies or products are allowed in any one (1) week.
 - (5) Commercial Vehicles. No more than one (1) single one (1) -ton or smaller commercial vehicle related to the business use shall be kept at the dwelling site.
 - (6) Outdoor Storage/Activity. No outdoor storage of materials or equipment related to the home occupation shall be permitted. No outdoor activity related to the home occupation shall be permitted.
 - (7) Offsite Effects. No home occupation activity shall result in offsite dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the director.
 - (8) Noise. Noise levels generated by a home occupation shall meet the requirements of the noise element of the general plan.
 - (9) Safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- (f) Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign affidavits agreeing to abide by and conform to the design and development standards, operating requirements and all provisions of the Sonoma County Code pertaining to the conduct of home occupations. The affidavit(s) shall acknowledge that the approval of the home occupation permit shall in no way permit any activity contrary to the Sonoma County Code, or any activity which would constitute a nuisance under state or local law. The affidavit(s) shall further acknowledge that it is the property owner's and applicant's responsibility to ensure that the home occupation is not contrary to a covenant, code or restriction governing the property.

(Ord. No. 5711 § 5 (Exh. D), 2007; Ord. No. 5569 § 7, 2005.)

Sec. 26-88-122. - Live/Work Uses.

- (a) Purpose. This section provides standards for live/work uses. These standards are intended to ensure that live/work uses are incidental and secondary to an otherwise allowed residential use of the site, and compatible with, surrounding residential uses. The standards of this section shall not apply to mixed use developments, which are instead subject to 26-88-123 (Mixed Use).
- (b) Limitations on Uses. The following business activities are prohibited as live/work uses:
 - (1) Adult entertainment activities/businesses;
 - (2) Animal hospitals and clinics;
 - (3) Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;

- (4) Boatmaking;
 - (5) Commercial cabinet or furniture making;
 - (7) Mobile food vendors such as coffee carts, or tack trucks;
 - (8) Gun and weapons sales;
 - (9) Uses which involve medical procedures;
 - (10) Uses that require the handling of any hazardous (including biologically hazardous) or toxic, materials, substances or wastes (as defined by California or federal law), except for small, nonreportable or unregulated quantities that are used in woodworking, painting, or photography, or in the making of jewelry, ceramics, pottery, and sculpture;
 - (11) Uses that require explosives or highly combustible materials;
 - (12) Welding, machine shop operations, or metal fabricating (except for artisan metal sculpture); and
 - (13) Other uses that the director determines to be similar in character to those listed above.
- (c) Allowable Live/Work Uses. Allowable live/work uses include, but are not limited to:
- (1) Art and craft work such as ceramics, painting, photography, sculpture, woodwork, and similar cottage industries that may involve minor use of hazardous or flammable substances as allowed by the department of emergency services; or operations which generate noise, dust, or odors provided that they are determined to be compatible with the surrounding land uses;
 - (2) Office uses by architects, attorneys, consultants, writers and owners of electronic commerce businesses, and similar uses;
 - (3) One-on-one and group services such as music, art, and dance lessons, tutors, licensed counseling and massage therapy, etc.;
 - (4) Tailoring and sewing;
 - (5) Limited, brief, pet care services such as grooming (but not doggie daycares or kennels) located outside of urban service areas;
 - (6) Furniture refinishing/antique restoration;
 - (7) Hair salons, day spas and other uses which generate higher water and sewer demands, and higher customer visits;
 - (8) Uses that may trigger building modifications to meet California Building Code requirements related to Americans with Disability Act (ADA) such that a change of occupancy classification is required;
 - (9) Other live/work uses which in the opinion of the director are of a similar and compatible nature to those uses described above.
- (d) Design and Development Standards. Each live/work use shall comply with all of the following:
- (1) Location/Size. The live/work use shall be conducted within one (1) of the following:
 - (i) A portion of the dwelling which does not exceed more than twenty-five percent (25%) of the total floor area of the dwelling;
 - (ii) A garage or portion thereof which does not displace any required parking;
 - (iii) A detached accessory structure or portion thereof.
 - (2) Technical Codes. A live/work use shall comply with all of the codes adopted by reference at Sonoma County Code Section 7-13 (including the Uniform Building Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and Uniform Mechanical Code) and shall require building, septic and other clearances determined necessary by the director.

- (3) Utilities. The live/work use shall not require any utility services modification, other than a modification required for normal residential use, that would be classed as commercial or industrial in load or design, and in no event shall electrical current to the home residence or live/work use exceed two hundred twenty (220) volts.
 - (4) Exterior Appearance. The live/work use shall not require any change of the residential character or the outside appearance of the dwelling, either by the use of colors, materials, lighting, noise, or signs other than signage permitted by this section.
 - (5) Parking Requirements. Live/work uses shall comply with the parking standards set forth in Section 26-88-010(g). The decision maker may modify this requirement to decrease or increase the required parking as appropriate to allow for the reuse of existing structures with limited parking or to accommodate authorized employees and/or customer or client visits. Adequate on-site parking for customers or clients must be demonstrated.
 - (6) Signs. A live/work use shall be limited to one (1) attached, nonilluminated, two (2) square-foot sign.
- (e) Operating Requirements.
- (1) Employees. Up to two (2) persons other than residents of the dwelling may be employed, unless otherwise provided by use permit
 - (2) Hours of Operation. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, unless otherwise provided by use permit, and shall not occur on state and federal holidays.
 - (3) Number of Live/Work Activities. No more than one (1) live/work use is allowed per legal dwelling unit on the property.
 - (4) Visits and Deliveries. Not more than eight (8) customers or clients shall be allowed to visit the dwelling for any service or product during any one (1) day, nor more than four (4) customers or clients at any one (1) time. Not more than a total of ten (10) deliveries and/or pickups of materials, goods, supplies or products are allowed in any one (1) week unless otherwise authorized by use permit.
 - (5) Commercial Vehicles. No more than one (1) single one (1) -ton or smaller commercial vehicle related to the business activity shall be kept at the dwelling site.
 - (6) Outdoor Storage/Activity. No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.
 - (7) Offsite Effects. No live/work use activity shall result in offsite dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazardous or nuisances as determined by the director.
 - (8) Noise. Noise generated by live/work uses shall be consistent with the noise element of the general plan.
 - (9) Safety. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- (f) Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign affidavits agreeing to abide by and conform to the conditions of the use permit and all provisions of the Sonoma County Code pertaining to the conduct of live/work uses, including, but not limited to, the provisions of this section. The affidavit(s) shall acknowledge that the approval of the live/work use permit shall in no way permit any activity contrary to the Sonoma County Code, or any activity which would constitute a nuisance under state or local law. The affidavit(s) shall further acknowledge that it is the property owners' and applicant's responsibility to ensure that the live/work use is not contrary to a covenant, code or restriction governing the property.
- (g) Exercise and Duration of Live/Work Permit. Use permits for live/work uses shall be exercised only by the applicant and/or property owner, and shall expire upon change of tenancy or sale or transfer

of the property. All use permits issued for a live/work use shall include the following provision: "This use permit shall expire upon change of tenancy or sale or transfer of the property."

(Ord. No. 5569 § 7, 2005.)

Sec. 26-88-123. - Mixed use developments.

- (a) Purpose. This section provides standards for mixed use developments and implements the general plan provisions related to mixed use.
- (b) Limitations on Use.
 - (1) A mixed use development may combine compatible residential units with commercial or other non-residential land uses allowed in the applicable zoning district, provided that not more than eighty percent (80%) of the total gross project floor space is in residential floor area.
 - (i) In cases where at least twenty percent (20%) of the residential floor area is provided as housing affordable to lower-income households pursuant to Article 89 (Affordable Housing Program Requirements and Incentives), a fifteen percent (15%) increase in maximum lot coverage and a fifteen-foot increase in maximum building height shall be granted over that otherwise allowed in the underlying zone district.
 - (2) Mixed use developments shall comply with the building intensity limitations of the applicable zoning district.
 - (3) A mixed use shall not be established or used in conjunction with any of the following activities:
 - (i) Adult entertainment activities/businesses;
 - (ii) Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;
 - (iii) Welding, machining, or open flame work;
 - (iv) Storage or shipping of flammable liquids or hazardous materials beyond that normally associated with a residential use; or
 - (v) Any other activity or use determined by the director to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of residents within, or adjacent to, a mixed use project because of the potential for the use to create excessive dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or to be unreasonably hazardous because of materials, processes, products or wastes.
- (c) Location of Residential Units. Residential units may be located on any floor, provided that the first fifty feet (50') of the ground floor area measured perpendicular to each building face adjacent to any primary street frontage shall be reserved for commercial uses. The restriction against the residential use of this fifty-foot area does not apply to entryways, access corridors or stairs. This restriction may be waived or reduced where the applicant can demonstrate that all of the following criteria are met:
 - (1) The provision of residential uses on the ground floor is necessary in order to provide compatibility with adjacent uses;
 - (2) The site has an unusual lot configuration, access, or other unique circumstance such that the provision of ground floor residential results in a superior integration of residential and commercial uses on the site; and
 - (3) The ground floor residential component provides a superior integration of the commercial uses into the surrounding commercial area.
- (d) Design and Development Standards.

- (1) Residential Open Space. A minimum of sixty (60) square feet of private usable open space shall be provided for each residential unit within the project. The open space requirement may be met through provision of patios, decks, or enclosed yard areas, but no private space with a dimension of less than six feet (6') shall be counted toward this requirement.
 - (2) Parking. Projects shall comply with the parking standards set forth in Section 26-86-010 (Parking) for each residential and nonresidential use included in the project, except that the residential parking need not be covered.
 - (3) Loading and Refuse/Recycling Areas. Commercial loading areas, recycling areas, and refuse storage facilities for the commercial and other nonresidential uses shall be located away from residential units and shall be substantially screened from view from the residential portion of the project. Where appropriate, the project may provide for the shared use of recycling and refuse storage facilities.
 - (4) Noise. Noise generated by mixed use projects shall be consistent with the general plan noise element.
- (e) Maintenance of Common Facilities. Where there is more than one (1) property owner with shared interest in maintaining common facilities related to lighting, fencing, signs, landscaping, shared parking, etc., a joint owner's association shall be formed, a landscape assessment district shall be established, or a maintenance agreement recorded. If a joint owner's association or a landscape assessment district is established, the association or district shall be obligated and responsible for maintaining common facilities in accordance with the standards and requirements of this chapter and the conditions of any applicable use permit. If a maintenance agreement is recorded, the agreement shall clearly identify those individuals or entities obligated and responsible for maintaining the common facilities in accordance with the standards and requirements of this chapter and the conditions of any applicable use permit. Each agreement, resolution or other document establishing a joint owner's association, a landscape assessment district or a maintenance agreement shall include the county as a third party beneficiary with the right, but not the obligation, to enforce said agreement, resolution or other document. The agreement, resolution or other document shall be subject to review and approval by the county.
- (f) Design Review Approval Required. All new mixed use projects, additions to existing projects, or new nonresidential uses in existing projects, shall be subject to design review approval in accordance with the standards of Article 82 (Design Review). The design of mixed use projects shall demonstrate compatibility between the different uses and shall take into consideration compatibility with adjacent properties and land uses, and shall include specific design features and screening to properly mitigate any potential impacts, including light impacts, or other compatibility issues. Design review of site plan and layout shall include consideration of proximity and access to transit facilities. Project design shall ensure that privacy between residential units and other uses on the site is maximized.
- (g) Criteria for Approval. A mixed use development shall meet the criteria set forth below:
- (1) The site shall be located within an existing urban service area and adequate sewer and water to serve the intended use;
 - (2) The development must comply with the standards and development criteria set forth in this section. Article 82 (Design Review), and the underlying base zone;
 - (3) Residential and commercial uses shall be integrated in such a manner as to address noise, hazardous materials, and other land use compatibility issues on site as well as off-site;
 - (4) The mixed use development shall be compatible with surrounding land uses and will not serve to inhibit commercial development on adjacent or nearby commercial parcels.

(Ord. No. [6223](#), § II(Exh. B), 5-8-2018; Ord. No. 5569 § 5, 2005.)

Sec. 26-88-124. - Work/live units.

- (a) Purpose. This section provides standards for the development of new work/live units and for the reuse of existing commercial and industrial structures to accommodate work/live opportunities where allowed by the applicable zoning district regulations. A work/live unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this section do not apply to mixed use projects, which are instead subject to Section 26-88-123 (Mixed use projects).
- (b) Limitations on Use. The nonresidential uses within a work/live project shall be limited to those commercial and industrial uses allowed within the applicable zoning district. In no case, however, shall a work/live unit be established or used for any of the following activities:
 - (1) Adult entertainment activities/businesses;
 - (2) Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;
 - (3) Welding, machining, or any open flame work;
 - (4) Storage or shipping of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - (5) Any other activity or use determined by the director to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of work/live unit residents, because of the potential for the use to create excessive dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or to be unreasonably hazardous because of materials, processes, products or wastes.
- (c) Allowable Building Intensity. Work/live units shall comply with the building intensity limitations of the applicable zoning district.
- (d) Design and Development Standards.

Work/live units shall be subject to review and approval of a master site plan and proposal statement demonstrating that the project meets all of the following criteria, as well as the design standards of the applicable zoning district.

- (1) General Prerequisites.
 - (i) At the time of application approval and for the reasonably foreseeable future, the industrial site and surrounding area is suitable for joint residential and industrial use.
 - (ii) The project is designed to provide flexible workspace in conjunction with living areas that are conducive to a work environment.
 - (iii) Residential and industrial uses are integrated in such a manner as to address noise, hazardous materials, and other health and safety issues onsite as well as off-site.
- (2) Commercial and Industrial Space Requirements.
 - (i) The project site must remain primarily in commercial or industrial use. At no time shall more than fifty percent (50%) of the combined floor area of all buildings constructed on the project site be dedicated or used for work/live units. All remaining floor area on the project site shall be dedicated and reserved exclusively for other commercial and industrial uses allowable in the applicable zoning district.
 - (ii) In addition, no less than fifty percent (50%) of the floor area of each work/live unit shall be designated, reserved and regularly used as work space for commercial or industrial uses.
 - (iii) All designated work space shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, storefront windows, roll-up doors and/or other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

- (3) Integration of Living Space. Living space shall be physically integrated into the work/live unit and shall not be separately rented, leased, or sold. Mezzanines and lofts within the unit may be used as living space subject to compliance with the other provisions of this section.
 - (4) Design Review. Work/live units shall be subject to the design standards and procedures set forth in Article 82 and approval by the design review committee.
 - (5) Parking Requirements. Work/live units shall comply with the parking standards set forth in Section 26-88-010. The decision maker may modify this requirement to decrease or increase the required parking as appropriate to allow for the reuse of existing structures with limited parking or to accommodate authorized employees and/or customer or client visits.
 - (6) Compliance with Building and Fire Codes. All work/live units shall comply with all of the codes adopted by reference at Sonoma County Code Section 7-13 (including the Uniform Building Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and Uniform Mechanical Code). If a structure contains mixed occupancies of work/live units and other nonresidential uses, occupancies other than work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work/live units and other occupancies, as determined by the building official.
- (e) Operating Requirements.
- (1) Occupancy. A work/live unit shall be occupied and used only by the operator or employee of the business within the unit.
 - (2) Sale or Rental of Portions of Unit. The living space of the work/live unit shall not be rented, leased, sold or occupied separately from the working space. No portion of a work/live unit shall, at any time, be rented, leased, or sold as a commercial or industrial space by any person not living in the unit.
 - (3) Notice to Occupants. The owner or developer of any structure containing work/live units shall provide written notice to all work/live occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. Noise and other standards shall be those applicable to commercial or industrial properties in the applicable zoning district.
 - (4) On-Premises Sales. On-premise sales of goods shall be limited to those produced within the work/live unit and shall be permitted only where such incidental sales are allowed by the zoning district. All on-premise sales of goods shall be incidental to the primary production work within the unit.
 - (5) Nonresident Employees. The occupant of the work/live unit may employ up to two (2) persons who do not reside in the work/live unit to work in the unit, provided that adequate parking is provided as determined by use permit.
 - (6) Noise. Noise generated by work/live uses shall be consistent with the noise element of the general plan.
- (f) Changes in Use. No portion of the work/live unit designated and approved as work space shall be converted to residential use without modification of the use permit, to ensure the continuing conformance with the use limitations, design and development standards and operating requirements of this section. Changes in the nonresidential portion of the use shall also require a modification of the use permit to ensure conformance with the use limitations, design and development standards and operating requirements of this section.
- (g) Findings for Approval. No use permit shall be approved for a work/live unit unless the decision maker makes all of the following findings, in addition to the findings required for use permit approval by Section 26-92-080 (Use permit—Findings).
- (1) The site is located within an existing urban service area;
 - (2) Public services and infrastructure are adequate to serve the use;

- (3) The project complies with the standards and development criteria set forth in this section;
- (4) The establishment of work/live units will not displace, conflict with or inhibit other commercial or industrial uses on site;
- (5) The proposed use of each work/live unit is a bona fide commercial or industrial activity consistent with subsection (b) (Limitations on Use) of this section;
- (6) The structure containing work/live units and each work/live unit within the structure has been designed to ensure that they will function predominantly as work spaces for commercial or industrial uses with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations;
- (7) The establishment of work/live units, as conditioned, is compatible with surrounding land use and will not conflict with nor inhibit commercial or industrial uses on adjacent or nearby parcels; and
- (8) The exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where adjacent land is zoned for commercial or industrial uses.

(Ord. No. 5569 § 8, 2005.)

Sec. 26-88-125. - Single room occupancy (SRO) facilities.

- (a) Criteria in General. The following are the minimum criteria applicable to all new single room occupancy (SRO) facilities:
 - (1) All SRO facilities are subject to design review.
 - (2) Transient occupancy of the SRO rooms shall not be allowed. SRO tenants shall not have an additional residential address other than the address of the SRO facility in which the residential unit is located.
 - (3) SRO rooms within SRO facilities shall be provided at rents affordable to households with lower incomes.
 - (4) Proximity to transit and alternative transportation modality shall be considered and encouraged in the siting of all SRO facilities.
- (b) Small SRO Facilities. The following additional criteria shall apply to SRO facilities containing less than ten (10) SRO rooms:
 - (1) Occupancy. SRO rooms shall be occupied by no more than two (2) persons. No transient occupancy is allowed; SRO rooms shall be occupied as the primary residence of the tenant.
 - (2) Maximum Unit Size. No SRO room may exceed four hundred (400) square feet.
 - (3) Common Facilities. Small SRO facilities shall provide individual or shared (common) bathing facilities, and may provide individual kitchen facilities. Any and all common facilities shall be provided as fully accessible to the satisfaction of the building official.
 - (4) Laundry Facilities. Common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer per facility, in addition to a laundry sink and folding area. The requirement for common on-site laundry facilities may be waived where it can be shown that a laundry facility open to the public is located within one-eighth (1/8) of a mile from the project site.
 - (5) Manager's Office or Unit. An on-site management office or manager's unit shall be provided. "House rules" shall be submitted as a part of the use permit application.
 - (6) Parking. Off-street parking shall be provided as set forth in Section 26-86-010 (Required parking). Secure bicycle parking is required.

- (7) Storage for Residents. Private, secured storage space of not less than fifty (50) cubic feet per resident shall be provided. Storage space may be provided in private closet(s) accessible from individual SRO rooms; and/or as individually locked areas accessible from a common room; and/or within a separate on-site storage structure. Where storage space is provided within a separate structure, such structure shall provide for separate, locking storage spaces for each SRO room, and shall be of sufficient construction to protect stored items from weather.
- (c) Large SRO Facilities. The following additional criteria apply to all SRO facilities containing ten (10) or more SRO rooms:
- (1) Occupancy. SRO rooms shall be occupied by no more than two (2) persons. No transient occupancy is allowed; SRO rooms shall be occupied as the primary residence of the tenant.
 - (2) Maximum Unit Size. No SRO room may exceed three hundred (300) square feet.
 - (3) Common Facilities.
 - (i) Kitchen. Within a large single room occupancy (SRO) facility, no more than fifty percent (50%) of individual rooms may be provided with kitchens or kitchenettes. At least one (1) common (shared) kitchen/dining area shall be provided within a large SRO facility.
 - (ii) Bathrooms. Private bathroom facilities shall be provided within each unit to include, at a minimum, a toilet and wash basin. Bathtubs and/or shower facilities may be provided within individual rooms, or may be shared.
 - (iii) Accessibility. Any and all common facilities shall be provided as fully accessible, to the satisfaction of the building official.
 - (4) Laundry Facilities. Common laundry areas shall be provided at a rate of not less than one (1) washer and one (1) dryer for the first ten (10) rooms, with one (1) additional washer and one (1) additional dryer provided for every five (5) additional rooms or fraction thereof.
 - (5) Manager's Unit. An on-site, live-in manager's unit shall be provided. A management plan, including the proposed "house rules," shall be submitted as a part of the use permit application.
 - (6) Parking. Parking for SRO facilities shall be provided as set forth in Section 26.86.010, Required parking. Secure bicycle parking is required.
 - (7) Storage for Residents. Private, secured storage space of not less than fifty (50) cubic feet per resident shall be provided. Storage space may be provided in private closet(s) accessible from individual SRO rooms; and/or as individually locked areas accessible from a common room; and/or within a separate on-site storage structure. Where storage space is provided within a separate structure, such structure shall provide for separate, locking storage spaces for each SRO room, and shall be of sufficient construction to protect stored items from weather.

(Ord. No. [6223](#), § III(Exh. C), 5-8-2018; Ord. No. 5569 § 6, 2005.)

Sec. 26-88-126. - Reserved.

Editor's note— Ord. No. [6189](#), § II(F), adopted Dec. 20, 2016, repealed § 26-88-126, which pertained to medical cannabis dispensary uses and derived from Ord. No. 5715, § 2, adopted in 2007; Ord. No. 5748, § 2, adopted in 2007; and Ord. No. 5967, § I, adopted Jan. 31, 2012.

Sec. 26-88-127. - Homeless shelters.

This section establishes standards for the siting and operation of homeless shelters. The purpose of these standards is to ensure that the development and operation of small-scale and emergency homeless shelters do not adversely impact adjacent parcels or the surrounding residents and businesses. It is intended that these provisions protect the health, safety and welfare of the county's residents while

ensuring that standards imposed on a shelter not serve as constraints, but rather serve to encourage and facilitate the development and operation of such facilities. The following performance standards shall apply to homeless shelters:

- (a) Permit Requirements. Homeless shelters may require a use permit, depending on their type and location, as provided in the regulations for the base districts in which they are allowed.
- (b) Property Development Standards. Homeless shelters shall conform to all property development standards of the zoning district in which they are located except as modified by these performance standards.
- (c) Maximum Number of Persons/Beds. Small-scale homeless shelters shall serve no more than ten (10) persons. Emergency homeless shelters shall be limited to not more than fifty (50) persons served on a year-round basis, but during seasonal or emergency events of flooding, extreme temperature, or natural disaster, such shelters shall not be limited with regard to number of persons served, subject to occupancy limits of the Building Code, so long as the operating conditions set forth in this section are met.
- (d) Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, downward cast and fully shielded, shall be directed away from adjacent properties and public rights-of-way, and shall be of an intensity compatible with the neighborhood.
- (e) Security. Parking facilities shall be designed to provide security for residents, visitors, and employees.
- (f) Common Facilities. Shelters are encouraged but not required to provide the following common facilities for the exclusive use of the residents:
 - (1) Central cooking and dining room(s);
 - (2) Common recreation room;
 - (3) Office with services for residents;
 - (4) Laundry facilities adequate for the number of residents.
- (g) On-Site Parking. On-site parking for homeless shelters, including bicycle parking, shall be subject to requirements set forth in Article 86.
- (h) Secure Storage. Shelters are encouraged but not required to provide secure, locked storage facilities for residents' personal belongings.
- (i) Outdoor Activity. For the purposes of noise abatement in residential districts or adjacent to residential uses, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m.
- (j) Concentration of Uses. No more than one emergency homeless shelter shall be permitted within a radius of one thousand (1,000) feet from another such shelter.
- (k) Health and Safety Standards. All homeless shelters must comply with all standards set forth in Title 25 of the California Administrative Code (Part 1, Chapter F, Subchapter 12, Section 7972).

(Ord. No. 5883, § IV, 5-30-2010.)

Sec. 26-88-130. - Telecommunication facilities.

- (a) The following are the minimum criteria applicable to telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, additional mitigation measures or other conditions may also be necessary.
 - (1) Except as noted, all telecommunication facilities shall comply with the following:

- (i) Any applicable easements or similar restrictions, including open space easements, on the subject property.
 - (ii) Any applicable general plan, specific plan, area plan, local area development guidelines, and the permit requirements of any agencies which have jurisdiction over the project.
 - (iii) The regulations of any applicable combining district.
 - (iv) The height of any freestanding facility shall include the height of any structure upon which it is placed.
 - (v) All setbacks shall be measured from the base of the tower closest to the applicable property line or structure.
 - (vi) The facility shall be operated so that it shall not result in human exposure to nonionizing electromagnetic radiation (NIE) in excess of the levels specified in the most current standard governing human exposure to NIE utilized by the Federal Communications Commission (FCC) in its licensing decision for the applicable facility. The applicant shall be responsible for demonstrating that the proposed facility will comply with this standard and may do so in any one of the following ways:
 - A) Provide evidence in the form of an FCC license or construction permit that the FCC has accepted the applicant's certification that the facility meets the FCC standard.
 - B) Provide evidence that the FCC has categorically excluded the applicant from demonstrating compliance with the FCC standard.
 - C) Provide an independent analysis by or on behalf of the applicant which demonstrates that the facility will comply with the FCC standard by such calculations and measurements as may be necessary. The calculations, measurements, and all related methods utilized to determine compliance shall be consistent with FCC policies and procedures.
 - (vii) Replacement of aging, defective, or obsolete legally established antennas or towers is permitted without new zoning permit or use permit approval, provided that such replacement does not increase the height or result in a substantial change in the appearance of the facility. Pursuant to Section 26-94-010(b), a legal nonconforming facility may be expanded one (1) time not to exceed ten percent (10%) of the total existing silhouette, subject to all other applicable requirements of this code.
 - (viii) In the event that a proposed telecommunication facility does not meet the required standards or criteria for such facility in the applicable district, it may be considered as the next larger facility, subject to the criteria therefor. For example, a minor facility that exceeds the allowed silhouette limit may be considered as an intermediate facility requiring a use permit, or an attached facility that exceeds the allowed silhouette limit may be considered as a minor facility requiring a zoning permit.
- (2) In addition to the standards of subsection (a)(1) of this section, attached commercial telecommunication facilities shall meet, at a minimum, the following criteria:
- (i) The project description and permit shall include a specified maximum allowable silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective, but shall not include supporting cables and guy wires as part of the silhouette calculation.
 - (ii) A single vertical antenna not exceeding twenty-five feet (25') in height or four inches (4") in diameter may be included on a tower without being considered in the measurement of the height or silhouette of the facility.
 - (iii) Antennas shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.

- (iv) The owner/operator of any facility that causes interference with local television or radio reception shall be responsible for mitigation of such interference in accordance with the operator's applicable FCC license requirements.
 - (v) Approval of all commercial facilities is subject to the decision-making body finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.
- (3) In addition to the standards of subsection (a)(1) of this section, freestanding commercial telecommunication facilities shall meet, at a minimum, the following criteria:
- (i) Potential adverse visual impacts which might result from project related grading or road construction shall be minimized.
 - (ii) Facility towers, antennas and other structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts and to achieve compatibility with neighboring residences and the character of the community to the extent feasible considering the technological requirements of the proposed telecommunication service.
 - (iii) Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.
 - (iv) Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner.
 - (v) Significant adverse impacts on biotic resources, including any threatened, rare or endangered species, shall be mitigated.
 - (vi) Drainage, erosion, and sediment controls shall be required as necessary to avoid soil erosion and sedimentation of waterways. Structures and roads on slopes of thirty percent (30%) or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over ten percent (10%). Natural vegetation and topography shall be retained to the extent feasible.
 - (vii) The project description and permit shall include a specified maximum allowable silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective, but shall not include supporting cables and guy wires as part of the silhouette calculation.
 - (viii) A single vertical antenna not exceeding twenty-five feet (25') in height or four inches (4") in diameter may be included on a tower without being considered in the measurement of the height or silhouette of the facility.
 - (ix) Upon abandonment or termination, the entire facility, including all equipment, towers, antennas, etc., shall be removed and the site restored to its pre-construction condition or other authorized use.
 - (x) The owner/operator of any facility that causes interference with local television or radio reception shall be responsible for mitigation of such interference in accordance with the operator's applicable FCC license requirements.
 - (xi) Facilities shall be designed so as to provide adequate warning of potential hazards as well as location and operator identification and telephone number for public contact. Facilities may also be required to provide anti-climb devices or other security measures.
 - (xii) The facility operator and property owner are encouraged to make available unutilized space for future co-located or multiple-user telecommunication facilities, including space for those entities providing similar, competing services.

- (xiii) All applications for zoning permits or use permits shall include a statement or other documentation that all owners of property within three hundred feet (300') of the subject property have been provided with a written notification of the filing of the application.
- (xiv) An alternatives analysis (required for major freestanding facilities in all districts and for intermediate freestanding facilities in the AR, RR, R1, R2, R3, and PC districts with a UR or RR land use designation) shall include the following content:
 - (A) A topographic map of the proposed local service area which identifies the local network of facilities with which the proposed facility will connect.
 - (B) A small scale map of the applicable franchise area, which identifies the regional network of facilities with which the local network will connect.
 - (C) Identification of the following on the local topographic map:
 - 1. All other existing telecommunication facilities, including those owned or operated by the applicant for the same type of service, and those which provide other wireless services which could potentially support the proposed facility.
 - 2. All other existing structures which might provide an opportunity for attached facilities.
 - 3. Lands which are zoned for commercial or industrial use.
 - 4. Lands which are designated as open space.
 - (D) Identification of any existing service gaps in the proposed local service area as well as any service gaps which may remain in the event that the proposed facility is approved and constructed.
 - (E) Identification of at least two (2) alternative service plans which could provide comparable service to the intended service area. An explanation must be included if there are not at least two (2) alternative plans. Alternatives which do not produce a minimum quality signal, or which would substantially interfere with another service do not need to be included.
 - (F) The alternatives should include a mix of service strategies which incorporate existing, attached, and/or other freestanding facilities. The alternatives analysis for a facility proposed within a designated scenic resource area and/or a residential zone (AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation) shall include any feasible alternatives outside these respective areas. They should also be designed to offer clear tradeoffs involving:
 - 1. The level of service provided;
 - 2. The number of towers;
 - 3. Variety in tower heights and silhouettes;
 - 4. Potential visual impacts;
 - 5. Residential proximity and compatibility;
 - 6. Proximity to service area;
 - 7. Other applicable potential environmental impacts.
 - (G) A description of each alternative, including its ancillary equipment and structures and associated roads and compare and contrast the alternatives using the above factors. The alternative plans need not be analyzed at the same level of detail as the proposed project, but the justification for selection of the proposed project must be presented.
- (xv) Tower setbacks may be waived under any one (1) of the following circumstances:

- (A) The facility is proposed to be co-located onto or clustered with an existing, legally established telecommunication facility.
 - (B) All of the owners of affected properties agree to the reduced setback. A property is considered affected if its dwelling unit lies within a distance equivalent to the required setback for the subject tower prior to reduction and the reduced setback would result in the tower being located closer to the dwelling unit than the above setback would otherwise allow.
 - (C) Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
 - (xvi) Approval of all commercial facilities is subject to the decision-making body finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site.
- (b) Additional Standards for Telecommunication Facilities Pertaining to Specific Districts.
- (1) LIA, LEA, DA, RRD, RRDWA, TP Districts.
 - (i) Attached commercial facilities may be flush-mounted on the side or roof of a structure but are subject to a limit of five (5) square feet of silhouette above the structure ridgeline or twenty-five (25) square feet above the roof on any single structure and a cumulative total silhouette for all attached commercial antennas on the subject lot of one hundred (100) square feet above the roofs of structures. The director may allow these silhouette limits to be exceeded without requiring a zoning or use permit provided that the added silhouette would be effectively unnoticeable.
 - (ii) Minor freestanding commercial facilities shall meet the following standards:
 - (A) Towers shall be set back from the nearest offsite dwelling unit by a minimum distance equivalent to one hundred ten percent (110%) of the height of the facility or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.
 - (B) The cumulative total silhouettes of the towers and antennas on the subject lot shall not exceed one hundred sixty-five (165) square feet at full design capacity.
 - (iii) Intermediate and major freestanding commercial facilities shall meet the following standards:
 - (A) Towers shall meet the setback standards of subsection (b)(1)(ii)(A) of this section.
 - (B) For any proposed major facility, an alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of subsection (a)(3)(xiv) of this section.
 - (C) A visual analysis.
 - (2) AR, RR, R1, R2, and R3 Districts.
 - (i) Attached commercial facilities may be flush-mounted on the side or roof of a building but the cumulative total silhouette of all attached commercial antennas on the subject lot shall not exceed five (5) square feet above structure ridgelines or fifteen (15) square feet above the roofs of structures. The director may allow these silhouette limits to be exceeded without requiring a zoning or use permit provided that the added silhouette would be effectively unnoticeable.
 - (ii) Minor freestanding commercial facilities shall meet the following:
 - (A) Towers shall be set back from the nearest off-site dwelling unit by a minimum distance equivalent to one hundred ten percent (110%) of the height of the facility or the yard requirements of the applicable base district, whichever is more restrictive,

provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.

- (B) The cumulative total silhouette of the towers and antennas on the subject lot at full design capacity shall not exceed seventy (70) square feet in the AR and RR districts and shall not exceed forty-five (45) square feet in the R1, R2, and R3 districts.
- (iii) Intermediate and major freestanding commercial facilities are not allowed in these districts unless the applicant demonstrates to the satisfaction of the decision-making body that there is no technically feasible site or method of providing the needed service on lands which are not zoned AR, RR, R1, R2, R3, or PC with a UR or RR land use designation. Such demonstration shall be accompanied by the following:
 - (A) An alternatives analysis which meets the requirements of subsection (a)(3)(xiv) of this section.
 - (B) A visual analysis, which may include photo montage, field, mock-up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service.
- (3) CO, C1 Districts.
 - (i) Attached commercial facilities may be flush-mounted on the side or roof of a building but the cumulative total silhouette of the antennas placed upon dwelling units on the subject lot shall not exceed five (5) square feet above structure ridgelines or fifteen (15) square feet above the roofs of residential structures.
 - (ii) Minor and intermediate freestanding commercial facilities fifty feet (50') or less in height shall meet the following:
 - (A) Towers setbacks shall be the same as those for other structures in the base district.
 - (B) The cumulative total silhouette of the facilities on the subject lot shall not exceed two hundred ten (210) square feet at full design capacity.
 - (iii) Intermediate freestanding commercial facilities greater than fifty feet (50') in height shall meet the following:
 - (A) Towers shall be set back by a minimum distance equivalent to fifty percent (50%) of the height of the facility from the property line of any property zoned AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.
 - (B) A visual analysis.
- (4) C2, C3, LC, RC, AS, K, MP, M1, M2, and M3 Districts.
 - (i) Attached commercial facilities may be flush-mounted on the side or roof of a building but the cumulative total silhouette of the antennas on dwelling units on the subject lot shall not exceed five (5) square feet above structure ridgelines or fifteen (15) square feet above the roofs of residential structures.
 - (ii) Minor and intermediate freestanding commercial facilities eighty feet (80') or less in height shall meet the following:
 - (A) Towers setbacks shall be the same as those for other structures in the base district.

- (B) The cumulative total silhouette of the facilities on the subject lot shall not exceed two hundred ten (210) square feet at full design capacity.
- (iii) Intermediate and major freestanding commercial facilities greater than eighty feet (80') shall meet the following:
 - (A) For intermediate facilities, towers shall be set back by a minimum distance equivalent to fifty percent (50%) of the height of the facility from the property line of any property zoned AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.
 - (B) For major facilities, towers shall be set back by a minimum distance equivalent to one hundred percent (100%) of the height of the facility from the property line of any property zoned AR, RR, R1, R2, R3, or PC with a UR or RR general plan land use designation or the yard requirements of the applicable base district, whichever is more restrictive, provided that such setbacks may be waived pursuant to subsection (a)(3)(xv) of this section.
 - (C) For any proposed major facility, an alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of subsection (a)(3)(xiv) of this section.
 - (D) A visual analysis.

(Ord. No. 4973 § 14, 1996.)

Sec. 26-88-135. - Reserved.

Editor's note— Ord. No. 6046, § II(i) , adopted Sep. 10, 2013, repealed § 26-88-135, which pertained to small wind energy systems and derived from Ord. No. 5342, § 6, adopted in 2002; Ord. No. 5361, §§ 2(q), (r), adopted in 2002; and Ord. No. 5435, § 2(ss), adopted in 2003. Similar provisions can be found in § 26-88-208.

Sec. 26-88-140. - Minor timberland conversions.

- (a) All minor timberland conversions shall require a zoning permit. Notice of the permit shall be mailed to all owners of real property as shown on the latest equalized assessment roll within three hundred feet (300') of the subject property and posted in at least three (3) public places on or near the subject property at least ten (10) days prior to issuance of the permit. The notice shall include an explanation of the procedure to appeal issuance of the permit. In addition to such other plans and data as are necessary to determine compliance with this chapter, the application for the permit shall be accompanied by all of the following:
 - (1) A statement of the approximate number, size, species, age, and condition of the trees to be included in the minor timberland conversion, the amount of land clearing to be done, the equipment to be used, the method by which slash and debris are to be removed or disposed of, and a schedule of daily operations.
 - (2) A copy of the notice of conversion exemption timber operations prepared by a registered professional forester and submitted to the California Department of Forestry and Fire Protection for the minor timberland conversion.
 - (3) A statement by the owner of subject property consenting to the minor timberland conversion, certifying that the conversion is a one-time conversion to a non-timber growing use and that there is a bona fide intent to undertake and complete the conversion in conformance with the

provisions of this chapter, and specifying what the new non-timber growing use will be after conversion. The statement shall include evidence acceptable to the planning director of the bona fide intent to undertake and complete the conversion. Such evidence shall include, but not be limited to, a valid use permit, building permit, or septic permit, approved grading plans for road construction, or an agricultural management plan or soil capability study demonstrating the feasibility of the new non-timber growing use.

- (4) Any other information the planning director deems necessary to make a decision on the application. Such information may include, but shall not be limited to, drainage or erosion control details and biotic studies.
- (b) No zoning permit shall be issued for a minor timberland conversion unless it is determined that the conversion is a one-time conversion to a non-timber growing use and that there is a bona fide intent to undertake and complete the conversion in conformance with the provisions of this chapter. The determination of bona fide intent shall include consideration of the economic feasibility of the conversion, the environmental feasibility of the conversion, including, but not limited to, the suitability of soils, slope, aspect, quality and quantity of water, and microclimate, and any other foreseeable factors necessary for successful conversion to the new non-timber growing use.
- (c) All minor timberland conversions shall be conducted in accordance with the provisions of Title 14, California Code of Regulations, Section 1104.1.
- (d) All minor timberland conversions shall be completed and the new non-timber growing use underway within two (2) years after the zoning permit is granted.
- (e) All minor timberland conversions shall minimize damage to soils, residual trees, young growth, and other vegetation, and prevent erosion and damage to neighboring properties.
- (f) No minor timberland conversion shall be conducted during the winter period unless it is carried out in accordance with Title 14, California Code of Regulations, Section 914.7, subsections (a) and (b).
- (g) No minor timberland conversion shall be conducted without a valid on-site copy of the zoning permit issued for the conversion.
- (h) No minor timberland conversion shall include the cutting or removal of any old growth redwood unless a registered professional forester certifies in writing that the tree poses a serious danger to persons or property.

(Ord. No. 4985 § 1(f), 1996.)

Sec. 26-88-150. - Timberland conversions of less than three acres in the TP (timberland production) district.

The planning director shall be responsible for verifying to the California Department of Forestry and Fire Protection that any proposed timberland conversion of less than three (3) acres in the TP (timberland production) district is in conformance with all county regulatory requirements.

(Ord. No. 4985 § 1(g), 1996.)

Sec. 26-88-160. - Major timberland conversions.

This section establishes standards for major timberland conversions.

- (a) Permitted Use, Zoning Districts. Except as otherwise provided in subsection (b) of this section, major timberland conversions shall be a use permitted with a use permit in the RRD, RRDWA, and TP zoning districts, and a permitted use in all other zoning districts. Major timberland conversions may convert timberland to any permitted use or use permitted with a use permit in all zoning districts, except for the TP zoning district. In the TP zoning district, major timberland

conversions may be undertaken only to convert timberland to a permitted use or use permitted with a use permit that does not significantly detract from the use of the property for, or inhibit, timber production.

- (b) Permit Requirement. A major timberland conversion shall require use permit approval in compliance with this chapter in the RRD, RRDWA, and TP zoning districts, except for a major timberland conversion to convert timberland to a minor public service use or facility, which shall be a permitted use and shall not require a use permit. The minor public service use or facility itself, however, shall require use permit approval in compliance with this chapter.
- (c) Application Requirements. The use permit application for a major timberland conversion shall include all of the information and materials required by Section 26-92-170, and, where the California Department of Forestry and Fire Protection is the lead agency, the timberland conversion permit, timber harvesting plan, and environmental documents approved by that agency for the proposed major timberland conversion.
- (d) Criteria for Approval. A use permit for a major timberland conversion shall not be approved unless the decision maker makes the findings required by Section 26-92-080, and determines that the proposed major timberland conversion complies with the following standards:
 - (1) The proposed major timberland conversion includes substantial public benefits that outweigh the long-term loss of timberland, considering both the quantity and quality of the timberland being converted and the timberland being preserved pursuant to subsection (d)(2) of this section.
 - (2) Two (2) acres of timberland with a natural slope no steeper than fifty percent (50%) are permanently preserved for timber production for each acre of timberland being converted, subject to the following requirements:
 - (i) The preserved timberland shall be subject to the review and approval of the decision maker as part of the use permit approval for the proposed major timberland conversion.
 - (ii) The preserved timberland shall be enforceably restricted with a perpetual protective easement preserving and conserving the preserved timberland for timber production, while protecting any riparian or other biotic resources on the preserved timberland consistent with applicable federal, state, and county statutes, ordinances, rules, and regulations. The protective easement shall be dedicated to the county or a public agency or qualified nonprofit organization approved by the county, and shall be recorded prior to commencement of timber operations for the major timberland conversion.
 - (iii) The preserved timberland shall be located within the county, either on the same property as the timberland being converted or on other property in the local area.
 - (iv) The preserved timberland shall be contiguous to other timberland where contiguity is feasible and is necessary or desirable to better ensure the viability of the preserved timberland for timber production.
 - (v) The preserved timberland shall have the same site classification or higher as the timberland being converted.
 - (vi) Any preserved timberland that does not meet state stocking standards shall be rehabilitated in compliance with the following requirements:
 - (A) The understocked preserved timberland shall be rehabilitated to meet state stocking standards within five (5) years after the use permit approval for the proposed major timberland conversion. The rehabilitation shall be conducted by or under the supervision of a registered professional forester. Timber seedling planting for the rehabilitation shall be completed and verified by the registered professional forester prior to commencement of timber operations for the major timberland conversion. Upon completion of the rehabilitation, the registered

professional forester shall certify that the preserved timberland meets state stocking standards.

- (B) Performance of the rehabilitation shall be guaranteed by a bond or other form of security acceptable to the planning director in the amount of one hundred percent (100%) of the total estimated cost of the rehabilitation. The security shall be released upon certification by the registered professional forester that the preserved timberland meets state stocking standards. The county may redeem the security, complete the rehabilitation with its own forces or by contract, and use the security to offset the costs of such undertaking where satisfactory progress is not made toward completion of the rehabilitation in a timely manner, or where at the conclusion of the five (5) year rehabilitation period the preserved timberland does not meet state stocking standards.

(Ord. No. 5695 § 1, 2007; Ord. No. 5651 § 1(y), 2006.)

Sec. 26-88-170. - Compliance with right to farm ordinance.

Any use subject to the provisions of this chapter shall comply with the right to farm ordinance set forth in Chapter 30 of this code.

(Ord. No. 5203 § 3, 1999.)

Sec. 26-88-180. - Agricultural homesite parcels.

A lot line adjustment approved pursuant to Chapter 25 of this code may create an agricultural homesite parcel in the diverse agriculture zoning district having a parcel size less than ten (10) acres if the lot line adjustment complies with all of the following requirements:

- (a) All of the affected parcels have a diverse agriculture general plan land use designation and are in the diverse agriculture zoning district. No other general plan and zoning designations shall qualify.
- (b) All of the affected parcels are in one ownership and have been owned by the same owner for at least ten (10) years.
- (c) All of the affected parcels are subject to a land conservation contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5 of the Government Code).
- (d) All of the affected parcels have adequate potential for suitable water supply and sewage disposal.
- (e) The agricultural homesite parcel contains, at the time the lot line adjustment is approved, a residence that has existed on the property for at least five (5) years and is subject to Section 428 of the Revenue and Taxation Code. The other affected parcels shall each have a suitable building site or sites outside of geologic or flood hazard areas, and designated open space areas.
- (f) The lot line adjustment will not result in an agricultural homesite parcel that is less than one and one-half (1 ½) acres in size or any other affected parcel that is less than ten (10) acres in size for type I preserves, forty (40) acres in size for type II preserves, or the established minimum lot size, whichever is more restrictive.
- (g) No other agricultural homesite parcels shall have been created on the affected parcels pursuant to this section or Section 66474.4 of the Government Code for at least ten (10) years preceding the lot line adjustment, nor shall any other agricultural homesite parcels be created

on the affected parcels pursuant to this section or Section 66474.4 of the Government Code for at least ten (10) years following the lot line adjustment.

- (h) No subdivision of the affected parcels shall have occurred since the adoption of the 1989 general plan.
- (i) A note shall be included on the deed creating the agricultural homesite parcel indicating that the agricultural homesite parcel is in an area of agricultural production and may be subject to agricultural nuisances in the form of noise, light, spraying, odors or other conditions associated with productive agriculture.
- (j) An agricultural nuisance easement and covenant approved by the county surveyor shall be recorded concurrently with the deed creating the agricultural homesite parcel. The agricultural nuisance easement and covenant shall be in favor of the other affected parcels and shall contain, at a minimum, a restriction on the ability of the owner of the agricultural homesite parcel to maintain either administrative or legal proceedings for the purpose of limiting or interfering with the agricultural uses or practices on the other affected parcels. The agricultural nuisance easement and covenant shall also contain a provision that requires the owner of the agricultural homesite parcel to maintain the agricultural homesite parcel in a manner which prevents the breeding of pests harmful to agricultural operations on the other affected parcels and which insures that the agricultural homesite parcel will not interfere with the agricultural use of the other affected parcels.
- (k) The agricultural homesite parcel shall be excluded from the benefits of the land conservation contract after the lot line adjustment and shall be removed from the contract either by nonrenewal or cancellation of the contract insofar as it applies to the agricultural homesite parcel.

(Ord. No. 5082 § 1, 1997.)

Sec. 26-88-190. - Limitations on lot line adjustments.

- (a) Notwithstanding any other provision of this code, except as otherwise provided in subsection (b) of this section, all lot line adjustments shall be subject to the following limitations:
 - (1) No lot line adjustment shall result in increased subdivision potential for any affected parcel;
 - (2) No lot line adjustment shall result in a greater number of developable parcels than existed prior to the adjustment. To be deemed a developable parcel for the purposes of this subsection, a parcel shall comply with one of the following requirements:
 - (i) The parcel meets all of the following criteria:
 - (A) The parcel has legal access to a public road or right-of-way, or is served by an existing private road that connects to a public road or right-of-way; and
 - (B) The parcel is served by public sewer, or the parcel, as determined by the planning director, is likely to meet the criteria for approval of an on-site sewage disposal system for a one bedroom residence, as specified in Chapters 7 and 24 of this code and in the basin plans adopted by the applicable regional water quality control board, without the use of an off-site septic easement. For the purposes of this subsection, "served by public sewer" shall mean either that a parcel is currently receiving public sewer service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; and
 - (C) On parcels less than twenty-five (25) acres, the parcel is served by public water supply, or the parcel is located within an Area 1, 2, or 3 groundwater availability area as shown on Figures RC-2a to RC-2i of the general plan. Where public water service is not available and where the parcel is located within an Area 4 groundwater availability area, a well or spring yield test, as defined in Section 7-12 of this code,

shall be required to demonstrate that an adequate water supply is available on-site or off-site. For the purposes of this subsection, "served by public water supply" shall mean either that a parcel is currently receiving public water service or that a public agency providing such service has stated in writing and without qualification that it will serve the parcel; or

- (ii) The parcel has an existing legal dwelling unit or had a legal dwelling unit which was destroyed by fire or other calamity within the last five (5) years.

(b) The provisions of subsection (a)(2) shall not apply to any of the following:

- (1) Any lot line adjustment where all of the affected parcels are in the CO (administrative and professional office), C1 (neighborhood commercial), C2 (retail business and service), C3 (general commercial), LC (limited commercial), K (recreation and visitor-serving), MP (industrial park), M1 (limited urban industrial), M2 (heavy industrial), M3 (limited rural industrial), or PF (public facilities) zoning districts;
- (2) Any lot line adjustment where all of the parcels resulting from the lot line adjustment comply with the applicable density and minimum lot size requirements of this chapter and the general plan;
- (3) Any lot line adjustment where all of the affected parcels were lawfully created on or after March 1, 1967;
- (4) Any lot line adjustment where all of the affected parcels are in the LIA (land intensive agriculture), LEA (land extensive agriculture), or DA (diverse agriculture) zoning districts, provided that all of the parcels resulting from the lot line adjustment are a minimum of ten (10) acres in size and the owners of those parcels all record covenants, in a form satisfactory to county counsel, prohibiting any new residential development on the parcels for a period of ten (10) years, except for agricultural employee housing, farm family housing, and seasonal and year-round farmworker housing, as allowed by the applicable zoning district;
- (5) Any lot line adjustment for which an application was filed and determined to be complete by the planning department on or before March 23, 1999, provided that the application is not thereafter withdrawn, denied, or substantially revised.

(Ord. No. 5154 § 1(b), 1999.)

Sec. 26-88-193. - Condominium conversion.

- (a) Applicability: This section is applicable to the subdivision of any multi-family property with five (5) or more units.
- (b) Findings for Map Approval: In order to approve a subdivision map to allow the conversion of a multi-family rental property to condominiums, the following findings shall be made by the decision making body:
 - (1) The surplus of vacant multifamily residential units offered for rent or lease is in excess of five percent (5%) of the available multifamily rental stock as reported in the most recent general plan annual implementation progress report.
 - (2) At least thirty percent (30%) of the units included in the proposed condominium conversion are reserved for sale to low and very low income households and subject to an affordable housing agreement that ensures the units remain affordable to very low and low income households for at least thirty (30) years, or a longer period if otherwise required by state or local law.
 - (3) The subdivider has provided an adequate relocation assistance plan to assist in relocating tenants displaced by the conversion to comparable rental housing. Tenants existing at the date of conversion shall be granted the right of first refusal concerning the purchase of the units.

Tenants who are sixty (60) years or older shall be offered lifetime leases. Tenants not qualifying for lifetime leases shall be offered a ten-year lease.

(Ord. No. [6247](#), § II(Exh. H), 10-23, 2018)

Sec. 26-88-195. - Small alcoholic beverage retail establishments.

This section establishes standards for small alcoholic beverage retail establishments, where allowed by the base zoning district.

- (a) Permit Requirement. Small alcoholic beverage retail establishments shall require a use permit. In granting a use permit for a small alcoholic beverage retail establishment and in making the findings required for use permit approval by section 26-92-080, the decision maker shall consider the following:
 - (1) The number of alcohol licenses per capita within a one-half mile radius of the premises as compared to the county-wide average;
 - (2) The numbers of calls for service, crimes, and arrests at the premises and within a one-half mile radius of the premises as compared to the county-wide average;
 - (3) Whether the site plan and floor plan for the premises incorporate design features to assist in reducing alcohol-related problems. These features may include, but are not limited to, openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage objectionable activities.
- (b) Location Requirement. Small alcoholic beverage retail establishments shall be separated by a minimum of one thousand (1,000) feet from all schools, day care centers, park and recreation facilities, places of religious assembly, and other alcoholic beverage retail establishments. The distance shall be measured between the nearest entrances along the shortest route intended and available for public passage. An exception to this provision may be allowed for establishments outside an urbanized area (as defined by the U.S. Census) when the decision maker makes the following findings:
 - (1) That the proposed use is located in an area where the number of calls for service, crimes, and arrests within a one-half mile radius of the premises is less than the county-wide average; and
 - (2) There is adequate separation from the other uses specified above to deter loitering and exposure to alcohol sales.
- (c) Operating Standards. Small alcoholic beverage retail establishments shall comply with the following operating standards. In granting a use permit for a small alcoholic beverage retail establishment, the decision maker may impose additional operating standards as conditions of approval.
 - (1) Customer and Site Visitor Management. The operator of the establishment shall take all reasonable steps, including contacting law enforcement officers in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, parking areas under the control of the operator, highways, roads, streets, sidewalks, lanes, alleys, and other public areas surrounding the premises, and adjacent properties during business hours.
 - (2) Trash, Litter, Graffiti.
 - (i) At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the sidewalks adjoining the premises plus ten feet (10') beyond property lines as well as any parking lots under the control of the operator.

- (ii) The operator of the establishment shall install and maintain a minimum of one permanent, non-flammable trash container with at least a sixty (60)-gallon capacity on the exterior of the premises.
 - (iii) The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within seventy-two (72) hours of its application.
- (3) Staff Training. Within ninety (90) days from issuance of a certificate of occupancy or if no building permit is required, within ninety (90) days of issuance of the use permit, all owners, managers, and employees selling alcoholic beverages at the establishment shall complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program shall meet the standards of the California Department of Alcoholic Beverage Control or other certifying/licensing body which the state may designate. New owners, managers, and employees shall complete the training course within thirty (30) days of the date of ownership or employment. Records of successful completion for each owner, manager, and employee shall be maintained on the premises and presented upon request by a representative of the county.
- (4) Staffing, Surveillance, and Security.
 - (i) Signs and displays shall not obstruct the sales counter, cash register, and customers from view from the exterior of the premises.
 - (ii) The operator of the establishment shall install and maintain in working order, interior and exterior surveillance cameras and monitors. At a minimum, the external cameras shall monitor the entrance to the premises and vicinity of at least twenty (20) feet beyond the entrance to the premises. At a minimum, the interior camera shall monitor the cash register area. The tapes or digital recording medium from these cameras shall be retained for at least ten (10) days from the date of recording before destruction or reuse. The tapes or digital recording medium shall be made available to the sheriff's department, or any other law enforcement agency, upon request. An exception to the requirement for exterior surveillance cameras and monitors may be allowed for establishments outside an urbanized area (as defined by the U.S. Census) when the decision maker makes the following findings:
 - (A) That the proposed operation is located in an area where the number of calls for service, crimes, and within a one-half mile radius of the premises is less than the county-wide average; and
 - (B) That there is adequate visibility of the exterior of the premises from the area of the cash register.
 - (iii) A monitored robbery alarm system shall be installed and maintained in good working condition on the premises.
 - (iv) Restrooms on the premises shall remain locked and under the control of the cashier.
 - (v) The premises shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing fuel or auto servicing.
- (5) Limitations on Product Sales and Display.
 - (i) Refrigerated coolers, tubs, and other storage containers holding alcoholic beverages shall be equipped with locking mechanisms that shall be in place and used to restrict access by customers during the hours when sales of alcoholic beverages are prohibited by the California Department of Alcoholic Beverage Control regulations or license.
 - (ii) No beer or wine shall be displayed within five feet (5') of the cash register or front door of the premises.

- (iii) No video or arcade type games are permitted on the premises. California State Lottery games are permitted.
- (6) Signs, Lighting, Postings.
 - (i) Premises identification shall comply with Article V, Division C of Chapter 13 of this code and the county's adopted road naming and addressing procedures and standards.
 - (ii) A copy of the conditions of approval for the use permit shall be kept on the premises and shall be presented to any peace officer or any authorized county official upon request.
 - (iii) Signs shall be posted on the inside of the premises stating that drinking on the premises or in public is prohibited by law.
 - (iv) Required interior and exterior signs shall be posted in English and the predominate languages spoken by nearby community patrons.
 - (v) Premises shall be lit by high-pressure sodium or equivalent intensity fixtures. All site lighting and lighting for signs shall be down lit and directed away from residential uses.
- (7) Compliance with Other Requirements.
 - (i) The operator of the establishment shall comply with all local, state, and federal laws, regulations, or orders, including those of the California Department of Alcoholic Beverage Control, as well as any conditions imposed by permits issued in compliance with those laws, regulations, or orders.
 - (ii) The operator of the establishment shall comply with all provisions of this code and conditions imposed by county-issued permits.
- (d) Grounds for Modification or Revocation. In addition to the grounds in Section 26-92-120, the decision maker may require modification, discontinuance, or revocation of use permits for small alcoholic beverage retail establishments if the decision maker finds that the use is operated or maintained in a manner that:
 - (1) Adversely affects the health, peace, or safety of persons living or working in the surrounding area;
 - (2) Contributes to a public nuisance;
 - (3) Has resulted in repeated objectionable activities;
 - (4) Violates any provision of this code or condition imposed by a county-issued permit, or violates any provision of any other local, state, or federal law, regulation, or order, including those of the California Department of Alcoholic Beverage Control, or violates any condition imposed by permits issued in compliance with those laws, regulations, or orders.
- (e) Nonconforming Uses and Structures. Small alcoholic beverage retail establishments that were legally operating prior to the adoption of this section may continue to operate as nonconforming uses in compliance with the provisions of Article 94 of this chapter (nonconforming uses). In addition to those provisions, after the effective date of this section nonconforming small alcoholic beverage retail establishments shall be required to obtain approval of a use permit prior to any of the following:
 - (1) Resumption of alcoholic beverage sales after the establishment's liquor license is revoked by the California Department of Alcoholic Beverage Control.
 - (2) Resumption of alcoholic beverage sales after the establishment's liquor license is suspended for more than forty-five (45) days by the California Department of Alcoholic Beverage Control.

- (3) Any expansion of the size of the establishment.

(Ord. 5790 § 1(m), 2008.)

Sec. 26-88-200. - Renewable energy systems and facilities development standards.

Renewable Energy Systems and Facilities are allowed in accordance with permit requirements as shown in Table 1: Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities.

- (a) **Accessory Renewable Energy Systems** The following site planning and development standards shall apply to accessory renewable energy systems, defined as those designed to supply a total of not more than 125% of the calculated energy demand for all legally established onsite uses. Accessory renewable energy systems include attached wind systems and those not exceeding forty (40) feet in height; solar photovoltaic systems; low-temperature geothermal heating systems; geothermal heat pump systems; and bioenergy systems (and associated cogeneration facilities) where the feedstock is also produced onsite.

Accessory systems do not include systems designed or used primarily to supply off-site energy needs. Oversized accessory solar or bioenergy systems constructed on or within existing buildings or as shade structures over required parking areas are not subject to the 125% threshold when producing electricity for a feed-in tariff or Community Choice Aggregation Program.

(1) **Site Planning and Development Standards**

- (i) **Biotic Resources.** Accessory renewable energy systems shall not be sited within designated sensitive biotic resource areas as designated in the General Plan, Zoning or Area Plan including wetlands, streams, threatened or endangered species habitat areas and/or habitat connectivity corridors.
- (ii) **Scenic Resources.** Accessory renewable energy systems located within scenic areas as designated in the General Plan, Zoning or Area Plan shall require administrative design review as set forth in 26.82.050 (Design Review). Systems shall be sited behind natural topography or vegetation when feasible.
- (iii) **Farmland Protection.** In the agricultural zoning districts, an accessory renewable energy system shall be sited to minimize any loss of Important Farmlands, and shall meet the requirements of General Plan Policy AR-4a. A Right to Farm declaration and an agricultural impact easement limiting the liability of farmers on nonagricultural uses shall be recorded. If the system is located on a site under a Land Conservation Act (Williamson Act) contract, the system must serve an agricultural or compatible use listed in the Uniform Rules for the Land Conservation Act Program.
- (iv) **Fire Protection.** An accessory renewable energy system shall meet Chapter 13 of the Sonoma County Code (the Fire Safety Ordinance). For roof-mounted solar systems, this includes 3 feet clear at roof edges, valley and hips, unless waived in writing by the Fire Marshal.
- (v) **Grading and Access.** Accessory renewable energy systems shall be sited to maintain natural grades and shall use existing roads for access. Grading and/or construction of new roads shall be allowed only where necessary to provide the system in proximity to the energy use or transmission and distribution system, and that an alternate location on the subject site is less suitable for environmental or visual reasons.
- (vi) **Noise.** Renewable energy systems shall not exceed the General Plan Noise Standards Table NE-2, measures at the nearest property line.
- (vii) **Cessation of Use.** The operator shall remove components of the facility when it becomes functionally obsolete or is no longer in use, and shall begin restoration and

removal of all equipment, structures, footings/foundations, signs, fencing, and access roads within ninety (90) days from the date the facility ceases operation, and complete restoration within six (6) months.

- (b) Commercial Renewable Energy Facilities. The following siting criteria and development standards apply to all commercial (nonaccessory) renewable energy facilities which provide energy for off-site use, unless otherwise exempt, in addition to the applicable special use standards for the specific type of facility:

(1) Siting Criteria.

- (i) Aesthetics. Renewable energy facilities shall be sited to minimize view impacts from public roads and adjacent residential areas, and shall require administrative design review as set forth in 26.82.050 (Design Review). Proposed facilities located within Scenic or Historic Resource combining zones shall also require design review of materials, colors, landscape, fencing and lighting plans. Any lighting shall be fully shielded, downward casting and not wash out onto structures, other properties or the night sky. The operator shall maintain the facility, including all required landscaping, in compliance with the approved design plans.
- (ii) Air Safety. Renewable energy facilities shall not be located within the approach zone (outer or inner safety zones) or the inner turning zones for any public use airport. Renewable energy facilities shall be sited and operated to avoid hazards to air navigation; sites located within a public use airport traffic zone will be required to provide an analysis documenting compliance with this standard. The owner/operator of a facility approved within a public airport's traffic zone shall be required to record an aviation easement and may be required to mark or light the facility for air traffic safety. The operator shall notify the FAA and California Division of Aeronautics of any structures in an airport traffic zone that are more than 200 feet above the ground elevation or that exceed airport imaginary surfaces as defined in Federal Aviation Regulations Part 77. If located on airport lands, the facility must meet the building setback approved on the Airport Layout Plan.
- (iii) Biotic Resources. Renewable energy facilities shall be sited to avoid or minimize impacts to sensitive biotic habitats including woodlands, wetlands, streams, and habitat connectivity corridors as identified in the General Plan, Area Plan, Specific Plan or a Biotic Resource combining zone. Projects located within or adjacent to these areas will require a biotic study at the time of use permit application to demonstrate that the facility avoids sensitive species to the maximum extent feasible and provides adequate mitigation of potential impacts.
- (iv) Cultural and Historic Resources. Renewable energy facilities shall be sited to avoid or mitigate impacts to significant cultural and historic resources. Projects located within a Historic District shall be subject to review by the Landmarks Commission, unless otherwise exempt. Projects involving grading more than 18-inches in depth may require a cultural resources survey at the time of use permit application.
- (v) Farmland Protection. Where a commercial renewable energy facility is sited within an Agricultural Zone, the primary use of the parcel shall remain in agriculture pursuant to General Plan Policy AR-4a. A Right to Farm Declaration and Agricultural Use Easement shall be recorded to minimize conflicts with agricultural operations. A renewable energy facility shall not take mapped Important Farmlands out of agricultural production by removing permanent crops.

If the facility is located on a site under a Land Conservation Act (Williamson Act) contract, the facility must be listed as an agricultural or compatible use in the Agricultural Preserve Rules and allowed by the type of contract. The total site area for all compatible uses including renewable energy facilities shall not be greater than 15 percent of the parcel or 5 acres, whichever is less, unless determined by the Board of Supervisors that a larger site area is consistent with the principles of compatibility.

- (vi) Proximity to Utility Transmission Lines and Utility Notification. For renewable energy facilities interconnected to transmission lines greater than 6kV, the location of new transmission lines, poles, and utility sub-stations shall be identified on the site plans. If high voltage (100kV) or private transmission lines are proposed, they shall be considered as part of the use permit process for the renewable energy facility. No building permit for a renewable energy facility shall be issued until 1) evidence has been provided to the department that the proposed interconnection is acceptable to the utility; 2) the Planning Commission has reviewed and made a recommendation regarding the proposed transmission line route; and, 3) the California Public Utilities Commission has approved the location of any new utility-owned transmission lines.
 - (vii) Grading and Access. Renewable energy facilities shall be sited to maintain natural grades and use existing roads for access to the extent practical. Construction of new roads shall be avoided as much as possible. Following use of temporary access roads, construction staging areas, or field office sites used during construction, all natural grades shall be restored and revegetated. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.
 - (viii) Land Use. Renewable energy accessory systems and commercial facilities shall be located within existing built or developed areas, on or within existing legally established structures or over parking areas to the extent practicable.
- (2) Development Standards.
- (i) Air Quality. During site preparation, grading and construction, the operator must implement best management practices to minimize dust and wind erosion including, regularly water roads and construction staging areas as necessary. Paved roads shall be swept as needed to remove any soil that has been carried onto them from the project site.
 - (ii) Erosion and Sediment Control. The operator must have a stormwater management permit and an erosion and sediment control plan approved prior to beginning grading or construction. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.
 - (iii) Fire Protection. Renewable energy facilities shall meet Chapter 13 of the Sonoma County Code (the Fire Safety Ordinance). The operator must implement a Fire Prevention Plan for construction and ongoing operations approved by the County Fire Marshall and local fire protection district. The plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), addressing, vegetation management and fire break maintenance around all structures.
 - (iv) Noise. Renewable energy facilities shall be operated in compliance with the General Plan Noise Standards Table NE-2.
 - (v) County Service Impacts/Sales and Use Taxes. Prior to issuance of any grading or building permit(s), the owner/operator shall enter into an agreement with the County, in a form approved by the County Counsel, governing payment of sales and use taxes. The owner/operator shall undertake specified actions in contracting for construction of the facility so as to allocate sales and use taxes paid in connection with the construction of the plant to the County. The owner/operator shall include language in its construction contracts identifying the jobsite as within the County and requiring its construction contractors to allocate sales and use taxes to the County, to the extent provided by law in its Board of Equalization filings and permits.
 - (vi) Security and Fencing. The site area for a renewable energy facility must be fenced to prevent unauthorized access and provide adequate signage. Wildlife friendly fencing

shall be used in rural areas. If needed, security lighting shall be motion sensed. Access gates and equipment cabinets must be locked at all times.

- (vii) Signs. Temporary signs describing the project, and providing contact information for the contractor and operator shall be placed during construction and must be removed prior to final inspection and operation. Signs for public or employee safety are required. No more than two signs relating the address and name of the operator/facility may be placed onsite, subject to administrative design review. Outdoor displays, billboards or advertising signs of any kind either on- or off-site are prohibited unless approved as a part of the use permit.
- (viii) Decommissioning. A decommissioning plan shall be required as part of any use permit for a renewable energy facility and must include the following:
 - (A) Removal of all aboveground and underground equipment, structures not identified for re-use, fencing and foundations to a depth of three feet below grade. Underground equipment, structures and foundations located at least three feet below grade that do not constitute a hazard or interfere with the use of the land do not need to be removed.
 - (B) Removal of graveled areas and access roads and placement of topsoil.
 - (C) Restoration of the surface grade and placement of topsoil after removal of all structures and equipment including grading, revegetation and erosion control plans to return the site to an appropriate end use.
 - (D) Revegetation of disturbed areas with native seed mixes and plant species suitable to the area. Documentation of a three (3) year maintenance agreement for all revegetated areas must be submitted prior to the restoration being considered complete.
 - (E) The timeframe for completion of removal and restoration activities.
 - (F) An engineer's cost estimate for all aspects of the restoration plan.
 - (G) An agreement signed by the owner and operator that they take full responsibility for decommissioning and reclaiming the site in accordance with the Decommissioning Plan and Use Permit approval upon cessation of use.
 - (H) A plan to comply with all state and federal requirements for reuse, recycling or disposal of potentially hazardous waste.

The facility operator is required to notify the department immediately upon termination or cessation of use or abandonment of the operation. The operator shall remove components of the facility when it becomes functionally obsolete or is no longer in use. The operator shall begin restoration and removal of all equipment, structures, footings/foundations, signs, fencing, and access roads within ninety (90) days from the date the facility ceases operation, and complete restoration within one (1) year.

- (ix) Financial Assurance. Financial assurance may be required for any commercial renewable energy facility, and shall be required for renewable energy facilities of 1 MW or larger or which exceed 5 acres in land area. At the time of issuance of the permit for the construction of the facility, the operator shall provide financial assurance in a form and amount acceptable to the Department to secure the expense of decommissioning, dismantling and removing all equipment, structures, fencing, and reclaiming the site and associated access or distribution lines/pipes in compliance with the approved restoration plan.
- (x) Abandonment. A renewable energy facility that ceases to produce electricity and/or useful heat and/or renewable fuel on a continuous basis for twelve (12) months shall be determined abandoned in compliance with the following procedures. Facilities

determined by the County to be unsafe and facilities erected in violation of this section shall also be considered abandoned and shall be subject to code enforcement action.

- (A) The determination of abandonment shall be made by the code enforcement officer or his/her designee. The code enforcement officer or any other employee of the Department shall have the right to request documentation and/or affidavits from the facility owner/operator regarding the use of the facility, and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred. The code enforcement officer's decision is appealable pursuant to Section 1-7.3 (b) of the Sonoma County Code.
- (B) Upon a determination of abandonment or other violation(s), the County shall send a notice to the owner and operator, indicating that the responsible party shall remove the facility and all associated structures, and begin restoration of the site to its approximate original condition within ninety (90) days of notice by the County, unless the County determines that the facilities must be removed in a shorter period to protect public safety or an alternative to resolving the violation is agreed upon. All restoration work shall be completed within one (1) year.
- (C) In the event that the responsible parties have failed to remove and/or restore the facility site or otherwise resolve the violation(s) within the specified time period, and the appeals have been exhausted, the County may use the financial security to remove the facility and restore the site. The County may thereafter initiate judicial proceedings or take any other steps authorized by law against the responsible parties to recover costs associated with the removal of structures determined to be a public hazard.

TABLE 1 ALLOWED USES AND PERMIT REQUIREMENTS FOR RENEWABLE ENERGY SYSTEMS AND FACILITIES

	Agricultural			Resource s		Residential						Commercial						Special		Industrial				Facilities		Special Use Regulati ons	
Land Use/Zoni ng District	LIA 1	LEA 1	DA 1	RR D 1	TP	AR 1	RR	R 1	R 2	R 3	PC	CO	C1	C2	C3	LC	RC	AS	K	M P	M 1	M2	M3	PF	RE		
Utility & Resource-Based Uses																											
Renewable Energy Facilities																											
Bioenergy																											
Accessory system ⁹	P	P	P	P	P	P	P	P	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	26-88- 200 & 202
Accessory system using off-site feedstock	MU P	MU P	MU P	MU P	MU P	-	-	-	-	-	-	-	-	CU P	MU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	MU P	MU P	ZP	
Commerci al facility or exceeding	CU P	CU P	CU P	CU P	CU P	-	-	-	-	-	-	-	-	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	

[illegible]

[illegible]

Type of Permit Required

P	Permitted use - ministerial; CEQA exempt; building permit only (with clearances and subject to standards)
ZP	Permitted use if standards met - CEQA exempt; Zoning permit and building permit only
MUP	Minor use permit or hearing waiver; CEQA applies unless cat exempt; can add conditions
CUP	Use permit - noticed hearing before planning commission; CEQA; can add conditions
-	Use not allowed

Notes:

¹ If under Land Conservation (WA) contract, the facility must be listed as compatible use in the local Ag Preserve Rules; be allowed by the type of contract; and shall be no more than 15% of the parcel or 5 acres whichever is less, unless determined by the Board of Supervisors that a larger percentage is compatible and use permit is obtained.

² On DA and LEA parcels, commercial solar facilities are limited to 30% of site area to a maximum of 50 acres unless a Rezone to add the RE Combining Zone is granted. On RRD parcels, the limit is 15% to a maximum of 5 acres unless a Rezone to add the RE is granted.

³ Commercial solar facilities allowed within the AR and RR zones only on parcels of at least 10 acres, subject to use permit.

⁴ Roof-mounted solar on legally established buildings or located on carports/shade structures over required parking only; see 26.88.206. C.

⁵ Excludes Important Farmlands mapped as Prime, Statewide, or Unique by the Farmlands Mapping & Monitoring program (FMMP); excludes designated Scenic and Biotic Resource Areas (SR and BR) unless a protective easement is recorded.

⁶ Maximum height is forty (40') feet on a parcel less than one (1) acre; sixty-five (65') feet on a parcel one (1) to less than five (5) acres; and maximum height of eighty (80') feet on a parcel of five (5) acres or more.

⁷ Cogeneration and similar technologies, including fuel cells, must result in a net reduction in carbon output in order to be considered a renewable facility as defined herein.

⁸ Other hybrid or emerging renewable energy technologies which in the opinion of the director are of a similar and compatible nature to those uses listed.

⁹ ≤15 gallons biodiesel generation exempt with Fire Code review and signoff. Oversized accessory bioenergy systems placed on or within existing structures or paved/compacted areas not subject to 125% limitation.

(Ord. No. 6046, §§ II(d), (e), Exhs. C, D, 9-10-2013)

Sec. 26-88-202. - Bioenergy facilities special use standards.

- (a) Purpose. This section establishes the minimum standards for bioenergy production facilities including ethanol, biodiesel and biogas, and related power generation and cogeneration facilities where allowed by the base zone. Bioenergy refers to power or fuels produced from any biomass material derived from plants, animals and organic waste streams.

- (b) **Applicability.** These standards apply to all bioenergy facilities as allowed by the base zone as shown in Table 1: Allowed Uses and Permit Requirements Renewable Energy Systems and Facilities in Section 26-88-200.
- (c) **Limitations on Uses.** Commercial bioenergy facilities are allowed as a compatible use on agricultural lands under Land Conservation Act (Williamson Act) contract only in areas that are not classified in the State Farmland Mapping and Monitoring Program as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.
- (d) **Accessory Bioenergy Production.** Bioenergy and cogeneration facilities serving up to one hundred twenty-five percent (125%) of the onsite energy demand for a legally established use are permitted as an accessory use when feedstocks are produced onsite or the feedstocks are the byproduct of onsite agricultural processing, subject to the standards of Subsection E. Where feedstocks are imported from another site or where biofuels are exported off-site, a use permit shall be required.

Oversized accessory bioenergy systems located on or within existing structures or existing developed areas are not subject to the one hundred twenty-five percent (125%) threshold when producing electricity for a feed-in tariff or Community Choice Aggregation Program, but shall be limited to existing developed area of the site, as determined by the director.

- (e) **Development Standards.** The following standards shall apply to bioenergy production and cogeneration facilities, in addition to the general development standards of Section 26-88-200, Renewable Energy Facilities.
 - (1) **Setbacks.** Bioenergy facilities shall comply with all setbacks of the underlying zone district, except that on parcels adjacent to a residential zone or off-site residential use, bioenergy production facilities shall maintain a minimum setback of two hundred feet (200') from the residential use or zone district. Greater setbacks may be established for large facilities.
 - (2) **Storage.** The bioenergy production facility shall include sufficient storage for both raw materials and fuel production. Onsite storage shall also be provided for all additional byproducts resulting from bioenergy production, unless those additional products are used onsite through land application, livestock consumption, or similar as a part of the approved land use permit.
 - (3) **Regulatory Compliance.** Buildings, facilities, and equipment used in the production and/or storage of bioenergy shall comply with all local, State, and Federal laws. The owner or operator of the biofuel production facility shall provide Sonoma County PRMD with proof that all necessary approvals had been obtained from State and Federal agencies involved in permitting any of the following aspects of biofuel production:
 - (i) Air pollution emissions;
 - (ii) Transportation of biofuel, or additional products resulting from biofuel production;
 - (iii) Use or reuse of additional products resulting from biofuel production; and
 - (iv) Storage of raw materials, fuel, and additional products used in, or resulting from, biofuel production.

(Ord. No. 6046, § II(f), Exh. E, 9-10-2013)

Sec. 26-88-204. - Geothermal and thermal solar facilities (Reserved).

(Ord. No. 6046, § II(g), 9-10-2013)

Sec. 26-88-206. - Solar energy facilities—Special use standards.

- (a) **Purpose.** This section establishes minimum development and operational standards for solar energy facilities, where allowed by the base zone or the Renewable Energy (RE) combining zone.

The intent of these standards is to promote and facilitate the siting and permitting of solar electric (photovoltaic) systems and facilities in a manner that minimizes adverse environmental impacts.

- (b) Applicability. These standards apply to all solar energy facilities not otherwise exempted.
- (c) Exempt Facilities. The special use standards set forth in this section shall not apply to the following exempt systems:
 - (1) Solar hot water systems designed as an accessory use to serve a legally established use of the property;
 - (2) Solar photovoltaic systems, subject to planning clearance, that meet any one of the following:
 - (i) Roof-mounted accessory systems and commercial facilities located on a legally established building containing the primary allowed use on the site, and/or on legally established accessory structure(s) containing use(s) allowed as accessory to the primary use, where the installations meet fire safe standards for access along the roof peak and eaves.
 - (ii) Solar accessory systems and commercial facilities affixed to shade structures located over required parking areas, in accordance with parking and fire safe standards.
 - (iii) Accessory ground mounted solar photovoltaic systems designed to provide no more than one hundred twenty-five percent (125%) of the estimated energy demand onsite meeting all of the following health and safety standards:
 - (A) Not exceeding fifteen feet (15') in height, unless demonstrated by a structural engineer to meet public safety standards;
 - (B) For residential installations, the system design capacity does not exceed the average kW use for similar sites, unless a higher energy need for legal uses on the installation site is demonstrated as determined by the Director, subject to a zoning permit;
 - (C) The system installation complies with required yard setbacks and lot coverage limitations of the underlying zone district, unless demonstrated that the installation does not impair sight distance for safe access to or from the property or other properties in the vicinity as determined by the director subject to a zoning permit;
 - (D) The system installation meets fire safe standards and provisions for emergency access, and defensible space around the system components are provided;
 - (E) The system is not located over a septic system or leachfield area or identified reserve area, and is not located in a floodway as designated by FEMA; and
 - (F) Does not otherwise create a fire or other safety hazard as determined by the fire marshal and building official.
 - (3) Solar photovoltaic systems and facilities owned by the county or other local agency as defined in Government Code Section 53090 or the California Public Utility Code Section 12808.5.
- (d) Minor Commercial Solar Facilities (Incidental to a Primary Use). The following special use standards apply to all minor solar electric (PV) systems and facilities designed to provide energy for on- and off-site use, that are incidental to the primary use of the property. These standards apply in addition to the general site planning and development standards of Section 26-88-200.
 - (1) Parcel Coverage. Minor commercial solar facilities shall cover less than fifteen percent (15%) of the parcel and no more than five (5) acres. The area covered by panels shall be the lesser of fifty percent (50%) of the maximum lot coverage allowed by the zone, or if applicable, fifty percent (50%) of the allowable building envelope as designated on a final map. Facilities mounted on the roof(s) of legal, permitted structures that otherwise comply with lot coverage maximums are exempt from these limitations.

- (2) Minimum Setbacks. The facility shall meet the minimum front yard setbacks for primary structures of the zone. In urban service areas, the facility shall meet fire safe standards and provisions for emergency access and defensible space around the facility are required.
 - (3) Height Limits. Facilities mounted on a structure may exceed the height limit of the zone by no more than two feet (2'). Ground-mounted facilities shall not exceed 15-feet in height.
 - (4) Incompatible Locations. Ground mounted facilities shall not be located in the following areas:
 - (i) Over a septic system or leachfield area or identified reserve area;
 - (ii) In a floodway as designated by FEMA;
 - (iii) In a designated sensitive habitat or biotic resource area as identified in an adopted General Plan, Area Plan, Specific Plan or the California Natural Diversity Database; or
 - (iv) In an approach zone (inner or outer safety zones) or the inner turning zone of a public use airport.
 - (5) Performance Standards.
 - (i) Glare. Concentrated reflections or glare shall not be directed at occupied structures, recreation areas, roads, highways or airport flight landing or takeoff areas.
 - (ii) Farmland Protection. If the facility is located within or near an agricultural area, the owner/operator shall sign and record a Right to Farm declaration and an agricultural easement.
- (e) Commercial Solar Facilities. The following special use standards apply to all solar electric (PV) facilities that are developed as a primary use of the property as allowed by the underlying zone, in addition to the siting criteria and development standards of Section 26-88-200.
- (1) Minimum Setbacks. The facility shall meet the minimum front yard setbacks for primary structures of the zone. In urban service areas, the facility shall meet fire safe standards and access for emergency vehicles shall be provided along the periphery of the facility.
 - (2) Height Limits. Facilities mounted on a structure may exceed the height limit of the zone by up to two feet (2'). Ground-mounted facilities shall not exceed fifteen feet (15') in height unless otherwise allowed by use permit.
 - (3) Undergrounding Electrical. Electrical distribution lines on the project site shall be underground up to the low voltage side of the step up transformer, to the point of onsite use or to the utility interface point of an onsite substation. This provision may be waived by the decision-making body if the undergrounding is determined to be an undue burden.
 - (4) Glare Effects. Concentrated reflections or glare shall not be directed at occupied structures, recreation areas, roads, highways or airport flight landing or takeoff areas. A detailed analysis of potential glare effects may be required at the time of application, and the applicant may be required to minimize glare effects by installing vegetative screens or berms, and/or by adjusting solar collector position or operation to minimize glare.
 - (5) Farmland Protections. In addition to the Right to Farm and Agricultural Use Easement requirements set forth in Section 26-88-200(b)(1)(v), Farmland Protection, the site area used for the installation of a commercial solar facility shall exclude mapped Important Farmlands, and a protective easement may be required over these lands.
 - (6) Scenic and Biotic Resource Protections. Ground-mounted commercial solar facilities shall not be located in the following areas:
 - (i) Over a septic system or leachfield area or identified reserve area;
 - (ii) In a floodway as designated by FEMA;
 - (iii) Within a Scenic Resource (SR) or Biotic Resource (BR) combining zone, nor within a sensitive habitat or biotic resource area as identified in an adopted General Plan, Area

Plan, Specific Plan, or the California Natural Diversity Database, unless a protective easement is recorded to protect these resources; or

- (iv) In an approach zone (inner or outer safety zones) or the inner turning zone of a public use airport.
- (7) Photovoltaic Module Management. Reuse, recycling or disposal of any photovoltaic panels shall be conducted in accordance with the Standards for Universal Waste Management—Photovoltaic Modules as set forth in Chapter 23 of the California Code of Regulations.

(Ord. No. 6046, § II(h), Exh. F, 9-10-2013)

Sec. 26-88-208. - Wind energy special use standards.

- (a) Purpose. This section establishes standards for the siting and operation of wind energy systems and facilities. This section is intended to implement the requirements of Government Code section 65892.13, while protecting the scenic and natural resources of the county and the health, safety and welfare of its residents to the extent permitted by law.
- (b) Applicability. These standards apply to all wind energy systems and facilities as allowed by the base zoning district as shown in Table 1 subject to the general development standards for renewable energy facilities in Section 26-88-200.
 - (1) Exempt Accessory Wind Energy Systems. In any zoning district, accessory wind energy systems that are attached to a wall, roof or structural member of a legally established building are exempt from the development standards set forth herein, subject to the height and setback restrictions of the underlying zoning district.
- (c) Limitations on Location and Use. Wind energy systems and facilities shall not be located on a site that is:
 - (1) Within a scenic corridor identified by the open space element of the General Plan;
 - (2) Within a special studies zone established in compliance with the Alquist-Priolo Earthquake Fault Zoning Act;
 - (3) Subject to a conservation easement established in compliance with Civil Code Section 815 et seq., that prohibits wind energy systems or facilities;
 - (4) Subject to an open space easement established in compliance with Government Code Section 51070 et seq., that prohibits wind energy systems or facilities;
 - (5) Subject to an agricultural conservation easement established in compliance with Government Code Section 10200 et seq., that prohibits wind energy systems or facilities;
 - (6) Subject to a Williamson Act contract established in compliance with Government Code Section 51200 et seq., that prohibits small wind energy systems or facilities; or
 - (7) Listed in the National Register of Historic Places, or the California Register of Historic Resources, in compliance with Public Resources Code Section 5024.1, or contains a structure that is so listed.
- (d) Development Standards. The following standards shall apply to wind energy systems and facilities, in addition to the general development standards for renewable energy set forth in Section 26-88-200, unless otherwise exempt:
 - (1) The system's tower shall be set back a minimum distance equal to the height of the tower from all parcel lines, and a minimum distance of ten feet (10') from any other structure on the parcel on which the system is located. On parcels of ten (10) acres or more, the parcel line setback may be reduced if the applicant demonstrates that:

- (i) Because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback, and
 - (ii) The system's tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels;
- (2) The system's tower and supporting structures shall comply with any applicable fire setback requirements in the fire safe standards (Chapter 13, Article V of this Code);
- (3) The system's tower shall not exceed a maximum height of forty feet (40') on a parcel of less than one (1) acre, a maximum of sixty-five feet (65') on a parcel of one (1) to less than five (5) acres, and maximum height of eighty feet (80') on a parcel of five (5) acres or more, unless a use permit is obtained;
- (4) The system's tower shall be set back from and not project above the top of any visually prominent ridgeline;
- (5) The system's tower shall not significantly impair a scenic vista from a county-designated or state-designated scenic corridor;
- (6) The system's tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighboring residences and public roads, public trails and other public areas;
- (7) The system's tower and supporting structures shall be painted a single, neutral, nonreflective, nonglossy (for example, earth-tones, gray, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments;
- (8) The system's turbine shall be approved by the California Energy Commission as qualifying under the Emerging Renewables Fund of the commission's Renewables Investment Plan or certified by a national program recognized and approved by the commission;
- (9) The system shall be designed and constructed in compliance with the Uniform Building Code and National Electric Code. The safety of the design and construction shall be certified by a California-licensed mechanical, structural or civil engineer;
- (10) The system shall comply with all applicable Federal Aviation Administration requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part 1 (commencing with Section 21001) of Division 9 of the Public Utilities Code);
- (11) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a California-licensed mechanical, structural or civil engineer;
- (12) The system's tower-climbing apparatus and blade tips shall be no closer than fifteen feet (15') from ground level unless the system is enclosed by a six-foot high fence;
- (13) The system's utility lines shall be underground where economically practical;
- (14) Where vegetation is removed in the construction of the system or an access road to the system, landscaping shall be planted to minimize visual impacts, avoid erosion and maintain stability of soils;
- (15) The system shall be operated such that no electro-magnetic interference is caused;
- (16) No more than one (1) accessory system shall be allowed on a parcel;
- (17) Decibel levels generated by the system shall not exceed the maximum noise levels applied pursuant to the noise element of the general plan, except during short-term events including utility outages and severe wind storms;
- (18) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place;

- (19) Signs warning of high voltage electricity shall be posted on stationary portions of the system's tower and any supporting structures, and at gated entry points to the site at a height of five feet (5') above the ground;
- (20) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its preconstruction condition or other authorized use.

(Ord. No. 6046, § II(j), Exh. G, 9-10-2013)

Sec. 26-88-210. - Small-scale agricultural processing facility.

- (A) Purpose. This section establishes performance standards for small-scale agricultural processing facilities to support agricultural production and facilitate start up operations, while ensuring neighborhood compatibility and minimizing potential for environmental impacts. Where allowed by the base zone, a small-scale agricultural processing facility may be permitted with a zoning permit when documentation is provided that all of the performance standards set forth in subsection (C) are met.
- (B) Applicability. Small-scale agricultural processing facilities shall be permitted in the agricultural and resource zones: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture) and RRD (Resource and Rural Development). Small-scale agricultural processing does not include processing operations that produce alcoholic or cannabis products or involve animal slaughter and/or meat cutting and packing. Small-scale agricultural processing does not include cottage food operations which are defined separately and are an allowed use within a primary residence. Agricultural processing operations or facilities not meeting the following performance standards may still be permitted where allowed by the base zone, subject to issuance of a use permit.
- (C) Performance Standards. Small-scale agricultural processing facilities shall comply with the following standards in addition to the requirements of the base zone and other applicable combining zones.
 - (1) Minimum Parcel Size/Maximum Size Thresholds. Small-scale agricultural processing facilities up to three thousand (3,000) square feet must be located on a parcel of at least two (2) acres in size; and up to five thousand (5,000) square feet on parcels five (5) acres or greater.
 - (2) Number of Facilities. No more than one (1) small-scale agricultural processing facility may be approved per contiguous ownership. Multiple facilities may be considered with a Use Permit.
 - (3) Sensitive Environmental Resource Areas. A biotic study prepared by a qualified professional shall demonstrate that sensitive environmental resource areas are avoided. The study may be waived by the Director if the facility is located in a previously developed area.
 - (4) Square Footage Limitations. All small-scale agricultural processing activities shall be conducted inside a building or in covered outdoor areas. The total combined square footage of all such facilities, including buildings and areas where agricultural products are processed, aged, stored, packaged, and areas where equipment is stored and washed, shall not exceed the maximum size thresholds unless a use permit is obtained.
 - (5) Building Permit. Agricultural processing facilities require a building permit and shall comply with applicable building codes including requirements for accessibility, restrooms, and washing facilities.
 - (6) Processing Commodities. At least seventy percent (70%) of the agricultural commodities used in the processing must be grown on-site or on lands owned or leased by the operator in the County.
 - (7) Customer and Site Visitor Management. Educational tours are allowed subject to building code and accessibility requirements.

- (8) Compliance with County, other Agency, and Statutory Requirements. The operator shall comply with all applicable building, plumbing, electrical, fire and hazardous material codes set forth in the County Code. The operator shall also comply with all laws and regulations applicable to the type of processing facility proposed and obtain and or comply with all permit, license, approval, inspection, reporting and operational requirement required by other local State and Federal regulatory agencies having jurisdiction over the type processing operations proposed, and shall provide copies or other agency verification to Permit and Resource Management Department to serve as verification for such compliance.
- (9) Water System. Any water supply well used for agricultural processing facilities shall conform to the applicable requirements of Chapter 25b Water Wells of the County Code. The system must meet any performance or construction standards stipulated in the operational permits and well construction permit.
- (10) Water Supply - Quality. The water supply used by the agricultural processing facility shall comply with all applicable water quality standards and monitoring requirements as required by the applicable regulatory permitting agencies. Operators shall be responsible for submitting verification of compliance from the appropriate agency.
- (11) Water Supply - Quantity. For purposes of this section, the onsite water supply shall be considered adequate if:
 - (i) The proposed processing facility would not result in a net increase in water use on site; or
 - (ii) The water source is in Groundwater Availability Zones 1 or 2 and is not within a groundwater basin which has an adopted groundwater management plan; or
 - (iii) The water source is in Groundwater Availability Zone 3 or is within a groundwater basin covered by an adopted groundwater management plan, and a qualified professional prepares a hydrogeologic report providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet existing and proposed uses on the site on a sustained basis, and the operation of the agricultural processing facility will not: 1) exacerbate an overdraft condition in a groundwater basin; 2) result in reduction of critical flow in nearby streams; or 3) result in well interference at offsite wells.
- (12) Groundwater Monitoring. Water wells used for agricultural processing facilities shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be calibrated at least once every five (5) years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the Permit and Resource Management Department, Project Review Division by January 31 of each year. The annual report shall show a cumulative hydrograph of static water levels and the total quarterly quantities of water pumped from well(s) used in processing.
- (13) Waste Management. A waste management plan addressing the storing, handling and disposing of all waste by-products of the processing activities shall be submitted for review and approval by the Director. This plan should characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in an environmentally sound manner which does not result in adverse environmental impacts, nuisance complaints or health hazards.

Where waste discharge is within the jurisdiction of a Regional Water Quality Control Board, the owner or operator shall provide the Director with documentation of Waste Discharge Requirements, or waiver thereof, and shall comply with applicable discharge and monitoring conditions.

- (14) **Septic Systems.** The owner shall maintain a properly functioning septic system which complies with sewage disposal regulations set forth in Chapter 24 of the County Code. The nature and quantity of the waste discharged shall not exceed the design capacity of the septic system and any existing restrictions unless a new code-conforming replacement septic system is built. Septic systems built before 1975 need additional testing in order to determine the design capacity of the system. Proper functioning and design capacity of the septic system shall be verified by a registered Civil Engineer or registered Environmental Health Specialist.
- (15) **Hours of Operation.** Indoor processing activities may be conducted seven (7) days a week, 24-hours per day as needed. Outdoor processing activities, deliveries and shipping shall be limited to the hours from 8:00 a.m. to 5:00 p.m., except during seasonal harvest when the hours may be extended for limited periods.
- (16) **Noise Limits.** Noise generation shall not exceed the General Plan noise standards
- (17) **Signage.** The small-scale agricultural processing facility shall be limited to one (1) non-illuminated sign not exceeding sixteen (16) square feet.
- (18) **Lighting.** All exterior night lighting fixtures shall be fully shielded and downward casting and do not cause glare or spill over onto neighboring properties or roadways.
- (19) **Setbacks.** In addition to structural setbacks of the base zone, agricultural processing facilities shall be set back a minimum of sixty feet (60') from watering troughs, feed troughs, and buildings, pens or similar quarters where livestock or poultry congregate or are confined. Outdoor loading and activity areas must be located at least two hundred (200) feet from the outdoor activity area of any dwelling unit on an adjacent property.

(Ord. No. 6081, § VII (Exh. A), 7-29-2014)

Sec. 26-88-215. - Farm retail sales.

- (a) **Purpose.** This section establishes standards for year-round on-farm retail sales to encourage and increase opportunities for access to healthy foods, support continued use of agricultural lands for agricultural production, improve the economic viability of farming enterprises, while retaining the rural character of agricultural areas and ensuring the potential for land use conflicts and environmental impacts are minimized.
- (b) **Applicability.** This section shall apply to farm retail sales of products grown on site or other lands owned or leased by the farm operator as allowed by the base zone, excluding alcoholic beverages and cannabis products. Farm retail sales do not include cottage food operations which are defined separately and are an allowed use within a primary residence.
- (c) **Standards.** Small-scale Farm Retail Sales facilities are permitted with a zoning permit subject to the following requirements.
 - (1) **Minimum parcel size.** Small agricultural retail sales facilities must be located on a parcel of at least two (2) acres in size.
 - (2) **Maximum Size.** The maximum retail area shall not exceed five hundred (500) square feet. For purposes of this standard, outdoor growing areas of U-pick and U-cut operations shall not apply to the facility size calculation.
 - (3) **Building Permit.** Retail sales facilities require a building permit and shall comply with applicable building codes including requirements for accessibility, restrooms, and washing facilities.
 - (4) **Onsite sales.** Onsite retail sales shall be limited to whole produce, eggs, honey or value-added prepackaged foods or non-food products processed from crops grown on site or other lands owned or leased by the farm operator.

- (5) Incidental Sales. Not more than ten percent (10%) of the floor area, up to a maximum of fifty (50) square feet may be devoted to the sale of incidental goods and promotional items not produced by the owner or operator of the agricultural enterprise.
- (6) Hours of operation. Hours of operation for retail sales facility shall be limited to 10:00 a.m. to 6:00 p.m. seven (7) days per week.
- (7) Food Safety. All food storage, handling, labeling and retailing shall comply with the California Retail Food Code and other applicable federal, state and local laws and food safety regulations and permitting requirements.
- (8) Food Sampling. Food sampling shall be limited to fresh produce and prepackaged processed foods grown on site in compliance with a retail food facility permit. No other food service is allowed.
- (9) Signage. Signs up to sixteen (16) square feet are allowed in compliance with Article 84 of this Chapter. Sign text shall be limited to the name of the agricultural enterprise, the address, and the general type of produce sold. Banners, flags or balloons or cost advertisements shall not be allowed. One (1) portable sandwich board sign is allowed on site, provided that it does not exceed nine (9) square feet per side and is removed when the facility is closed. Offsite signs are prohibited.
- (10) Incidental Agricultural Promotional Activities. Educational tours for promotion of agricultural products are allowed. Participation in farm trails and similar promotional activities is allowed.
- (11) Setbacks. Sales facilities shall meet the setbacks of the base zone and any combining zones.
- (12) Access and Off-Street Parking. Farm retail sales facilities shall be located on parcels having direct access to a publicly maintained road. A minimum of three (3) spaces is required on-site. All customer and employee parking shall be provided onsite.
- (13) Noise. Noise generation shall not exceed General Plan noise standards.
- (14) Weights and Measures. All scales used for retail sales shall be approved for commercial use and sealed by the Sonoma County Agricultural Commissioner's Office of Weights and Measures.
- (15) Right to Farm. The owner/operator of the retail sales facility shall file and record a Right to Farm Declaration pursuant to Sonoma County Code Chapter 30, Article 2.

(Ord. No. 6081, § VIII(Exh. B), 7-29-2014)

Sec. 26-88-250. - Commercial cannabis uses.

- (a) Purpose. This section provides the development and operating standards for commercial cannabis activities to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine, and provide opportunities for economic development.
- (b) Applicability. Commercial cannabis activities shall be permitted only in compliance with the requirements of Sections 26-88-250 through 26-88-256 and all other applicable requirements for the specific type of use and those of the underlying base zone.
- (c) Limitations on Use. The following limitations apply to all commercial cannabis activities.
 - (1) Commercial cannabis uses for non-medical cannabis for adult use is prohibited, unless a use permit is obtained.
 - (2) Commercial cannabis activities shall only be allowed in compliance with all applicable county codes, including but not limited to, grading, building, plumbing, septic, electrical, fire, hazardous materials, and public health and safety.

- (3) The permit holder shall comply with all laws and regulations applicable to the type of use and shall comply with all permit, license, approval, inspection, reporting and operational requirements of other local, state, or other agencies having jurisdiction over the type of operation. The permit holder shall provide copies of other agency and department permits, licenses, or certificates to the review authority to serve as verification for such compliance.
- (4) Permits for commercial cannabis activities shall only be issued where written permission from the property owner or landlord is provided.
- (5) Tasting, promotional activities, and events related to commercial cannabis activities are prohibited.
- (6) Commercial cannabis activities are prohibited from using volatile solvents, including but not limited to Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂, or other dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene, as determined by the fire marshal.
- (d) Permit Requirements. Commercial cannabis activities shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. No other type of commercial cannabis activities are permitted except as specified in Table 1A-D. The county may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this chapter, including zoning clearance for a building permit, where the property upon which the use or structure is proposed is in violation of the county code. Commercial cannabis activities shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services.
- (e) Term of Permit. Zoning permits for commercial cannabis activities shall be issued for a limited term not to exceed one (1) year from the date of permit approval. Use permits for commercial cannabis activities may be approved for a limited term of up to five (5) years from the date the use permit certificate is issued, after all pre-operational conditions of the use permit have been met. Limited term permits shall expire and have no further effect unless a complete application for renewal is submitted prior to the expiration date. No property interest, vested right, or entitlement to receive a future permit to conduct a commercial cannabis activity shall ever inure to the benefit of such permit holder.
- (f) Health and Safety. Commercial cannabis activity shall not create a public nuisance or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.
- (g) Taxes. Permit holders shall comply with Sonoma County Code Section 35, the Sonoma County Cannabis Business Tax Ordinance, and any additional taxes that may be enacted by the voters or any additional regulations that may be promulgated.
- (h) Operator Qualifications. Cannabis operators must meet the following qualifications:
 - (1) Cannabis operators and all employees must be at least twenty-one (21) years of age.
 - (2) Cannabis operators shall be subject to background search by the California Department of Justice. Permits for commercial cannabis activities shall not be approved for operators with serious or violent felony convictions, as specified in subdivision (c) of Section 1192.7 of the Penal Code and subdivision (c) of Section 667.5 of the Penal Code.
 - (3) Cannabis operators must have authority to legally bind the person applying for and/or operating pursuant to a permit.
 - (4) Cannabis operators must meet the definition of a cannabis business owner.
- (i) Weights and Measures. All scales used for commercial transactions shall be registered for commercial use and sealed by the Department of Agriculture/Weights and Measures.
- (j) Tracking. Permit holders shall comply with any track and trace program established by the county and state agencies. Permit holders must maintain records tracking all cannabis and cannabis

products and shall make all records related to commercial cannabis activity available to the county upon request.

- (k) Inspections. Premises shall be subject to inspections by appropriate local and state agencies, including but not limited to the Department of Agriculture/Weights and Measures and Permit and Resource Management Department. Premises shall be inspected at random times for conformance with the county code and permit requirements. The inspection shall be conducted during regular business hours. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the permit holder to immediately cease operations.
- (l) Monitoring. Permit holders shall be subject to monitoring. A fee may be adopted by the board of supervisors and collected by the agency having jurisdiction or the county tax collector to pay for monitoring and enforcement.
- (m) Appeals. Appeals of any permit issuance or denial issued by the Department of Agriculture/Weights and Measures shall be subject to review and appeal procedures pursuant to Chapter 36. Appeals of any permit issuance or denial issued by PRMD shall be subject to review and appeal procedures pursuant to Chapter 26.
- (n) Exercise of Permit and Notification of Changes. Permits are issued to and held by the person engaged in commercial cannabis activity, and specific to the premises for which it was issued. A permit holder shall, at all times, have one (1) cannabis operator. Prior written notice must be provided to the agency having jurisdiction for any changes to ownership or cannabis operator, and any changes must comply with applicable code requirements. New cannabis operators shall be required to participate in an orientation and/or exam(s), as determined by the agency having jurisdiction. Permit holders shall notify the agency having jurisdiction prior to any of the following:
 - (1) A new person meeting the definition of cannabis business owner of the permit holder.
 - (2) Change in business entity type of the permit holder.
 - (3) Change in legal business name of the permit holder.
 - (4) A new person serving as operator of the permit holder.
 - (5) A new property owner of the parcel on which the premises is located.
- (o) Permit Renewal. Applications for permit renewal may be administratively approved by the agency having jurisdiction only if:
 - (1) The use has been conducted in accordance with this section, with the operation's approved plan, and with all applicable use permit conditions of approval;
 - (2) There are no outstanding violations related to health, safety, land use, or tax; and;
 - (3) The requirements of Section 26-92-040 are met.
- (p) Indemnification of County. At the time of submitting an application for a permit pursuant to Sections 26-88-250 through Section 26-88-256, the applicant, and, if different than applicant, the lawful owner(s) of the property on which applicant seeks approval to engage in any commercial cannabis activity, shall agree, as part of the application, to defend, indemnify and hold harmless the county and its agents, officers, attorneys and employees from any claim, action or proceeding brought against the county or its agents, officers, attorneys or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, appeal boards of board of supervisors, which action is brought within the applicable statute of limitations. The indemnification shall include damages awarded against the county, if any, costs of suit, attorney fees and other costs and expenses incurred in connection with such action.

Table 1A: Allowed Cannabis Uses and Permit Requirements for Agricultural and Resource Zones

Land Use	Maximu	Minimu	Land	Land	Diverse	Resources	Timber	Special
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	m Cultivation Area Per Parcel (square feet or plant)	m Parcel Size	Intensive Agricultur e	Extensive Agricultur e	Agricultur e	Rural Developme nt	Preserv e	Use Regulation s
			LIA ¹	LEA ¹	DA ¹	RRD ¹	TP	
Cannabis Uses								
Personal Cultivation	100 sq ft including up to 6 plants for adult use, per residence	None	P	P	P	P	P	26-88- 250— 26-88-254
Commercial Cannabis Uses								
Cottage	25 plants	10 ac	ZP	ZP	ZP	MUP	—	
Specialty Outdoor	5,000 sq. ft. or 50 plants	10 ac	CUP	ZP	ZP	CUP	—	
Small Outdoor	5,001— 10,000	10 ac	CUP	ZP	ZP	CUP	—	
Medium Outdoor	10,001— 43,560	10 ac	CUP	CUP	CUP	CUP	—	
Nursery Outdoor	Limited as Expressed Above		CUP	CUP	CUP	CUP	—	
Indoor Cultivation								
Cottage	500	10 ac	ZP ²	ZP ²	ZP ²	MUP ²	—	

Specialty Indoor	501—5,000	10 ac	CUP ²	CUP ²	CUP ²	CUP ²	—	
Small Indoor	5,001—10,000	10 ac	—	—	—	—	—	
Medium Indoor	10,001—22,000	10 ac	—	—	—	—	—	
Nursery Indoor	Limited as Expressed Above		CUP ²	CUP ²	CUP ²	CUP ²	—	
Mixed Light Cultivation								
Cottage	2,500	10 ac	ZP ²	ZP ²	ZP ²	MUP	—	
Specialty Mixed Light	2,501—5,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Small Mixed Light	5,001—10,000	10 ac	CUP ²	CUP	CUP	CUP	—	
Medium Mixed Light	10,001—22,000	10 ac	—	—	—	—	—	
Nursery Mixed Light	Limited as Expressed Above		CUP ²	CUP	CUP	CUP	—	
Centralize d Processing		10 ac	CUP ²	CUP ²	CUP ²			
Distributo r-Transport		10 ac	MUP	MUP	MUP	MUP		

Only ³								
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Type of Permit Required	
ZP	Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit only
MUP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions
CUP	Use Permit — noticed hearing before Planning Commission; CEQA; can add conditions
—	Use not allowed

Notes:

- 1 Commercial Cannabis Uses on properties with a Land Conservation (Williamson Act) Act Contract are subject to Uniform Rules for Agricultural Preserves.
- 2 Within existing previously developed areas, including hardscape, or legally established structures built (finaled) prior to January 1, 2016. No net increase in impervious surface.
- 3 Distributer-Transport Only restricts the licensee to only transporting cannabis goods that the licensee has cultivated or manufactured.

Table 1B: Allowed Cannabis Uses and Permit Requirements for Commercial Zones

Land Use	Maximum Cultivation Area Per Parcel	Minimum Parcel Size	Commercial Office	Neighborhood Commercial	Retail Business and Services	General Commercial	Limited Commercial	Commercial Rural	Agricultural Services	Recreation and Visitor Servicing	Special Use Regulations
			CO	C1	C2	C3	LC	CR	AS	K	
Cannabis Uses											
Personal Cultivation ¹	100 sq ft includi	None	P	P	P	P	P	P			26-88-250, 26-88-

	ng up to 6 plants for adult use, per residence										252, and 26-88-256
Testing/Laboratories	per use permit		—	—	—	MUP	MUP	—	—	—	
Dispensaries: Storefront and Delivery	per use permit		—	CUP	CUP	—	CUP	—	—	—	
Type of Permit Required											
MUP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions										
CUP	Use Permit — noticed hearing before Planning Commission; CEQA; can add conditions										
—	Use not allowed										

Notes:

1 Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones

Table 1C: Allowed Cannabis Uses and Permit Requirements for Industrial Zones

Land Use	Maximum Cultivation Area	Minimum Parcel Size	Industrial Park	Limited Urban Industrial	Heavy Industrial	Limited Rural Industrial	Public Facilities	Special Use Regulations
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	Per Parcel (square feet or plant)		MP	M1	M2	M3	PF	
Cannabis Uses								
Personal Cultivation ¹	100 sq ft including up to 6 plants for adult use, per residence	None	P	P	P	P	P	26-88- 250— 26-88-252
Indoor Cultivation								
Cottage	500	None	ZP	ZP	ZP	ZP	—	
Specialty Indoor	501— 5,000	None	MUP	MUP	MUP	MUP	—	
Small Indoor	5,001— 10,000	None	MUP	MUP	MUP	MUP	—	
Medium Indoor	10,001— 22,000	None	MUP	MUP	MUP	MUP	—	
Nursery Indoor	Limited as Expressed Above		MUP	MUP	MUP	MUP	—	
Mixed Light Cultivation								
Cottage	2,500	2 ac	—	MUP	MUP	MUP	—	
Specialty Mixed Light	2,501— 5,000	3 ac	—	MUP	MUP	MUP	—	
Small Mixed Light	5,001—	5 ac	—	MUP	MUP	MUP	—	

	10,000							
Medium Mixed Light	10,001—22,000	10 ac	—	MUP	MUP	MUP	—	
Nursery Mixed Light	Limited as Expressed Above		—	MUP	MUP	MUP	—	
Testing/Laboratories			MUP	MUP	MUP	MUP	—	
Manufacturing								
Level 1 — nonvolatile solvents	per use permit		MUP	MUP	MUP	MUP	—	
Centralized Processing	per use permit		MUP	MUP	MUP	MUP	—	
Microbusiness ²	per use permit		MUP	MUP	MUP	MUP	—	
Distributor-Transport	per use permit		MUP	MUP	MUP	MUP	—	
Distributor-Transport Only ³	per use permit		MUP	MUP	MUP	MUP	—	

Type of Permit Required	
ZP	Permitted Use if standards met- CEQA exempt; Zoning Permit and Building Permit only
MUP	Minor Use Permit or Hearing Waiver; CEQA applies unless Cat Exempt; can add conditions
—	Use not allowed

Notes:

- 1 Personal Outdoor Cultivation is prohibited in multifamily units and in the R2 and R3 zones
- 2 Does not alter the already allowed uses and only formalizes the potential to request this combined state license type.
- 3 Distributer-Transport Only restricts the licensee to only transporting cannabis of the licensee.

(Ord. No. [6245](#), § II(Exh. B), 10-16-2018; Ord. No. [6189](#), § II(D)(Exh. A-2), 12-20-2016)

Editor's note— Ord. No. [6245](#), § II(Exh. B), adopted Oct. 16, 2018, amended the title of § 26-88-250 to read as herein set out. Former § 26-88-250 was titled, "Commercial cannabis uses— Medical."

Sec. 26-88-252. - Enforcement.

(a) Enforcement.

- (1) Enforcement of Violations. A violation of Sections 26-88-250 through 26-88-258 is subject to enforcement under Chapter 1.
- (2) Enforcing Officer. The Director and the Agricultural Commissioner are authorized to enforce the provisions of Sections 26-88-250 through 26-88-258 and serve as the enforcing officer for purposes of Chapter 1.

(b) Suspension, Revocation or Modification.

- (1) Cause for Revocation. A permit, license or approval issued under Sections 26-88-250 through 26-88-258 may be suspended, revoked, or modified by the agency having jurisdiction, if the director or the agricultural commissioner determines any of the following:
 - a. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification;
 - b. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application; or
 - c. A condition or standard of the permit has not been substantially fulfilled or has been violated.
- (2) Revocation Process. A suspension, revocation, or modification action taken by the department of agriculture/weights and measures is subject to prior notice and the opportunity for an administrative hearing. A suspension, revocation, or modification action taken by the permit and resource management department is subject to review and appeal procedures pursuant to Chapter 26.
- (3) Effect of Revocation.
 - a. The revocation of a cannabis permit terminates the permit and the privileges granted by the permit.
 - b. The permit holder and each person who meets the definition of cannabis business owner of the permit holder cannot apply for or be issued a permit for any commercial cannabis activity for at least two (2) years.

([Ord. No. 6322](#), § III(Exh. B), 9-1-2020; [Ord. No. 6319](#), § III(Exh. B), 8-18-2020; Ord. No. [6245](#), § II(Exh. B), 10-16-2018; Ord. No. [6189](#), § II(D)(Exh. A-2), 12-20-2016)

Sec. 26-88-254. - Cannabis cultivation—commercial.

- (a) Purpose. This section establishes development criteria and operating standards for commercial cannabis cultivation as allowed by the base zone in compliance with Section 26-88-250, Commercial Cannabis Uses.
- (b) Applicability. This section shall apply to all commercial cannabis cultivation, including but not limited to, outdoor, indoor, and mixed light cultivation and associated drying, curing, grading, and trimming facilities including centralized processing facilities. Commercial cannabis cultivation operations shall comply with this section in addition to the requirements of Section 26-88-250, Commercial Cannabis Uses.
- (c) Permit Requirements. Commercial cannabis cultivation shall be subject to the land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements. Zoning permits for outdoor cultivation may be issued by the Department of Agriculture/Weights, and Measures. Zoning permits and use permits for all other cultivation activities shall be issued by the permit and resource management department. New structures, roads, and fences or conversion of existing structures or shipping containers, or similar structures, to cannabis cultivation shall be subject to design standards maintained by the review authority.
- (d) Limitations on Use. All cultivation shall be conducted and maintained in compliance with this section and the best management practices for cannabis cultivation issued by the agricultural commissioner. The Agricultural Commissioner shall establish and publish the applicable best management practices and shall enforce the provisions of this section for outdoor cultivation areas and management of pesticides and fertilizers for all cultivation types. Permanent structures used in cultivation shall be subject to permits issued by the permit and resource management department and other agencies having jurisdiction and shall be conducted and maintained in compliance with this code.
- (e) Multiple Permits. Multiple cultivation permit applications will be processed concurrently. Multiple cultivation permits may be issued to a single person, provided that the total combined cultivation area within the county does not exceed one (1) acre. For the purposes of this provision, the entire cultivation area of a permit shall be attributed in full to each person who meets the definition of cannabis business owner of the permit holder.
- (f) Development Criteria.
 - (1) Minimum Lot Size. A minimum lot size of ten (10) acres is required for all commercial cannabis operations in the agricultural and resource zones (LIA, LEA, DA, RRD).
 - (2) Multi-Tenant Operations. Multiple permits may be issued for multi-tenant operations on a single parcel provided that the aggregate cultivation area does not exceed the maximum area allowed for the cultivation type and parcel size in compliance with Table 1A-D Allowed Cannabis Uses and Permit Requirements.
 - (3) Square Footage Limitations. The total combined square footage of the cultivation area shall not exceed the maximum size thresholds as defined in Table 1A-D Allowable Cannabis Uses and Permit Requirements which provides the maximum size per parcel.
 - (4) Propagation and Vegetative Production Area.
 - a. Vegetative and other non-flowering propagative cannabis plant material may be cultivated for on-site use, subject to land use permit requirements as shown in Table 1A-D Allowed Cannabis Uses and Permit Requirements.
 - b. Additional propagation and vegetative production area may be considered with a use permit, not to exceed twenty-five percent (25%) of the permitted cultivation area, provided this plant material is kept in a separate, unique area away from flowering plants.

- (5) Cannabis Processing. No more than nine (9) centralized cannabis processing facilities shall be permitted in agricultural zones within the unincorporated county at any one (1) time and shall be allowed to process cannabis from onsite and within the local area. All other processing is limited to on-site cultivation use only.
- (6) Property Setbacks - Outdoor. Outdoor cultivation areas and all structures associated with the cultivation shall not be located in the front yard setback area and shall be screened from public view. Outdoor cultivation areas shall not be visible from a public right of way. Outdoor cultivation areas shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties.

Outdoor cultivation sites shall be setback a minimum of one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare centers, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use. This park setback may be reduced with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park.
- (7) Property Setbacks - Indoor. All structures used for indoor cultivation shall comply with the setbacks for the base zone and any applicable combining zone. Structures associated with cultivation shall not be located in the front yard setback area and shall be screened from public view. There shall be no exterior evidence of cultivation either within or outside the structure.

Indoor cultivation within agricultural and resource zones shall be setback a minimum of six hundred feet (600') from a school providing education to K-12 grades. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use.
- (8) Property Setbacks- Mixed Light. Mixed light structures shall be setback a minimum of one hundred feet (100') from property lines and a minimum of three hundred feet (300') from residences and business structures on surrounding properties in agricultural and resource zones. Mixed Light structures in industrial zones shall be setback three hundred feet (300') from residences on surrounding properties.

Mixed light structures in all zones shall be setback a minimum of one thousand feet (1,000') from a school providing education to K-12 grades, a public park, childcare centers, or an alcohol or drug treatment facility. The distance shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis cultivation use. This park setback may be reduced with a use permit when it is determined that an actual physical equivalent separation exists due to topography, vegetation or slope, that no offsite impacts will occur, and that the cannabis operation is not accessible or visible from the park.
- (9) Airport Compatibility. All cannabis operations shall comply with the comprehensive airport land use plan.
- (10) Building Requirements. All structures used in commercial cultivation shall comply with all applicable sections of the county code.
- (11) Biotic Resources. Proposed cultivation operations, including all associated structures, shall require a biotic resource assessment at the time of application that demonstrates that the project is not located within, and will not impact sensitive or special status species habitat, unless a use permit is obtained. Any proposed cultivation operation, including all associated structures, located within adopted federal critical habitat areas must have either all appropriate permits from the applicable state and federal agencies with jurisdiction over the listed species, or a biotic assessment concluding that the project will not result in "take" of a protected wildlife species within the meaning of either the federal or California Endangered Species Acts.

- (12) Conversion of Timberland. Cannabis cultivation activities, including associated structures, may only be located within a non-forested area that was in existence prior to December 20, 2016, and there shall be no tree removal or timber conversions to accommodate cultivation sites, unless a use permit is obtained.
- (13) Property Setbacks - Riparian Corridor Stream Conservation Areas. Structures used for cultivation shall be located outside the Riparian Corridor Stream Conservation Areas (RC combining zone) and outside any designated Biotic Habitat area (BH combining zone). Outdoor cultivation areas shall conform to the agricultural Riparian Corridor setback set forth in Section 26-65-040. Outdoor cultivation areas shall conform to the wetland setback set forth in Section 36-16-120, unless a use permit is obtained.
- (14) Cultural and Historic Resources. Cultivation sites shall avoid impacts to significant cultural and historic resources by complying with the following standards. Sites located within a historic district shall be subject to review by the landmarks commission, unless otherwise exempt, consistent with Section 26-68-020 and shall be required to obtain a use permit. Cultivation operations involving ground disturbing activities, including but not limited to, new structures, roads, water storage, trenching for utilities, water, wastewater, or drainage systems shall be subject to design standards and referral to the Northwest Information Center and local tribes. A use permit will be required if mitigation is recommended by the cultural resource survey or local tribe.

The following minimum standards shall apply to cultivation permits involving ground disturbance. All grading and building permits shall include the following notes on the plans:

If paleontological resources or prehistoric, historic-period or tribal cultural resources are encountered during ground-disturbing work at the project location, all work in the immediate vicinity shall be halted and the operator must immediately notify the agency having jurisdiction of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist and tribal cultural resource specialist under contract to evaluate the find and make recommendations in a report to the agency having jurisdiction.

Paleontological resources include fossils of animals, plants or other organisms. Historic-period resources include backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse. Prehistoric and tribal cultural resources include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe.

If human remains are encountered, work in the immediate vicinity will stop and the operator shall notify the agency having jurisdiction and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within twenty-four (24) hours of this identification.

- (15) Farmland Protection. Where a commercial cultivation site is located within an agricultural zone (LIA, LEA, DA), the operation shall be consistent with General Plan Policy AR-4a. Indoor and mixed light cultivation facilities shall not remove agricultural production within important farmlands, including prime, unique and farmlands of statewide importance as designated by the state farmland mapping and monitoring program, but may offset by relocating agricultural production on a 1:1 ratio.

If the premises is located on a site under a Land Conservation Act (Williamson Act) contract, the use must comply with the Land Conservation Act contract, any applicable land conservation

plan, and the Sonoma County Uniform Rules for Agricultural Preserves and Farmland Security Zones, including provisions governing the type and extent of compatible uses listed therein.

- (16) Fire Code Requirements. The applicant shall prepare and implement a fire prevention plan for construction and ongoing operations and obtain any permits required from the fire and emergency services department. The fire prevention plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), vegetation management and fire break maintenance around all structures.
 - (17) Grading and Access. Cultivation sites shall be prohibited on natural slopes steeper than fifteen percent (15%), as defined by Section 11-22-020, unless a use permit is obtained. Grading shall be subject to a grading permit in compliance with Chapter 11 of the county code.
 - (18) Hazardous Materials Sites. No commercial cannabis activity shall be sited on a parcel listed as a hazardous materials site compiled pursuant to Government Code Section 65962.5, unless a use permit is obtained.
 - (19) Lighting. All lighting shall be fully shielded, downward casting and not spill over onto structures, other properties or the night sky. All indoor and mixed light operations shall be fully contained so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
 - (20) Runoff and Stormwater Control. Runoff containing sediment or other waste or by-products shall not be allowed to drain to the storm drain system, waterways, or adjacent lands. Prior to beginning grading or construction, the operator shall prepare and implement a storm water management plan and an erosion and sediment control plan, approved by the agency having jurisdiction. The plan must include best management practices for erosion control during and after construction and permanent drainage and erosion control measures pursuant to Chapter 11 of the county code. All cultivation operators shall comply with the best management practices for cannabis cultivation issued by the agricultural commissioner for management of wastes, water, erosion control and management of fertilizers and pesticides.
 - (21) Security and Fencing. A site security plan shall be required. All site security plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Security cameras shall be motion-sensor and be installed with capability to record activity beneath the canopy but shall not be visible from surrounding parcels and shall not be pointed at or recording activity on surrounding parcels. Surveillance video shall be kept for a minimum of thirty (30) days. Video must use standard industry format to support criminal investigations. Lighting and alarms shall be installed to insure the safety of persons and to protect the premises from theft. All outdoor and mixed light cultivation sites shall be screened by non-invasive fire resistant vegetation and fenced with locking gates with a Knox lock. No outdoor or mixed light cultivation sites located on parcels adjacent to public parks shall be visible from trails or public access points. Razor wire and similar fencing shall not be permitted. Weapons and firearms at the cultivation site are prohibited. Security measures shall be designed to ensure emergency access in compliance with fire safe standards. All structures used for cultivation shall have locking doors to prevent free access.
- (g) Operating Standards.
- (1) Compliance Inspections. All cultivation sites shall be subject to on-site compliance inspections by agencies having jurisdiction. The inspection shall be conducted during regular business hours.
 - (2) Air Quality and Odor. All indoor and mixed light cultivation operations and any drying, aging, trimming and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold. All cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities.
 - (3) Energy Use. Electrical power for indoor cultivation, mixed light operations, and processing including but not limited to illumination, heating, cooling, and ventilation, shall be provided by

any combination of the following: (i) on-grid power with one hundred percent (100%) renewable source; (ii) on-site zero net energy renewable source; or (iii) purchase of carbon offsets of any portion of power not from renewable sources. The use of generators for indoor and mixed light cultivation is prohibited, except for portable temporary use in emergencies only.

- (4) **Hazardous Materials.** All cultivation operations that utilize hazardous materials shall comply with applicable hazardous waste generator, underground storage tank, above ground storage tanks, and AB 185 (hazardous materials handling) requirements and maintain any applicable permits for these programs from the fire prevention division, certified unified program agency (CUPA) of Sonoma County Fire and Emergency Services Department, or agricultural commissioner.
- (5) **Hours of Operation.** Outdoor harvesting activities and indoor or mixed light cultivation and processing activities may be conducted seven (7) days a week, twenty-four (24) hours per day as needed. Deliveries and shipping, and outdoor processing activities, shall be limited to the hours from 8:00 a.m. to 5:00 p.m., unless a use permit is obtained.
- (6) **Noise Limits.** Cultivation activities shall not exceed the general plan noise standards Table NE-2, measured in accordance with the Sonoma County noise guidelines.
- (7) **Occupational Safety.** Cultivators shall comply with all applicable federal, state, and local laws and regulations governing California Agricultural Employers, which may include: federal and state wage and hour laws, CAL/OSHA, OSHA, and the California Agricultural Labor Relations Act.
- (8) **Waste Management.** A waste management plan addressing the storing, handling, and disposing of all waste by-products of the cultivation and processing activities in compliance with the best management practices issued by the agricultural commissioner shall be submitted for review and approval by the agency having jurisdiction. The plan shall characterize the volumes and types of waste generated, and the operational measures that are proposed to manage and dispose, or reuse the wastes in compliance with best management practices and county standards. All garbage and refuse on the site shall be accumulated or stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. All garbage and refuse on the site shall not be accumulated or stored for more than seven (7) calendar days, and shall be properly disposed of before the end of the seventh day in a manner prescribed by the solid waste local enforcement agency. All waste, including but not limited to refuse, garbage, green waste and recyclables, must be disposed of in accordance with local and state codes, laws and regulations. All waste generated from cannabis operations must be properly stored and secured to prevent access from the public.
- (9) **Waste Water Discharge.** A waste water management plan shall be submitted identifying the amount of waste water, excess irrigation and domestic wastewater anticipated, as well as disposal. All cultivation operations shall comply with the best management practices issued by the agricultural commissioner and shall submit verification of compliance with the waste discharge requirements of the state water resource control board, or waiver thereof. Excess irrigation water or effluent from cultivation activities shall be directed to a sanitary sewer, septic, irrigation, graywater or bio-retention treatment systems. If discharging to a septic system, a system capacity evaluation by a qualified sanitary engineer shall be included in the management plan. All domestic waste for employees shall be disposed of in a permanent sanitary sewer or on-site septic system demonstrated to have adequate capacity.
- (10) **Water Source.** An on-site water supply source adequate to meet all on site uses on a sustainable basis shall be provided. Water use includes, but may not be limited to, irrigation water, and a permanent potable water supply for all employees. Trucked water shall not be allowed, except as provided below and for emergencies requiring immediate action as determined by the director. The onsite water supply shall be considered adequate with documentation of any one (1) of the following sources:

- a. Municipal Water: A municipal water supplier as defined in California Water Code Section 13575. The applicant shall provide documentation from the municipal water source that adequate supplies are available to serve the proposed use.
 - b. Recycled Water: The use of recycled process wastewater or captured rainwater from an onsite use or connection to a municipal recycled water supply for non-potable use, provided that an adequate on-site water supply is available for employees and other uses.
 - c. Surface Water: An existing legal water right and, if applicable, a Streambed Alteration Agreement issued by the California Department of Fish and Wildlife.
 - d. Groundwater Well:
 - 1. The site is located in Groundwater Availability Zone 1 or 2, and not within an area for which a groundwater management plan has been adopted or within a high or medium priority basin as defined by the state department of water resources; or
 - 2. Within Groundwater Availability Zone 3 or 4, or an area for which a groundwater management plan has been adopted or designated high or medium priority basin, the proposed use would:
 - a. The proposed use would not result in a net increase in water use on site through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project; or
 - b. Trucked recycled water may be considered for the cultivation area with a use permit, provided that adequate on-site water supplies are available for employees and other uses; or
 - c. A qualified professional prepares a hydro-geologic report providing supporting data and analysis and certifying that the onsite groundwater supply is adequate to meet the proposed uses and cumulative projected land uses in the area on a sustained basis, and that the operation will not:
 - 1. result in or exacerbate an overdraft condition in basin or aquifer;
 - 2. result in reduction of critical flow in nearby streams; or
 - 3. result in well interference at offsite wells.
- (11) Groundwater Monitoring: Water wells used for cultivation shall be equipped with a meter and sounding tube or other water level sounding device and marked with a measuring reference point. Water meters shall be maintained in a calibrated state and documentation shall be submitted to the permit and resource management department at least once every five (5) years. Static water level and total quantity of water pumped shall be recorded quarterly and reported annually. Static water level is the depth from ground level to the well water level when the pump is not operating after being turned off. Static water level shall be measured by turning the pump off at the end of the working day and recording the water level at the beginning of the following day before turning the pump back on. Groundwater monitoring reports shall be submitted annually to the permit and resource management department by January 31 of each year. The annual report shall include water meter readings, the total quarterly quantities of water pumped from well(s) used in processing, and static water levels.
- (12) Groundwater Monitoring Easement: Prior to the issuance of any permit for commercial cannabis cultivation pursuant to this chapter, an easement is required to be recorded to provide Sonoma County personnel access to any on-site water well serving the proposed use and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted for this purpose Monday through Friday from 8:00 a.m. to 5:00 p.m. Easements conveyed to the county under this section shall be signed and accepted by either the director of permit and resource management or the agricultural commissioner. All easement

language is subject to review and approval by the agency having jurisdiction and county counsel prior to recordation.

(Ord. No. [6245](#), § II(Exh. B), 10-16-2018; Ord. No. [6189](#), § II(D)(Exh. A-2), 12-20-2016)

Editor's note— Ord. No. [6245](#), § II(Exh. B), adopted Oct. 16, 2018, amended the title of § 26-88-254 to read as herein set out. Former § 26-88-254 was titled, "Cannabis cultivation—Commercial medical."

Sec. 26-88-256. - Cannabis dispensary uses.

- (a) Purpose. This section provides the location and operational standards for any cannabis dispensary within the unincorporated county in order to promote the health, safety, and general welfare of its residents and businesses.
- (b) Applicability. Cannabis dispensaries shall be permitted only in compliance with the requirements of this section, the requirements of Section 26-88-250, and all other applicable requirements of the underlying zoning district.
- (c) Permit Requirements. A use permit issued in compliance with Sections 26-92-070 and 26-92-080 shall be required for any cannabis dispensary. Cannabis dispensaries shall also be subject to permit requirements and regulations established by the Sonoma County Department of Health Services. Cannabis dispensaries must comply with all other applicable building codes and requirements, including accessibility requirements.
- (d) Limit on Number of Dispensaries. No more than nine (9) cannabis dispensaries shall be permitted within the unincorporated county at any one (1) time.
- (e) Compliance with Operating Plan and Conditions Required. A cannabis dispensary shall submit, as a part of the use permit application, an operating plan that specifies the manner in which operations will be handled and security provided, and which details the number of employees, number of customers, hours and days of operation allowed and approved. The operating plan shall provide that the dispensary shall require, at a minimum, a photo identification for any person entering the site, as well as a doctor's written recommendation in compliance with state law, if applicable. Any cannabis dispensary approved under this section shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the dispensary is consistent with protection of the health, safety and welfare of the community, qualified patients, and primary caregivers, and will not adversely affect surrounding uses.
- (f) Location Requirements. Property setbacks for cannabis dispensaries shall be measured in a straight line from the property line of the protected site to the closest property line of the parcel with the cannabis dispensary.
 - (1) A cannabis dispensary shall not be established on any parcel containing a dwelling unit used as a residence, nor within one hundred feet (100') of a residential zoning district.
 - (2) A cannabis dispensary shall not be established within one thousand feet (1,000') of any other cannabis dispensary or a public park, nor within five hundred feet (500') from a smoke shop or similar facility.
 - (3) A cannabis dispensary shall not be established within one thousand feet (1,000') from a school providing education to K-12 grades, childcare center, or drug or alcohol treatment facility.
 - (4) Notwithstanding, the subsections (f)(1) and (2) may be waived by the review authority when the applicant can show that an actual physical separation exists between land uses or parcels such that no off-site impacts could occur.

- (5) A cannabis dispensary proposed within the sphere of influence of a city will be referred to the appropriate city for consultation.
- (g) Operating Standards. The following are the minimum development criteria and operational standards applicable to any cannabis dispensary use:
 - (1) The building in which the dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility requirements;
 - (2) The dispensary shall provide adequate security on the premises, including lighting and alarms, to insure the safety of persons and to protect the premises from theft. The applicant shall submit a security plan. The security plan shall remain confidential.
 - (3) The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to design review committee review and approval. The planning director may waive this requirement where the applicant can demonstrate that existing facilities, including parking, lighting and landscaping, already meet the requirements of this section;
 - (4) No exterior signage or symbols shall be displayed which advertises the availability of cannabis, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior;
 - (5) If the dispensary denies entry for monitoring and inspection to any employee of an agency having jurisdiction, the dispensary may be closed. Customer access to the premises shall be limited to individuals who are at least twenty one (21) years of age and individuals who are least eighteen (18) years of age with a valid doctor's recommendation. All individuals entering the site shall present a photo identification and shall establish proof of doctor's recommendation, if applicable, except as representing a regulatory agency. The operating plan submitted as a part of the use permit application shall specify how this provision will be complied with and enforced;
 - (6) No dispensary shall hold or maintain a license from the state department of alcoholic beverage control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises;
 - (7) An exhaust and ventilation system shall be utilized to prevent off-site odors;
 - (8) No dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the use permit. A dispensary may sell live starter plants, clones and seeds from qualified nurseries, but shall not cultivate or clone cannabis. A dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if allowed by a permit issued by the department of health services. Not more than ten percent (10%) of the floor area, up to a maximum of fifty (50) square feet may be devoted to the sale of incidental goods for personal cultivation but shall not include clothing, posters, or other promotional items;
 - (9) No cannabis shall be consumed on the premises;
 - (10) No dispensary may increase in size without amending the use permit. The size limitation shall be included in the operational plan required by Section 26-88-256(e), of this section;
 - (11) Parking must meet the requirements of Section 26-86-010.
 - (12) Operating days and hours shall be limited to Monday through Saturday from 7:00 a.m. to 7:00 p.m., including deliveries, or as otherwise allowed by the use permit. Operating hours may be further restricted through the use permit process where needed to provide land use compatibility.
 - (13) Cannabis delivery services may only be allowed with a dispensary use permit.

(Ord. No. [6245](#), § II(Exh. B), 10-16-2018; Ord. No. [6189](#), § II(F)(Exh. A-3), 12-20-2016)

Editor's note— Ord. No. [6245](#), § II(Exh. B), adopted Oct. 16, 2018, amended the title of § 26-88-256 to read as herein set out. Former § 26-88-256 was titled, "Medical cannabis dispensary uses."

Sec. 26-88-258. - Cannabis cultivation—Personal.

- (a) Purpose. This section establishes development criteria and operating standards for personal cannabis cultivation for medical or adult use.
- (b) Cultivation of cannabis for personal use shall be subject to the following standards and limitations as allowed in the base zone. These standards shall apply to all types of cannabis cultivation (indoor, outdoor, and mixed light) unless otherwise specified.
 - (1) Residency Requirement. Cultivation of cannabis for personal use is limited to parcels with a residence and a full-time resident on the premises where the cultivation is occurring.
 - (2) Maximum Personal Cultivation. Cultivation of cannabis for personal use is limited to no more than one hundred (100) square feet per residence, of which up to six (6) plants can be cultivated for adult use purposes.
 - (3) Outdoor Personal Cultivation. Cannabis plants shall not be located in front and side yard setback areas and shall not be visible from a public right of way. Outdoor cannabis cultivation is prohibited on parcels with multi-family units or in the medium and high density residential zones (R2 and R3).
 - (4) Indoor and Mixed-Light Personal Cultivation.
 - a. Indoor and mixed light personal cultivation must be contained within an enclosed accessory structure, greenhouse, or garage. Cultivation within a structure approved for residential use as set forth in Chapter 7 of the county code is prohibited, unless there is no other feasible alternative location.
 - b. Light systems shall be fully shielded, including adequate coverings on windows, so as to confine light and glare to the interior of the structure.
 - (5) Personal Cultivation Structures. All structures used for cultivation shall comply with the following:
 - a. All structures (including greenhouses) used for cultivation must be legally constructed with all applicable permits such as grading, building, electrical, mechanical and plumbing.
 - b. All structures associated with the cultivation shall not be located in the front yard setback area and shall adhere to the setbacks stated within the base zone. There shall be no exterior evidence of cannabis cultivation. Greenhouses shall be screened from the public right of way.
 - c. All structures used for cultivation shall have locking doors or gates to prevent free access. All cultivation structures shall be equipped with odor control filtration and ventilation systems adequate to prevent odor, humidity, or mold.
 - d. The use of generators is prohibited, except as emergency back-up systems.
 - (6) All cultivation shall comply with the best management practices for cannabis cultivation issued by the agricultural commissioner for management of wastes, water, erosion and sediment control and management of fertilizers and pesticides.
 - a. Individuals are prohibited from cannabis manufacturing using volatile solvents, including but not limited to Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂, or other dangerous poisons, toxins, or carcinogens, such as Methanol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene, as determined by the fire marshall.

(Ord. No. [6245](#), § II(Exh. B), 10-16-2018; Ord. No. [6189](#), § II(H)(Exh. A-4), 12-20-2016)

Article 89. - Affordable Housing Program Requirements and Incentives.^[14]

Footnotes:

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Editor's note— Ord. No. 6085, § IV(Exh. C), adopted Oct. 7, 2014, repealed the former Art. 89, §§ 26-89-010—26-89-110, and enacted a new article as set out herein. The former Art. 89 pertained to similar subject matter and derived from Ord. No. 5570, § 2, adopted 2005; Ord. No. 5711, § 4(Exh. C), adopted 2007; Ord. No. 5883, §§ V, VI, adopted March 30, 2010.

Sec. 26-89-010 - Purpose

The provisions of this Article are intended to:

- A. Implement the Housing Element of the General Plan, and the requirements of State law (Government Code Section 65915, et seq.);
- B. Achieve a balanced community with a wide range of housing available for households of all income levels;
- C. Increase the supply of housing units available, accessible, and affordable for moderate-, low-, very low- and extremely low-income households who are most in need of housing, including housing for seniors, the disabled, large families, and other households with special housing needs, as defined in the Housing Element;
- D. Address the need for affordable housing related to employment growth associated with new or expanded market rate housing development;
- E. Address the need for affordable housing related to employment growth associated with new or expanded nonresidential development;
- F. Ensure that the remaining developable land within the County is utilized in a manner consistent with the County's affordable housing goals, objectives, policies, and programs;
- G. Provide affordable housing units to serve varying housing needs and income levels that are compatible in character and quality with their surrounding neighborhoods; and
- H. Maintain the physical condition and affordability of units produced through the provisions of this Article over time.

(Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-020 - Applicability

The provisions of this Article shall apply to all proposed residential projects, unless otherwise provided in this Article.

(Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-030 - Administration and General Requirements

- A. **Administrative responsibility.** The requirements and procedures of this Article shall be administered by the Department, and the Sonoma County Community Development Commission, hereafter referred to as the "CDC." The Board may adopt policies for the purposes of administering the Affordable Housing Program which policies may be amended from time to time.
- B. **Affordable Housing Requirements.** Unless otherwise exempt under Subsection 26.89.040 B. (Exempt projects), any person who constructs one or more residential units shall provide affordable housing through one of the following:
1. On-site construction of affordable units in accordance with Subsections 26.89.040 C. 1. (Ownership Projects) or 26.89.040 C. 2. (Rental Projects); or
 2. Payment of an affordable housing fee in accordance with Subsection 26.89.040 F. (Affordable housing fee); or
 3. An alternative equivalent action approved in accordance with Subsection 26.89.040 G.
- C. **Calculation of base units, affordable units, and density bonus units.** The following requirements apply to calculations performed in the administration of the provisions of this Article regarding base, affordable and density bonus units.
1. When calculating the number of base dwelling units allowed on the site in compliance with this Development Code, any decimal fraction shall be disregarded.
 2. Density bonus units are counted in the total when determining the number of affordable units required in a Housing Opportunity Area Program Type A or Type C project.
 3. Density bonus units are not counted when determining the number of affordable or senior units required to qualify a project for a density bonus or incentives under the State density bonus program.
 4. When calculating the number of affordable or senior units required, any decimal fraction shall be counted as a whole unit, except as specifically provided by Subsection 26-89-040 E.
 5. When calculating the number of density bonus units to be granted to an applicant, a fractional unit shall be rounded up to the nearest whole number.
 6. A second dwelling unit shall not be considered a base unit when calculating affordable housing, workforce housing, or density bonus program requirements, nor shall it be considered as an affordable unit except when meeting the affordable housing requirement for one single-family home on one single parcel, as provided in Subsection 26-89-040 E., or if provided under an Affordable Housing Agreement and approved as an Alternative Equivalent Proposal consistent with Subsection 26-89-040 G. and the requirements of 26-89-070.
- D. **Design and construction standards.** All affordable and senior housing units provided in compliance with this Article shall be designed and constructed in compliance with the standards in Section 26-89-070 (Design and Construction Standards).
- E. **Affordable housing incentives.** A residential project that complies with the requirements of this Article through the construction of affordable units on-site may be entitled to incentives in compliance with Section 26-89-060 (Affordable Housing Incentives).
- F. **Density bonus available.** A residential project that complies with the requirements of this Article through the construction of affordable units on-site may also qualify for a density bonus in compliance with Section 26-89-050 (Density Bonus Programs).
- G. **Housing Proposal required.**
1. Applicants for residential projects shall submit, with the initial project application, an Affordable Housing Proposal, which shall include a site plan and a detailed proposal statement describing how the project will comply with the provisions of this Article (i.e., provision of units on-site, payment of fees, or alternative equivalent action).

2. The Affordable Housing Proposal shall include a listing of the number, type, size, tenure, number of bedrooms, and proposed affordability level for each and every unit within the development.
 3. No application for any residential project shall be deemed complete until the Affordable Housing Proposal is submitted.
 4. Modifications to an existing application shall be considered a new application for the purposes of permit streamlining.
 5. The Affordable Housing Proposal shall be considered and acted upon by the review authority at the same time as the permit for the residential project that is the subject of the proposal.
 6. Project approvals and conditions shall incorporate the provisions of the Affordable Housing Proposal, as approved or modified by the review authority.
- H. **Permit requirements.** Implementation of the Affordable Housing Proposal shall be ensured through the following, as applicable:
1. **Discretionary permits.** Each discretionary permit authorizing a residential project, including tentative maps, shall contain a condition detailing the actions required for compliance with this Article (i.e., provision of units on-site, payment of fees, or alternative equivalent action).
 2. **Final or parcel maps.** Each final map or parcel map shall bear a note indicating the method of compliance with the requirements of this Article, and stating that an Affordable Housing Agreement shall be recorded, fees paid, or alternative action undertaken in compliance with Subsections 26-89-040.G. or 26-89-045.F. before issuance of a Building Permit with respect to each parcel created by the map.
 3. **Building Permits.** Unless the unit is exempt under Subsection 26-89-040.B. (Exempt Projects), no Building Permit shall be issued for a residential unit until the applicant has demonstrated compliance with this Article through recordation of an Affordable Housing Agreement, through payment of fees, or through alternative equivalent action authorized in compliance with Subsection 26-89-040.G.
- I. **Timing of construction.** If a residential project will comply with the requirements of this Article through the construction of affordable housing units, whether on- or off-site, all required affordable units shall be constructed concurrent with, or before, the construction of the market rate units. If the County approves a phased project, the required affordable units shall be provided within each phase of the residential project in the same proportion as in the project as a whole.
- J. **Project approval.** A residential project that provides at least 20 percent of the total units for extremely low, very low, or low income households or that provides 100 percent of the total units to either lower or moderate income households shall not be disapproved or conditioned in a manner that renders the project infeasible for development for use of lower or moderate income households unless any one of the following findings is first made:
1. The Housing Element has been revised in compliance with Government Code Section 65588 and is in substantial compliance with the Government Code, and the County has met or exceeded its share of the regional housing need for the income category proposed for the residential project;
 2. The residential project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete;

3. The denial of the project or imposition of conditions is required in order to comply with specific State or Federal law, and there is no feasible method to comply without rendering the project unaffordable to low- and moderate-income households;
 4. The residential project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes;
 5. The proposed project does not have adequate water or wastewater facilities to serve the project; or
 6. The residential project is inconsistent with both the zoning and General Plan land use designation as specified in any element of the General Plan as it existed on the date the application was deemed complete and the County has adopted a revised Housing Element in compliance with Government Code Section 65588 that is in substantial compliance with the Government Code, provided however that no residential project shall be denied based upon this finding if it is proposed on a site that is identified in the Housing Element as suitable or available for very low, low or moderate income households and is consistent with the density provided in the Housing Element.
- K. **Limitations on development standards.** Site development and design review standards shall not be applied to an affordable housing project that qualifies under State density bonus laws (Government Code Section 65915), if such standards would have the effect of physically precluding the construction of that project at the densities or with the concessions or incentives allowed by Section 65915, unless failure to apply the standard would result in one or more specific adverse impacts on public health or safety or the physical environment, and there is no other feasible method to mitigate the adverse impact(s).
- L. **Housing agreement required for affordable units.** If a residential project will comply with the requirements of this Article through the construction of affordable housing units on- or off-site, the property owner shall execute an Affordable Housing Agreement (in compliance with Section 26-89-100) before any of the following:
1. Any ministerial action by the County with regard to the project;
 2. Recordation of a final map; or
 3. Issuance of a Building Permit for any unit within the project. The provisions contained within an Affordable Housing Agreement shall be enforceable by the County, and any violation of the agreements shall constitute a violation of this Development Code.

(Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-040 - Affordable Housing Requirements for Residential Development

- A. **Applicability and requirements.** Unless otherwise exempt under Subsection 26-89-040.B., any person who constructs or develops one or more residential units, whether a single-family home, units in multi-family dwellings, or by condominium conversions or otherwise, shall provide affordable housing through one or more of the following three methods:
1. **On-site construction of the required affordable units.** Provide the required affordable unit(s) on-site, in compliance with the Section 26-89-040.C.;
 2. **Payment of affordable housing fee.** Pay an affordable housing fee in compliance with Subsection 26-89-040.F.; or
 3. **Alternative equivalent actions.** Perform an alternative equivalent action in compliance with Subsection 26-89-040.G.; which may be allowed to fulfill the affordable housing requirements of this Section if approved by the Director, at his or her sole discretion.

- B. **Exempt projects.** The affordable housing requirements of this Section shall not apply to the following exempt projects and unit types:
1. **Project with vested rights.** A project that demonstrates a vested right to proceed without complying with this Section.
 2. **Affordable units.** Affordable units which are subject to an Affordable Housing Agreement.
 3. **Accessory dwellings.** Accessory dwelling units and junior accessory dwelling units.
 4. **Agricultural related housing.** Farm family units of up to 1,200 square feet, agricultural employee units of up to 1,200 square feet, and seasonal, year-round, and extended seasonal farmworker housing.
 5. **Alternative housing.** Homeless shelters, transitional housing, supportive housing, single room occupancy facilities, community care facilities, group homes, and similar State licensed care facilities.
 6. **Dwelling unit destroyed by fire or natural catastrophe.** Repair, reconstruction, or replacement of a legal dwelling unit that is destroyed by fire or natural catastrophe, provided that a Building Permit for repair, reconstruction, or replacement has been issued and construction begun within 10 years of destruction.
 7. **Residential remodels and minor additions that add no more than 1,000 square feet.** Remodels and additions that add no more than 1,000 square feet to existing, legal dwelling units that do not result in the creation of an additional unit.
 8. **Replacements.** Replacement of an existing, legal dwelling unit where the total living area within the replacement unit is no more than 1,000 square feet greater than the living area within the unit being replaced.
 9. **Parcels with existing affordable units.** The construction or establishment of one new home on one single parcel, when the subject parcel contains an existing second dwelling unit, or a farm family unit or an employee unit of 1,000 square feet or less.
 10. **General exemption.** Residential projects that can demonstrate that they will not contribute to the demand for affordable housing in the County or adversely impact the County's ability to meet its affordable housing needs.
- C. **Minimum Requirements for Construction of Affordable Units On-Site.** To satisfy the requirements of this Article through the construction of affordable units on-site, the following minimum standards must be met:
1. **Number of Units: Ownership projects.** To meet the requirements of this Article through construction of affordable units on-site within an ownership housing project, at least 20 percent of all new dwelling units shall be affordable, and shall be constructed and completed at the same time as the market rate units in the same project.
 - a. **Level of affordability required.** At least one-half of the total number of required affordable units shall be provided as affordable to low-income households.
 - b. **Remaining affordable units.** The remaining affordable units may be provided as affordable to households with moderate or low incomes.
 - c. **When number of units is an odd number.** If the number of required affordable units is an odd number, the number of units affordable to moderate income households may be one greater than the number affordable to low-income households, so long as at least one low-income unit is provided.
 2. **Number of Units: Condominium or timeshare conversion projects.** To meet the requirements of this Article through the provision of affordable units on-site within a project converting existing rental units or airspace parcels to condominium ownership, including common interest or timeshare projects, at least 30 percent of the converted units shall be

offered for sale as affordable to low and very-low income households, as required by Housing Element Policy HE-1e or its subsequent equivalent.

3. **Number of Units: Rental projects.** To meet the requirements of this Article through construction of affordable units on-site within a rental housing project at least 15 percent of all new rental units shall be affordable to low- and very low-income households; or, at least 10 percent of all new rental units shall be affordable to very low- and extremely low-income households, as follows:
 - a. **Allocation of Units—15 percent option.** If the person constructing or developing a rental housing project proposes to satisfy the requirements of this Article by providing 15% of the units as affordable rental units, at least one-half of the total number of required affordable units shall be provided as affordable to very low-income households. The remaining affordable units may be provided as affordable to low- or very low-income households. If the number of required affordable units is an odd number, the number of units affordable to low-income households may be one greater than the number affordable to very low-income households.
 - b. **Allocation of Units—10 percent option.** If the person constructing or developing a rental housing project proposes to satisfy the requirements of this Article by providing 10% of the units as affordable rental units, at least one-half of the total number of affordable units shall be provided as affordable to extremely low-income households. The remaining affordable units may be provided as affordable to very low-income or extremely low-income households. If the number of required affordable units is an odd number, the number of units affordable to very low-income households may be one greater than the number affordable to extremely low-income households.
 - c. **Timing.** All affordable units provided pursuant to this subsection shall be constructed and made available for rent at the same time as the market-rate units within the remainder of the residential development.
4. **Affordable Housing Agreement.** Upon approval of any project proposing to provide affordable units on-site in compliance with this Section, and before any further action by the County concerning the project, including the recording of a final map, or the issuance of a Building Permit, the property owner shall execute an affordable housing agreement in compliance with Section 26-89-100 (Affordable Housing Agreements). The affordable housing agreement shall be recorded concurrently with the final map, or before the issuance of a Building Permit, whichever occurs first.
5. **Fractional calculations.** If calculating the number of units required by Subsection C. results in a fractional unit requirement, the applicant may satisfy that fractional requirement by:
 - a. Construction of an additional affordable unit;
 - b. On qualifying agricultural parcels, construction or conversion of a unit to a farm family or agricultural employee unit containing not more than 1,000 square feet of living area, or a farmworker bunkhouse containing at least two bunks for unaccompanied workers in compliance with Subparagraphs 26-88-010 (l) (Seasonal Farmworker Housing) or (o) Year-Round or Extended Farmworker Housing . Farm family and agricultural employee units may be constructed to satisfy a fractional requirement under this Subparagraph only, and shall not otherwise be considered an affordable unit for the purposes of meeting the affordable unit requirements of this article; or,
 - c. On parcels eligible for an accessory dwelling unit, construction or conversion of an existing unit to an accessory dwelling unit pursuant to 26-88-060 (Accessory Dwelling Units). Accessory dwelling units may be constructed to defer payment of the affordable housing fee that would otherwise be due for the construction of one new single-family home on one single parcel only, provided that an Affordable Housing Fee Deferral Agreement, in a form acceptable to County Counsel, is signed by the property owner and recorded to ensure that the unit will remain available for rent to a qualified low-income household at an

affordable rent. The fee will be automatically deferred in each year that the second dwelling unit continues to be made available for rent under the terms of the Affordable Housing Fee Deferral Agreement. Should the property owner cease renting the unit, or otherwise fail to comply with the terms of the Fee Deferral Agreement, then the affordable housing fee in effect at the time will be immediately due and payable to County and a Notice of Cancellation of the Affordable Housing Fee Deferral Agreement shall be recorded. In this case, credit shall be given for each year that the unit has been rented to a low income household at an affordable rent in compliance with the Agreement, with the term for being 30 years. Any remaining portion of the term may be met through payment of the remaining prorated affordable housing fee, using the fee amount in effect at the time that the owner ceases renting the unit. Provision of an accessory dwelling unit shall not otherwise be considered as meeting the affordable unit requirements of this Article. In cases involving the subdivision of property, provision of a separate accessory dwelling unit on each parcel may meet the affordable unit requirement of this article only for each parcel upon which an accessory dwelling unit is placed and a covenant recorded to ensure that the unit will remain available for rent.

- D. **Affordable housing fee.** When the requirements of this Article are met through the payment of an affordable housing fee, payment shall be made in accordance with the following:
1. **Determination of fee.** The amount and calculation of affordable housing fees shall be established by resolution of the Board. Thereafter, the affordable housing fees shall be increased or decreased annually by the percentage change in the Construction Cost Index for the San Francisco Bay Area for the prior year, as reflected in the third quarter Engineering News Record. The affordable housing fee shall be automatically adjusted, and a new schedule published by the Director effective on January 1st of each year. This adjustment will offset the effects of inflation related to construction cost increases or deflation-related cost decreases. If the Construction Cost index is discontinued, the Director shall use a comparable index for determining the changes in the median home costs for the County. The fee shall be periodically reviewed and updated at least every five years.
 2. **Timing of payment.** The affordable housing fees shall be calculated at the time of Building Permit application. The fee shall be paid at the time of the wallboard inspection for each non-exempt residential unit, unless proof is provided that the required affordable housing units will be constructed on site; that an alternative equivalent action was previously approved in compliance with Subsection 26-89-040.G; or that a fee deferral agreement in compliance with Section 26-89-040 (C) (5) has been granted.
 3. **Affordable Housing Fee Trust Fund Guidelines.** There shall be established a separate account for affordable housing fees within the County Fund for Housing (CFH) as may be necessary to avoid commingling as required by law, or as deemed appropriate to further the purposes of the affordable housing fees. The County's use of the affordable housing fees, along with any interest earnings, shall comply with all of the following requirements.
 - a. Affordable housing fees deposited in the CFH, along with any interest earnings, shall be allocated for uses that increase and improve the supply of housing affordable to households of extremely low-, very low-, low-, and moderate incomes, including:
 - (1) The acquisition of property and property rights; and
 - (2) The cost of construction including costs associated with planning, administration, and design, building or installation, development fees, on- and off-site improvements, and any other costs associated with the planning, predevelopment, permitting, construction and financing of affordable housing.
 - b. Monies may also be used to cover administrative expenses incurred by the Department or the CDC in connection with affordable housing and not otherwise reimbursed through processing and other fees, including:

- (1) Reasonable consultant and legal expenses related to the establishment and/or administration of the affordable housing fee account;
 - (2) Reasonable expenses for administering the process of calculating, collecting, and accounting for affordable housing fees authorized by this Section; and
 - (3) County and CDC administrative costs for project development, permitting, post Development Code compliance, and the ongoing monitoring of affordable housing projects constructed with affordable housing fee trust funds.
 - c. Adequate cost accounting procedures shall be utilized and documented for all of the expenditures.
 - d. No portion of the collected affordable housing fees shall be diverted to other purposes by way of loan or otherwise.
- G. **Alternative equivalent actions.** The Director may, at his or her sole discretion, approve an alternative equivalent action to the provision of the affordable units on-site or payment of the affordable housing fee, as follows.
1. **Scope of alternative proposals.** Proposals for an alternative equivalent action may include:
 - a. The dedication of vacant land (see Subparagraph G.5., below, Standards for land dedications);
 - b. The construction of affordable rental or ownership units on another site within the unincorporated area of the County; or
 - c. The acquisition and enforcement of rental or sales price restrictions on existing market rate dwelling units in compliance with this Article.
 2. **Content of proposal.** A proposal for an equivalent alternative action shall show how the requested alternative action will further affordable housing opportunities in the County to an equal or greater extent than the provision of the affordable housing units on-site in compliance with Subsection C. (Number of affordable units required), or payment of the affordable housing fee in compliance with Subsection F. (Affordable housing fee).
 3. **Review and approval.** Only the Director can approve an alternative equivalent action under this Section. A proposal for an alternative equivalent action may be approved by the Director only if the Director finds that the alternative action will further affordable housing opportunities in the County to an equal or greater extent than the construction of the required affordable units as part of the project or payment of the affordable housing fee, as applicable.
 4. **Performance of alternative action.** After approval by the Director of a proposal for an alternative action, entitlements for that alternative action shall be processed concurrent with the market-rate project. If the alternative action includes construction of affordable units on another site or the acquisition and enforcement of rental/sales price restrictions on existing market rate units, an Affordable Housing Agreement in compliance with Section 26.89.100 shall be recorded for each of those units before recordation of any final map for, or issuance of any Building Permit within, the market-rate project, and the affordable units shall be constructed or acquired concurrent with, or before, the construction of the market rate units.
 5. **Standards for land dedications.**
 - a. **Offers of dedication.** An applicant who proposes to dedicate land located within the unincorporated area of the County as a means of satisfying the requirements of this Article shall offer the land dedication as a part of the initial application for project approval. The applicant's offer shall describe the site, shall offer it for dedication at no cost to the County, and shall include a site plan illustrating the feasibility of locating and constructing the number of affordable units for which the applicant is requesting credit.
 - b. **Site suitability and appraisal.**

- (1) The applicant shall provide a site suitability analysis which demonstrates that the land proposed for dedication is suitable for the development of affordable housing in terms of size, location, General Plan land use designation, availability of services, proximity to public transit, adjacent land uses, access, physical characteristics and configuration, and other relevant planning criteria. Department staff shall evaluate the site suitability analysis, identify the site's projected unit capacity, and recommend to the review authority whether the site should be accepted or conditionally accepted. An environmental evaluation may be required as a part of the site suitability analysis.
 - (2) The applicant shall provide an appraisal of the land proposed for dedication. The appraisal shall be prepared by a qualified land appraiser and shall conform to the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board of the Appraisal Foundation.
 - (3) All County staff costs associated with the determination of site suitability, and all expenses incurred to determine legal status of the site, to perform environmental assessments and to obtain an appraisal, shall be borne by the applicant.
- c. **Calculation of credit for dedication of land.** Following review of the appraisal and site suitability analysis, the County shall determine the extent to which the dedication shall satisfy the requirements of this Article as follows:
- (1) The County shall offer to credit the applicant for the land dedication only to the extent that the appraised value of the land to be dedicated equals the full development cost of providing the required affordable units under Subsection 26-89-040.C.1 (Ownership projects) or Subsection 26-89-040.C.2 (Rental projects), including both land costs and construction costs.
 - (2) If the appraised value of the land is less than the total projected development cost for the number of affordable units required under Subsection 26-89-040.C.1 (Ownership projects) or Subsection 26-89-040.C.2 (Rental projects), the applicant will be credited with only the number of affordable units for which development costs are covered by the value of the land.
 - (3) The applicant shall agree to satisfy any remaining obligations under this Article by providing additional affordable units on the project site, or paying applicable affordable housing fees.
- d. **Procedure for acceptance of site.** The County shall not accept an offer of dedication nor approve the proposed residential project until all of the conditions of acceptance of the land, if any, have been completed by the applicant. The County's formal acceptance of the offer of dedication shall take place concurrently with its approval of the residential project. The grant deed dedicating the site to the County, or to a developer of affordable housing approved by the County, shall be recorded before issuance of any Building Permit within the market rate project.

(Ord. No. [6223](#), § IV(Exh. D), 5-8-2018; Ord. No. [6129](#), § IIIA(Att. B), 8-18-2015; Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-045 - Workforce Housing Program Requirements

- A. **Applicability and requirements.** Unless otherwise exempt under Subsection 26-89-045.B., any person who constructs new or expanded nonresidential development, shall contribute to the County's affordable housing program through one or more of the following three methods:
1. **On-site construction of the required affordable units.** Provide the required affordable unit(s) on-site, in compliance with Subsection 26-89-045.C. as allowed by the underlying zone district (i.e., mixed use, work/live);

2. **Payment of workforce housing fee.** Pay the workforce housing fee in compliance with Subsection 26-89-045.E; or
 3. **Alternative equivalent actions.** Perform an alternative equivalent action in compliance with Subsection 26-89-045.F; which may be allowed to fulfill the affordable housing requirements of this Section if approved by the Director, at its sole discretion.
- B. **Exempt projects.** The affordable housing requirements of this Section shall not apply to the following exempt projects:
1. **Project with vested rights.** A project that demonstrates a vested right to proceed without complying with this Section.
 2. **Public and nonprofit projects.** Public projects and nonprofit projects which provide a public benefit to the community.
 3. **Small projects and additions.** Projects and additions of less than 2,000 square feet in total gross floor area.
 4. **Floor area discount.** The requirements of this Section shall not apply to the first 2,000 square feet of nonresidential floor area in all new developments.
 5. **Structures destroyed by fire or natural catastrophe.** Repair, reconstruction, or replacement of a legal nonresidential structure that is destroyed by fire or natural catastrophe, provided that a Building Permit for repair, reconstruction, or replacement has been issued and construction begun within 10 years of destruction.
 6. **Nonresidential replacements or remodels.** Remodels or replacements to existing, legal structures that do not result in the creation of additional floor area.
 7. **Do not contribute to the demand for affordable housing.** Projects that clearly do not contribute to the demand for affordable housing (e.g., unmanned utility structures, parking garages, and agricultural exempt structures).
- C. **On-Site Construction of Units.** To satisfy the requirements of this Section through the construction of affordable units on-site, the following minimum standards must be met:
1. **Number of affordable units required.** To satisfy the requirements of this Section through on-site construction, affordable housing units must be constructed on-site in compliance with the Table 1 (Number of affordable units required), below:
 2. **Level of affordability required.** At least one-half of the total number of required affordable units shall be provided as affordable to very low-income households. The remaining affordable units may be provided as affordable to households with low incomes.
- If the number of required affordable units is an odd number, the number of units affordable to low-income households may be one greater than the number affordable to very low-income households, so long as at least one very low-income unit is provided.

TABLE 1
NUMBER OF AFFORDABLE UNITS REQUIRED

Type of Nonresidential Development	Number of New Units to be provided for extremely Low-, Very Low-, and Low-income Households (per 1,000 square feet of floor area) ^{1, 2}
Commercial, Office, Medical, and Hotels	.05

Light Industry, Warehousing, Manufacturing, Research and Development, Food and Agricultural Processing	.06
Retail, restaurants and commercial services	.09

Notes:

1. For purposes of this table, the floor area excludes all garage areas permanently allocated for employee or customer vehicle parking.
2. All fractional units shall be rounded up to the nearest whole number.
3. **Affordable Housing Agreement.** Upon approval of any nonresidential project proposing to provide affordable units on-site in compliance with this Section, and before any further action by the County concerning the project, including the recording of a final map, or the issuance of a Building Permit, the property owner shall execute an affordable housing agreement in compliance with Section 26-89-100 (Affordable Housing Agreements). The affordable housing agreement shall be recorded concurrently with the final map, or before the issuance of a Building Permit within the project, whichever occurs first.
4. **Timing of Construction of Units.** Proposed affordable units shall be constructed on site concurrent with, or before, the construction of the nonresidential project. No occupancy of any portion of the nonresidential project shall be granted until occupancy of the affordable residential units is granted.
5. **Fractional units.** If calculating the number of units required by this Section results in a fractional unit requirement, the applicant may satisfy that fractional unit requirement by:
 - a. Constructing an additional affordable unit;
 - b. Paying an fee in compliance with Subsection E. (Workforce Housing Fee); or,
 - c. Performing an alternative equivalent action approved by the Director in compliance with Subsection G. (Alternative Equivalent Actions).
- E. **Workforce housing fee.** To satisfy the requirements of this Section through the payment of a fee, payment shall be made in accordance with the following:
 1. **Determination of fee.** The amount of the workforce housing fee shall be established by resolution of the Board. Thereafter, the workforce housing fee shall be increased or decreased annually by the percentage change in the Construction Cost Index for the San Francisco Bay Area for the prior year, as reflected in the third quarter Engineering News Record. The workforce housing fee shall be automatically adjusted, and a new schedule published by the Director, effective on January 1 st of each year. This adjustment will offset the effects of inflation related to construction cost increases or deflation-related cost decreases. If the Construction Cost index is discontinued, the Director shall use a comparable index for determining the changes in the median home costs for the County. The fee shall be periodically reviewed and updated at least every five years to reflect any changes in the need for affordable housing resulting from new nonresidential development.
 2. **Timing of payment.** The workforce housing fee shall be calculated at the time of Building Permit application. The fee shall be paid at the time of issuance of the Building Permit for each nonresidential project, unless proof is provided that the required affordable housing units will be

constructed on-site or that an alternative equivalent action was previously approved in compliance with Subsection 26-89-040(G).

3. **Workforce Housing Fee Trust Fund Guidelines.** There shall be established a separate account for workforce housing fees within the County Fund for Housing (CFH) as may be necessary to avoid commingling as required by law, or as deemed appropriate to further the purposes of the workforce housing fees. The County's use of the workforce housing fees, along with any interest earnings, shall comply with all of the following requirements.
 - a. Workforce housing fees deposited in the CFH, along with any interest earnings, shall be allocated for uses that increase and improve the supply of housing affordable to households of extremely low-, very low-, low-, and moderate incomes, including:
 - (1) The acquisition of property and property rights for the construction of affordable housing; and
 - (2) The cost of construction including costs associated with planning, administration, and design, building or installation, development fees, on- and off-site improvements, and any other costs associated with the planning, predevelopment, permitting, construction and financing of affordable housing.
 - b. Monies may also be used to cover administrative expenses incurred by the Department or the CDC in connection with affordable housing and not otherwise reimbursed through processing and other fees, including:
 - (1) Reasonable consultant and legal expenses related to the establishment and/or administration of the workforce housing fee account;
 - (2) Reasonable expenses for administering the process of calculating, collecting, and accounting for workforce housing fees authorized by this Section; and
 - (3) County and CDC administrative costs for project development, permitting, post-development code compliance, and the ongoing monitoring of affordable housing projects constructed with workforce housing fee trust funds.
 - c. Adequate cost accounting procedures shall be utilized and documented for all of the expenditures.
 - d. No portion of the collected workforce housing fees shall be diverted to other purposes by way of loan or otherwise.
- F. **Alternative equivalent actions.** The Director may, in his or her sole discretion, approve an alternative equivalent action to the provision of the affordable units on site or payment of the workforce housing fee, as follows.
 1. **Scope of alternative proposals.** Proposals for an alternative equivalent action may include:
 - a. The dedication of vacant land (see Subparagraph G. 5, Standards for land dedications); or,
 - b. The construction of affordable rental or ownership units on another site within the unincorporated area of the County;
 - c. The acquisition and enforcement of rental/sales price restrictions on existing market rate dwelling units in compliance with this Article; or
 - d. Employer based programs providing direct subsidy to qualified employees, including mortgage buy-downs or rental assistance that provides long-term affordability.
 2. **Content of proposal.** A proposal for an equivalent alternative action shall show how the requested alternative action will further affordable housing opportunities in the County to an equal or greater extent than the provision of the affordable housing units on site in compliance with Subsection C. (Number of affordable units required), or payment of the workforce housing fee in compliance with Subsection E. (Workforce housing fee).

3. **Review and approval.** Only the Director can approve an equivalent alternative action under this Section. A proposal for an alternative equivalent action may be approved by the Director only if the Director finds that the alternative action will further affordable housing opportunities in the County to an equal or greater extent than the construction of the required affordable units as part of the project or payment of the workforce housing fee.
4. **Performance of alternative action.** After approval by the Director of a proposal for an alternative action, entitlements for that alternative action shall be processed concurrent with the nonresidential projects. If the alternative action includes construction of affordable units on another site or the acquisition and enforcement of rental/sales price restrictions on existing market rate units, an Affordable Housing Agreement in compliance with Subsection 26.89.100 shall be recorded for each of those units before recordation of any final map for, or issuance of any Building Permit within, the nonresidential project, and the affordable units shall be constructed or acquired concurrent with, or before, the construction of the nonresidential project.
5. **Standards for land dedications.**
 - a. **Offers of dedication.** An applicant who proposes to dedicate land located within the unincorporated area of the County in lieu of constructing the affordable units required by this Section shall offer the land dedication as a part of the initial application for project approval. The applicant's offer shall describe the site, shall offer it for dedication at no cost to the County, and shall include a site plan illustrating the feasibility of locating and constructing the number of required affordable units for which the applicant is requesting housing fee credit.
 - b. **Site suitability and appraisal.**
 - (1) The applicant shall provide a site suitability analysis which demonstrates that the land proposed for dedication is suitable for the development of affordable housing in terms of size, location, General Plan land use designation, availability of services, proximity to public transit, adjacent land uses, access to streets and walkways, physical characteristics and configuration, and other relevant planning criteria. Department staff shall evaluate the site suitability analysis, identify the site's projected unit capacity, and recommend to the review authority whether the site should be accepted or conditionally accepted. An environmental evaluation may be required as a part of the site suitability analysis.
 - (2) The applicant shall provide an appraisal of the land proposed for dedication. The appraisal shall be prepared by a qualified land appraiser and shall conform to the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board of the Appraisal Foundation.
 - (3) All County staff costs associated with the determination of site suitability, and all expenses incurred to determine legal status of site, to perform environmental assessments and to obtain an appraisal, shall be borne by the applicant.
 - c. **Number of units credited to dedication of land.** Following review of the appraisal and site suitability analysis, the County shall determine the number of required affordable housing units for which the applicant will receive credit upon dedication of the site.
 - (1) The County will offer to credit the applicant for the land dedication only to the extent that the appraised value of the land to be dedicated equals the full development cost of providing the required affordable units including both land costs and construction costs.
 - (2) If the appraised value of the land is less than the total projected development cost for the number of affordable units required, the applicant will be credited with only the number of affordable units for which development costs are covered by the value of the land.

- (3) The applicant shall agree to provide any remaining affordable units required by this Section on the project site, or to pay the applicable workforce housing fee for the remaining number of required units.
- d. **Procedure for acceptance of site.** The County shall not accept an offer of dedication or approve the proposed nonresidential project until all of the conditions of acceptance of the land, if any, have been completed by the applicant. The County's formal acceptance of the offer of dedication shall take place concurrently with its approval of the nonresidential project. The grant deed dedicating the site to the County, or to a developer of affordable housing approved by the County, shall be recorded before issuance of any Building Permit within the nonresidential project.

(Ord. No. [6223](#), § IV(Exh. D), 5-8-2018; Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-050 - Density Bonus Program

A. **Applicability.**

1. A project that is proposed to provide affordable housing units or to provide land for the affordable housing units, and which meets or exceeds the minimum thresholds of affordability specified below, may request a density bonus in compliance with one of the applicable density bonus programs provided by this Section.
2. Only one density bonus program may be applied to each project.
3. Density bonus programs shall not be applied to General Plan and Zoning Database amendments, but rather may be approved only in conjunction with a development permit (i.e., tentative map, parcel map, Conditional Use Permit, or Design Review).

B. **Application requirements.** The density bonuses provided by this Section shall be granted by the County only after the filing and approval of an application, as follows.

1. **Application filing.** The applicant shall file with the Department an application for a density bonus and other incentives in compliance with this Section either before, or concurrent with, the submittal of an application for discretionary project approval (for example, a tentative map, parcel map, conditional use permit or design review). Modifications to an existing application for a density bonus shall be considered a new application.
2. **Application requirements.** An application shall include all of the following information:
 - a. A detailed development plan and description of the proposed project, including a Housing Proposal in compliance with Subsection 26-89-030.G. (Housing Proposal Required) outlining the number, type, size, tenure, number of bedrooms and proposed affordability level for each and every unit within the development;
 - b. The density bonus program under which the application is filed (e.g., State density bonus program, Supplemental density bonus program, Mixed use project density bonus, Rental Housing Opportunity Area Program, or Ownership Housing Opportunity Program);
 - c. The type of density bonus incentive requested, of those listed in Section 26-89-060 (Affordable Housing Incentives);
 - d. If more than one incentive is requested in compliance with Subsection 26-89-060.B. (Affordable Housing Incentives: Additional Incentives), a statement of why the project is eligible for the additional incentives. Eligibility for the additional incentive may be shown by establishing that the project will provide affordable housing in the percentages specified in Subsection 26-89-060.B.1., that the project meets other Housing Element goals (e.g., provision of housing for seniors, special housing needs individuals, and/or other goals), and/or that the additional incentive is necessary to improve the financial feasibility of the

- development and to allow the applicant to provide additional affordability or affordability for a longer term;
- e. Any alternative incentive being requested in compliance with Subsection 26-89-060.D. (Request for Alternative Incentive), together with a statement as to why, due to the particular characteristics of the project site, the alternative incentive is necessary to provide for affordable housing costs; and
 - f. Any other information deemed necessary by the Director to allow a complete evaluation of the application.
3. **Consideration of application.** An application for a density bonus shall be considered and approved only as an integral part of the County's approval of a discretionary development permit for the project (i.e., at the time of approval of a subdivision, Conditional Use Permit, Design Review, or other required land use permit). The project approval shall identify the density bonus and other incentive(s) that the County has granted the applicant, and any waiver or modification of standards that may have been approved for the project.
- C. **State density bonus program.** In addition to the incentives provided by Section 26-89-060 (Affordable Housing Incentives), a residential project of five or more base units that provides affordable or senior housing, or that provides land for construction of affordable housing, or that provides affordable housing along with child care facilities, or that provides ten percent (10%) of total housing units for transitional foster youth as defined in Section 66025.9 of the Education Code, disabled veterans as defined in Government Code Section 18542, or homeless persons as defined in the federal McKinney-Vento Homeless Assistance Act all as specified below, shall be eligible for a density bonus to allow more dwelling units than otherwise allowed on the site by the applicable General Plan Land Use Map and zone district, in compliance with the following:
1. **Density bonus for on-site construction of very low-income housing.**
 - a. A 20 percent density bonus shall be granted to any housing project of five or more base units that is constructed to provide at least five percent of the base units for very low-income households.
 - b. For each one percent increase in the number of base units provided as affordable to very low-income households above the five percent specified in Subparagraph C.1.a., above, the density bonus shall be increased by two and one-half percent, up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district, as shown in Table 2.
 2. **Density bonus for on-site construction of low-income housing.**
 - a. A 20 percent density bonus shall be granted to any housing project of five or more base units that is constructed to provide at least ten percent (10%) of the base units for low-income households.

STATE DENSITY BONUS PROGRAM AFFORDABILITY AND INCENTIVE SCHEDULE

Table 2: Density Bonus Calculations Single- and Multi-Family Developments		
% Affordable*	% DB**	# Incentives
Low-Income Units		

10	20.0	1
11	21.5	1
12	23.0	1
13	24.5	1
14	26.0	1
15	27.5	1
16	29.0	1
17	30.5	1
18	32.0	1
19	33.5	1
20	35.0	2
30	35.0	3
Very Low-Income Units		
5	20	1
6	22.5	1
7	25	1
8	27.5	1
9	30	1
10	.2.5	2
11	35	2

15	35	3
Moderate-Income		
10	5	1
11	6	1
12	7	1
13	8	1
14	9	1
15	10	1
16	11	1
17	12	1
18	13	1
19	14	1
20	15	2
21	16	2
22	17	2
23	18	2
24	19	2
25	20	2
26	21	2
27	22	2

28	23	2
29	24	2
30	25	3
31	26	3
32	27	3
33	28	3
34	29	3
35	30	3
36	31	3
37	32	3
38	33	3
39	34	3
40	35	3

* The density bonus units shall not be included when determining the number of affordable units required.

** All density calculations resulting in fractional units shall be rounded up to the next whole number.

- b. For each one percent increase in the number of base units provided as affordable for low-income households above the 10 percent specified in Subparagraph C.2.a., above, the density bonus shall be increased by one and one-half percent, up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district, as shown in Table 2, above.
3. **Density bonus for on-site construction of senior housing.** A 20 percent density bonus shall be granted to any housing project that is constructed to provide at least 35 dwelling units for senior households.
4. **Density bonus for construction of moderate income housing in condominium and planned development construction projects.**

- a. A five percent density bonus shall be granted to any condominium project or planned development of five or more base units that is constructed to provide at least 10 percent of the base units for moderate-income households.
 - b. For each one percent increase in the number of base units provided as affordable to moderate income households above the 10 percent specified in Subparagraph C. 4. a., above, the density bonus shall be increased by one percent up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district, as shown in Table 3, above.
 - c. Modifications or waivers of development standards that are approved as part of the condominium or planned development project shall be considered additional incentives in compliance with Subsection 26-89-060.B.
5. **Density bonus for provision of affordable housing in condominium conversion projects.**
 - a. In the case of a condominium conversion, a 25 percent density bonus shall be granted, or other incentives of equivalent financial value shall be offered, if the project is constructed to provide at least:
 - (1) 33 percent of the base units to low- or moderate-income households; or
 - (2) 15 percent of the base units to lower-income households.
 - b. An applicant shall be ineligible for a density bonus or other incentives in compliance with this Subparagraph if the apartments proposed for conversion constitute a housing development for which a density bonus or other financial incentives were previously provided.
6. **Density bonus for donation of land for affordable housing.**
 - a. A 15 percent density bonus shall be granted to a residential project of five or more base units if the project applicant donates land to the County for development of affordable housing in compliance with all of the following:
 - (1) The applicant shall donate and transfer the land no later than the date of approval of the final map, parcel map, or other residential project application, whichever comes first;
 - (2) The developable acreage and zoning classification of the land shall be sufficient to allow construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed project;
 - (3) The transferred land shall:
 - (a) Be at least one acre in size or of sufficient size to allow development of at least 40 units;
 - (b) Have appropriate General Plan and zone district designation for development of affordable housing;
 - (c) Be served by adequate public facilities and infrastructure; and
 - (d) Have appropriate zoning and development standards to make the development of the affordable units feasible.
 - (4) Before transfer of the land, the applicant shall obtain all permits and approvals, except Building Permits, necessary for development of very low-income housing units in compliance with this Subparagraph. At the County's discretion, Design Review may be delayed until after transfer of the land;
 - (5) The transferred land and the affordable units constructed upon it shall be subject to a deed restriction ensuring continued affordability in compliance with Section 26-89-090;

- (6) The land shall be transferred to the County or to a developer of affordable housing approved by the County. The County may, at its discretion, require the applicant to identify and transfer the land to an approved developer; and
 - (7) The transferred land shall be within the boundary of the proposed project or, with the approval of the County, within one-quarter mile of the boundary of the proposed development.
 - (8) A proposed source of funding for the very-low income units shall be identified no later than the date of approval of final subdivision map, parcel map or residential development application.
- b. For each one percent increase above the 10 percent land donation described in Subparagraph C.6.a., above, the density bonus shall be increased by one percent up to a maximum of 35 percent above the maximum density allowed by the General Plan and zone district.

7. Childcare facilities.

- a. If a residential project that meets the minimum State density bonus requirements specified in Subparagraphs C.1 through C.4., above, includes a child care facility on the premises of or adjacent to the project, then the County shall grant either of the following:
- (1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or
 - (2) An additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- b. If a density bonus or additional incentive is granted in compliance with this Subparagraph, the child care facility shall be required:
- (1) To remain in operation for a period of time that is equal to or longer than the period of time during which the density bonus units are required to remain affordable under this Section; and
 - (2) To ensure that, of the children who attend the child care facility, the percentage of children of very low-income households, low-income households, or moderate-income households equals the percentage of dwelling units required for each of those income categories in compliance with Subparagraphs C. 1, C.2, or C.4., above, as applicable.
- c. For purposes of this Subparagraph, a "child care facility" means a child care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.
8. **Combining density bonuses.** The density bonuses specified in Subparagraphs C.1 through C.7., above, may be combined, but shall in no case, except as otherwise provided in this Section, result in an increase in density for the residential project above 35 percent above the maximum density allowed by the General Plan and zone district.

D. County supplemental density bonus program.

1. In addition to the incentives provided by Section 26-89-060 (Affordable Housing Incentives), a residential project of five or more base units shall be eligible for a density bonus of up to 50 percent above the maximum density allowed by the General Plan and zone district, if the project provides a total of:
- a. 10 percent or more of the base units for extremely low-income households;
 - b. 20 percent or more of the base units for very low-income households;
 - c. 30 percent or more of the base units for low-income senior households;

- d. 30 percent or more of the base units for low-income households, with 10 percent or more of those base units provided as fully accessible units for low-income disabled households;
- e. 30 percent or more of the base units for low-income households, with 10 percent or more of those base units provided as large rental units with three or more bedrooms for low-income large family (5 or more persons) households; or
- f. 40 percent or more of the base units for low-income households, or
- g. A state density bonus program-qualifying project for very-low or low-income households that also provides 33 percent or more of the total project units as powered by on-site renewable energy systems capable of generating at least 70 percent of the projected electrical energy demand of the units or results in an equivalent reduction in utility costs; or
- h. 30 percent or more of the base units for low-income households, with 100 percent of the total project units providing at least the 3 basic tenants of universal design (stepless entry and thresholds, complete single floor living area with 32-inch doorways, and environmental controls at accessible heights).

E. Housing Opportunity Program bonuses.

1. **Rental Housing Opportunity Program requirements (formerly Type A).** Rental housing projects consisting of two or more base dwelling units may qualify for the Rental Housing Opportunity program.
 - a. **Rental Housing Opportunity areas established.** Housing opportunity areas for rental housing may be established in locations designated by the General Plan Land Use Maps as:
 - (1) Urban Residential, six to 12 dwelling units per acre, that are zoned R-2 (Medium Density Residential); and,
 - (2) Urban Residential 12 to 20 dwelling units per acre, that are zoned R-3 (High Density Residential).
 - b. **Rental housing project density increase.** A rental project that is allowed two or more dwelling units by the applicable zone district may be constructed at up to twice the base density, provided that a minimum of forty percent (40%) of the total units within the project will be provided as affordable for rent to very low- or low-income households, and further provided that in no case may the total density exceed that shown in Table 4, below.
 - c. **Rental Housing Opportunity development standards.** A rental housing opportunity development shall comply with all of the development standards established by this Development Code for the R3 (High Density Residential) zone district.

Table 4
MAXIMUM ALLOWABLE DENSITY

Density as Shown on Zoning Database Map	Maximum Allowable Density (Rental Housing Opportunity)
6 units per acre	12 units per acre
7 units per acre	14 units per acre
8 units per acre	16 units per acre

9 units per acre	18 units per acre
10 units per acre	20 units per acre
11 units per acre	22 units per acre
12 units per acre	24 units per acre
13 units per acre	26 units per acre
14 units per acre	28 units per acre
15 units per acre	30 units per acre
16 units per acre	32 units per acre
17 units per acre	34 units per acre
18 units per acre	36 units per acre
19 units per acre	38 units per acre
20 units per acre	40 units per acre

2. **Ownership Housing Opportunity Area Program requirements (formerly Type C).** Only residential projects consisting of four or more base dwelling units may qualify for the Ownership Housing Opportunity program,
 - a. **Ownership Housing Opportunity areas established.** Ownership Housing Opportunity areas may be established in locations identified by the General Plan as Urban Residential with a density of two to six dwelling units per acre, and that are zoned R-1 or R-2.
 - b. **Ownership housing project density increase.** An Ownership Housing Opportunity project that is allowed four or more dwelling units by the applicable zone district may be approved for development as a small-lot subdivision at a density of up to eleven (11) dwelling units per acre if:
 - (1) The site is designated by the General Plan Land Use Map with a density of two (2) to six (6) dwelling units per acre;
 - (2) A minimum of twenty percent (20%) of the units are reserved for sale to very low- or low-income households; and
 - (3) The remainder of the units are reserved for sale to low- and moderate-income households.

- c. **Ownership housing development standards.** An ownership housing development shall comply with all of the following standards.
- (1) **Parcel configurations and sizes.** The parcel configurations within an Ownership Housing Opportunity development may include zero lot-line parcels, angled Z lots, zipper lots, flag lots, alternate width parcels, quad lots, and motor court lots. Parcel sizes may range from 2,000 to 6,000 square feet or more. A variety of parcel configurations and parcel sizes shall be provided in a development on any site larger than three acres.
 - (2) **Allowable floor area ratio.** Allowable dwelling size shall be based on parcel area. Actual house sizes, as well as parcel sizes, in a proposed development plan may vary so long as the averages shown in Table 5, below, are maintained. "Dwelling size" refers to the gross living area of the primary dwelling only; storage sheds, garages, carports, covered patios, and decks are not included in the gross living area.

Table 5
DWELLING SIZE

Average Parcel Size	2,000	2,500	3,000	3,500	4,000	4,500	5,000	5,500	6,000
Average House Size	1,000	1,100	1,200	1,300	1,400	1,500	1,600	1,700	1,800

Note: All quantities are in square feet of floor area (can be interpolated).

How to Use the Table. First, determine the average parcel size of the single-family parcels in the proposed development. Next, determine the allowable average dwelling size of the single-family dwellings in the proposed development. The average dwelling size shall not be greater than shown in the table.

- (3) **Subsequent expansions or additions.** Subsequent expansions or additions to dwelling units, if not shown on the development plan, may be allowed in the future only where the proposed expansion is within a designated building envelope shown on the development plan.
- (4) **Setback/yard requirements.** Setbacks and yards shall be provided in compliance with the standards of the R-3 zone district.
 - (a) Setbacks for all proposed and possible future structures or additions shall be designated on the development plan.
 - (b) Front yard setbacks shall be varied.
 - (c) A garage or carport with a vehicle entrance facing the street shall be set back a minimum of 20 feet from the rear of the public sidewalk, or 20 feet from the property or adopted street plan line, whichever is greater.
- (5) **Private open space requirement.** Each dwelling unit or parcel shall be designed to provide a minimum of 400 square feet of usable private open space.
- (6) **Maximum structure height.** The maximum height of structures is 35 feet.
- (7) **Maximum coverage.** Maximum allowable structure coverage is 65 percent. The use of alternative permeable surfaces is strongly encouraged for driveways, walkways, and patios wherever feasible in order to maintain or enhance groundwater absorption and recharge.

- d. **Alternatives to development standards.** An applicant for an Ownership Housing Opportunity project may propose alternatives to the development standards in Subparagraph F.2., above, provided that in no case shall the residential density exceed eleven (11) units per acre. Conditional use permit approval shall be required to authorize alternative development standards. A conditional use permit application for alternative standards shall be processed concurrently with the required design review and subdivision applications.

(Ord. No. [6223](#), § IV(Exh. D), 5-8-2018; Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-060 - Affordable Housing Incentives

A residential project that provides affordable housing onsite in compliance with the affordable housing requirements of Section 26-89-040 (Affordable Housing Requirements), or the requirements of a density bonus program under Section 26-89-050 (Density Bonus Programs), may be granted incentives in compliance with this Section.

- A. **Guaranteed incentives.** The following incentives are guaranteed for each residential project providing on-site affordable housing in compliance with Subsection 26-89-040.C. (Affordable Housing Requirements: Number of affordable units required), Subsection 26-89-050.C. (State density bonus program), Subsection 26-89-050.D. (Supplemental density bonus program), Subsection 26-89-050.E. (Mixed use project density bonuses) or Subsection 26-89-050.F. (Housing Opportunity Area Program bonuses):
 1. "Fast-tracking" of land use permit, subdivision, and construction permit applications for the affordable housing development by all County departments, provided that an affordable rental project shall have priority over an affordable ownership project;
 2. Concurrent processing, where projects require multiple permits or environmental review; and
 3. Preference to affordable housing developments in priority development areas.
- B. **Additional Incentives.**
 1. In addition to the incentives guaranteed under Subsection A, the review authority shall also grant one of the following incentives to each residential project providing on-site affordable housing in compliance with Section 26-89-040.C. (Affordable Housing Requirements: Number of affordable units required), Section 26-89-050.C. (State density bonus program), 26-89-050.D. (Supplemental density bonus program), 26.89.050 E. (Mixed use project density bonuses) or Section 26-89-050.F. (Housing Opportunity Area Program bonuses):
 - a. Elimination of covered parking requirements;
 - b. A 20 percent reduction of any open space requirements;
 - c. A 20 percent reduction of the minimum parcel size or minimum parcel width;
 - d. A five-foot reduction in side yard setbacks and a 10-foot reduction in front yard setbacks, provided that adequate access to light is maintained for all units as determined by Design Review; and further provided that no front yard setback shall be less than 10 feet, no garage shall be set back less than 20 feet, and adequate sight distance is maintained; or
 - e. Allowance of other regulatory incentives or measures that can be shown to result in identifiable and actual cost reductions.
 2. In addition to the incentives guaranteed under Subsection A, the review authority shall grant two incentives under this Subsection B to each residential project that provides:
 - a. 30 percent of the base units for low-income households;

- b. 15 percent of the base units for very low-income households; or
 - c. 30 percent of the base units for moderate income households in a condominium project or planned development.
 3. The review authority may grant two or more incentives under this Subsection if the applicant demonstrates that the development meets other Housing Element goals (e.g., provision of housing for seniors or special housing needs individuals, including the provision of housing meeting Universal Design standards), or provides greater or longer term affordability, or a greater number of affordable units than otherwise required. Incentives provided under this Subsection shall be proportional to the extent to which the project provides for additional affordable and/or special needs housing units and/or child care facilities. In the case of condominiums and planned developments, any waiver or modification of development standards approved for the condominium or planned development project shall be considered incentives under this Subsection.

C. Request for specific incentive.

1. An applicant eligible for an affordable housing incentive under this Subsection may submit a request for a specific incentive under Subsection B. and may request a meeting with the Department to discuss that request. The review authority shall grant the specifically requested incentive unless it finds any of the following:
 - a. The incentive is not required in order to provide for the affordable housing costs or rents as provided in this Section; or
 - b. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5 paragraph (2) of subdivision (d), upon public health or safety or the physical environment or upon any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the project unaffordable to low- and moderate income households.
 - c. The incentive would be contrary to state or federal law.
2. If the review authority finds that it cannot grant the specifically requested incentive, it shall grant a different incentive under Subsection B., which incentive it determines will best enhance the economic feasibility of the project or will allow greater or longer term affordability or a greater number of affordable units.

(Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-070 - Design and Construction Standards

Each housing unit that is constructed to provide affordable housing in compliance with this Article shall comply with all of the following standards.

A. Design and construction.

1. **Timing of construction.** Affordable units shall be constructed concurrently with the other units in the project. Where construction phasing is necessary, each phase shall provide the same ratio of lower-or moderate income units to the market rate or other unrestricted units in the phase as that required for the development as a whole.
2. **Location within overall development.** Affordable units shall be integrated into the overall project design and distributed throughout the development.
3. **Unit size.**
 - a. The average floor area of the affordable units shall be at least 75 percent of the average floor area of the other units in the development.

- b. The mix of unit sizes and numbers of bedrooms in the affordable units shall be similar to the mix of unit sizes and bedroom counts provided in the development as a whole; except that the affordable units may have less floor area than the market rate units to assist in achieving affordability, provided the units comply with the average floor area requirement in Subparagraph A. 3. a., above.

4. **Amenities.**

- a. **Interior amenities.** To assist in achieving affordability, affordable units may have fewer interior amenities than the market rate units in the development.
- b. **Exterior appearance.** Exterior appearance and quality of the affordable units shall generally be similar to the market-rate units, with exterior materials and appointments similar to, and architecturally compatible with, the market-rate units in the development.
- c. **Upgrades.** A developer shall not offer upgrades of materials to renters or buyers of affordable dwelling units where the upgrades would increase the total price paid by the buyer to the developer, or total rent paid by the tenant, for the affordable dwelling unit to above the specified affordable rent or sales price.

(Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-080 - Ownership Unit Occupancy and Long-Term Restrictions

Each affordable ownership unit constructed in compliance with this Article shall comply with all of the requirements of this Section.

A. **Ownership unit occupancy requirements.**

- 1. **Eligibility requirements.** An affordable housing unit shall be sold, and to the extent required by Subsection D (Affordable Housing Agreement required), resold, only to a household certified by the CDC as extremely-low, very low-, low-, or moderate-income, and where applicable as a senior, disabled or large family household, as designated by the terms of project approval, and which also complies with all of the following requirements.
 - a. The purchaser shall be an eligible household as defined by the CDC and specified in the Sonoma County Affordable Housing Program Homeownership Policies, available at the offices of the CDC.
 - b. The purchaser shall reside in the unit as their principal residence and may not rent the unit in its entirety to another party.
- 2. **Buyer certification and selection.** Affordable housing units shall be sold, and to the extent required by Subsection D. below resold, only to households certified by the CDC as satisfying eligibility requirements specified in Subparagraph A. 1., above, and in compliance with all of the following procedures:
 - a. Initial buyers eligible to purchase affordable housing units shall be selected by the developer in compliance with a marketing program approved, in advance, by the Executive Director of the CDC. Subsequent buyers shall be selected by the CDC in compliance with the Sonoma County Affordable Housing Program Homeownership Policies, available in the offices of the CDC.
 - b. The marketing program shall identify and detail an equitable selection process to be used for the marketing and sale of the affordable units.
 - c. Selection criteria may include household income and assets, household size, and, in cases where units are dedicated for low-income senior, disabled, or large family households, the size or special needs features of the available unit(s).

3. **Preferences.** Preference in the sale of affordable housing units shall be given first to persons currently employed in the County, and then to current County residents, to the extent allowed by law.
- B. **Ownership units - sales price restrictions.** Affordable ownership units as designated in the terms of project approval shall be offered at sales prices that are considered affordable to very low-, low-, or moderate-income households, as applicable, as defined in Section 26-02-140. CDC shall calculate sales prices for each of these income categories in compliance with the Sonoma County Affordable Housing Program Homeownership Policies, available at the offices of the CDC.
- C. **Affordable Housing Agreement required.**
1. The CDC shall record an Affordable Housing Agreement with the eligible buyer concurrently with the recording of each grant deed transferring title to an affordable unit subject to this Section to an eligible household. The Affordable Housing Agreement shall provide the CDC, for the term specified in Subparagraph D.5., below, with a first right to purchase the unit upon resale in compliance with the Sonoma County Affordable Housing Program Homeownership Policies, available at the offices of the CDC.
 2. The Affordable Housing Agreement shall permit CDC to assign its rights to purchase the unit under the Agreement to an eligible buyer to purchase the unit.
 3. In all cases where the CDC exercises or assigns its rights to purchase the unit, the unit shall be conveyed to or purchased by an income-eligible buyer in compliance with the designation of the unit in project approvals and as determined by the CDC in compliance with the Sonoma County Affordable Housing Program Homeownership Policies, available at the offices of the CDC.
 4. The Affordable Housing Agreement shall contain provisions further restricting the resale of an affordable ownership unit to the extent required by the Sonoma County Affordable Housing Program Homeownership Policies, available at the offices of the CDC.
 5. The Affordable Housing Agreement for each affordable ownership unit shall reserve the unit for purchase by the CDC or its assignee and for resale only to eligible households, as defined by this Section and the project approvals, for a minimum term of 30 years, or for a longer time if required by the project approvals, construction or mortgage financing assistance program, or mortgage insurance program. A new term shall commence on the recording date of each new Affordable Housing Agreement recorded concurrently with a grant deed transferring title of the designated unit to an eligible household.
- D. **Alternative financing programs and affordability guarantees.**
1. Where the Executive Director of the CDC determines, after consultation with County Counsel, that one or more Federal, State, and/or local financing programs applicable to a project will achieve results that are equivalent to, or more restrictive than the affordability and/or financing requirements of this Section and the Sonoma County Affordable Housing Program Homeownership Policies, and that the financing programs otherwise comply with applicable Federal, State and local laws, the Executive Director may authorize the relevant provisions of those programs to replace or supersede the affordability and/or financing requirements of this Section and the Sonoma County Affordable Housing Program Homeownership Policies.
 2. When authorized by the Executive Director of the CDC in compliance with Subparagraph D.1., the Affordable Housing Agreement required by Section 26-89-100 for a project shall incorporate the affordability and/or financing provisions of the relevant Federal, State, and/or local programs, that will replace the corresponding or similar requirements of this Section and the Sonoma County Affordable Housing Program Homeownership Policies. The CDC shall record an Affordable Housing Agreement in compliance with Subsection C., above, for each unit sold under this Subsection (D).

- E. **Administrative fees.** The CDC may collect an administrative fee, as the Board may establish from time to time, at close of escrow of the sale and resale of each affordable ownership unit, to recover the costs of its obligation under this Section.

(Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-090 - Rental Unit Occupancy and Long-Term Restrictions

Each affordable rental unit constructed in compliance with this Article shall comply with all of the requirements of this Section.

A. **Rental unit - occupancy requirements.**

1. **Eligibility requirements.**

- a. No household shall be allowed to occupy an affordable rental unit constructed in compliance with this Article unless the annual household income, adjusted for household size, is equal to or less than:
- (1) 30 percent of median income for the County, for units restricted to extremely low-income households;
 - (2) 50 percent of median income for the County, for units restricted to very low-income households; and
 - (3) 80 percent of median income for the County, for units restricted to low-income households.

2. **Tenant certification and selection.** Affordable rental units shall be rented only to households meeting the eligibility requirements of Subparagraph A. 1., above, and in compliance with all of the following procedures.

- a. Renters eligible to rent the affordable units shall be selected by the developer or owner in compliance with a tenant selection and marketing program approved, in advance, by the Executive Director of the CDC.
- b. At least once annually and no more often than semi-annually, owners of affordable rental units shall provide to the CDC compliance reports on forms provided or approved by CDC, certifying that all tenants occupying the designated rental units are eligible under the terms of this Section and the Affordable Housing Agreement applicable to the development.

3. **Preferences.** Preference in the rental of affordable housing units shall be given first to persons currently employed in the County, and then to current County residents, to the extent allowed by law.

B. **Affordable rental unit restrictions.** Each affordable rental unit shall be offered at a rent level that is considered affordable to extremely low-, very low- or low-income households, as established annually by the Executive Director of the CDC based upon income limits that the U.S. Department of Housing and Urban Development (HUD) issues annually for the County. A utility allowance will be deducted from the maximum affordable rent so that monthly housing costs (rent plus tenant-paid utilities) are equal to or less than:

1. For units restricted to low-income households, 30 percent of 60 percent of median area income, as established annually by HUD, adjusted for assumed household size;
2. For units restricted to very low-income households, 30 percent of 50 percent of median area income, as established annually by HUD, adjusted for assumed household size; and
3. For units restricted to extremely low-income households, 30 percent of 30 percent of median area income, as established annually by HUD, adjusted for assumed household size.

- D. **Term of rental restrictions - minimum term for continued affordability.** Each required affordable rental unit shall be reserved for eligible extremely low-, very low- or low-income households, and as applicable to senior, disabled, and large family households, at the applicable affordable rent for a minimum of 55 years (30 years for a Government Code 65915 project without financing assistance), or for a longer time if required by the project approvals, construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, or as otherwise allowed by law. The affordability term shall commence on the date of issuance of the Certificate of Occupancy for the affordable unit.
- E. **Rental unit monitoring.** The CDC shall monitor the rental of affordable units for compliance with the Affordable Housing Agreement and the provisions of this Article. On an annual basis, the owner shall pay to the CDC a fee for monitoring each unit subject to the Affordable Housing Agreement, which fee shall be established by resolution of the Board of Directors of CDC from time to time.

(Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Sec. 26-89-100 - Affordable Housing Agreements

The obligations assumed by an applicant or property owner in exchange for subsidies or incentives for the construction of affordable housing in compliance with this Article shall be secured by a recorded Affordable Housing Agreement executed by the property owner and by the CDC on behalf of the County, and recorded before the recordation of a final map or issuance of a Building Permit, whichever occurs first.

- A. **Review and approval.** Subject to review and approval by County Counsel as to form, the Executive Director of the CDC is authorized to sign and record Affordable Housing Agreements required by this Section and to sign and record documents subordinating Affordable Housing Agreements to acquisition, construction, bridge, and long-term permanent financing associated with the development of the project in which the affordable units will be located.
- B. **Agreement contents.** An Affordable Housing Agreement shall contain provisions that implement all requirements of Chapter 26, as applicable to the specific project. The agreement shall also include the following provisions, and/or any additional requirements required by the review authority.
 - 1. **Occupancy standards.** The agreement shall include provisions that specify:
 - a. Income eligibility criteria for defining housing unit affordability;
 - b. The actual affordable sales prices or rents for affordable units, as determined by the CDC in accordance with this Article. The agreement shall also provide that the CDC may from time to time revise the sales prices and rent limits in response to changes in income limits, monthly housing costs, and the real estate market. Monthly housing costs for affordable ownership units shall include mortgage payments, property taxes, homeowners insurance and, as applicable, homeowner's association dues and private mortgage insurance. Monthly housing costs for affordable rental units shall include the rent plus any tenant-paid utilities;
 - c. Criteria for the certification and selection of buyers or renters, as applicable. Selection criteria may include the amount of household income and assets, household size, and the size or other special needs features of units reserved for senior, disabled or large family households; and
 - d. A fair and equitable marketing and buyer or tenant selection process submitted by the applicant and approved in advance by the Executive Director of the CDC, to ensure the selection of eligible buyers or tenants.
 - 2. **Sale, resale and rental restrictions.** The agreement shall include provisions that specify:

- a. A guarantee of sale or rent and continuing availability of all units designated as moderate income units to eligible moderate income households, and a guarantee of sale or rent and continued affordability of all units designated as affordable to low-, very low-, and extremely low-income households to eligible low-, very low- or extremely low-income households for a minimum of 30 years or as otherwise provided by this Article, or for another term as may be authorized by the project approvals and allowed by law;
 - b. A provision restricting the sale of all affordable ownership units to eligible buyers as defined by the CDC in accordance with this Article and specified in the Sonoma County Affordable Housing Program Homeownership Policies, available at the offices of the CDC; and
 - c. A provision that the sale of a dwelling designated as affordable to a moderate, low- or very low-income household shall include an assignable Affordable Housing agreement granting the CDC the first right of refusal to purchase the unit at the time of subsequent sale as specified in the Sonoma County Affordable Housing Program Homeownership Policies.
3. **Fees.** The agreement shall include a provision that the CDC and the Department receive all applicable fees as may be established by resolution of the CDC or Board from time to time, including but not limited to monitoring fees for rental units and administrative fees at sale and resale of ownership units subject to this Article.
 4. **Enforcement and recovery of costs.** The agreement shall include a provision that provides for enforcement of the agreement by the County and/or the CDC and that entitles the County and the CDC to recover reasonable attorney's fees (including County Counsel fees), investigation and litigation expenses, and any related staff costs associated with enforcing the Agreement.

(Ord. No. [6129](#), § IIIB(Att. C), 8-18-2015; Ord. No. 6085, § IV(Exh. C), 10-7-2014)

Article 90. - Local Area Development Guidelines.^{[\[15\]](#)}

Footnotes:

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Editor's note— Ord. No. 6057, § III(a), Exh. A, adopted Feb. 4, 2014, repealed the former Art. 90, §§ 26-90-005—26-90-050, and enacted a new article as set out herein. The former Art. 90 pertained to similar subject matter and derived from Ord. No. 4643, adopted in 1993; Ord. No. 5120, adopted in 1998; Ord. No. 5132, § 4, adopted in 1999; Ord. No. 5676, § 1, adopted in 2006; Ord. No. 5920, § I, adopted Dec. 14, 2010; Ord. No. 5921, § I, adopted Dec. 14, 2010; and Ord. No. 5935, § I, adopted May 10, 2011.

Sec. 26-90-010. - Purpose.

Purpose. The purpose of these guidelines and standards are to implement General Plan Land Use Element policies and programs to protect and enhance the unique character of specific unincorporated communities and areas, as designated by the Board, while allowing for land uses and development authorized in the General Plan Land Use Element. This division provides a greater level of detail for the desired character of development in a local area.

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

Sec. 26-90-020. - Applicability.

(a) Applicable Areas. The provisions of this division apply within the boundaries of the following local areas of the LG (Local Guidelines) combining zone in the Zoning Database:

- (1) Canon Manor West (LG/CMW).
- (2) Glen Ellen (LG/GE1), (LG/GE2).
- (3) Highway 116 Scenic Corridor (LG/116).
- (4) Penngrove Main Street (LG/PNG).
- (5) Russian River Corridor (LG/RRC).
- (6) Sebastopol Road Urban Vision Plan (LG/SVP).
- (7) The Springs, Highway 12 (LG/SPR).
- (8) Taylor/Sonoma/Mayacamas Mountains (LG/MTN).

(b) Applicable Projects. Within the LG zone, provisions of this division apply to the following types of projects:

- (1) Discretionary Projects. This division applies to each proposed development and new land use that is subject to a discretionary land use permit under this Development Code; and
- (2) Ministerial Projects. This division applies to each building permit or other ministerial permit, unless an exemption is contained in the section herein specific to that local area.

The table below summarizes the permit requirements of each area:

Local Area Development Guideline	Exempt Projects	Design Review Permit			Planning Clearance
		Ministerial Projects (building permits) for exterior modification or new structures	Discretionary Projects (use permits, subdivision, design review as otherwise required by code)	Public Projects	Building Permit for new dwelling or sewer/water connection
Canon Manor West		No	No		Yes
Glen Ellen Subarea 1		Yes	Yes		
Glen Ellen Subarea 2		No	Yes		
Highway 12/ The Springs		Yes	Yes	Yes	

Hwy 116	Discretionary projects not visible from hwy	No	Yes	Yes	
Penngrove Main Street		Yes	Yes	Yes	
Russian River Corridor	Dwellings of 3 or less units	Yes	Yes		
Sebastopol Road Urban Vision Plan		Yes	Yes	Yes	
Taylor/Sonoma/Mayacamas Mountains	-Accessory structures not requiring a building permit -Ag structures -Ag employee housing -Structures not visible from public roads	Yes	Yes		

(c) In the event of conflict. In the event of any conflict between the provisions of this Division and other requirements of this Development Code, the provisions of this Division shall control.

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

Sec. 26-90-030. - Adoption/amendment of Local Area Guidelines and Standards.

New Local Area Guidelines and Standards and amendments shall be reviewed and approved in compliance with Chapter 26, Article 96 (Zoning Code Amendments). Concurrent with the establishment of any new Local Area Guidelines and Standards area, all subject properties shall be rezoned to the LG (Local Guidelines) combining zone with an appropriate title and suffix referencing specific area. Local Area Guidelines and Standards shall be listed in Chapter 26, Article 63 (Local Guidelines Combining Zone).

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

Sec. 26-90-040. - Permit requirements for all Local Area Guidelines and Standards.

- (a) Design and Site Plan Review Required. Unless specifically exempt within this Division, each discretionary land use permit and ministerial permit that results in exterior modifications or new development within a LG (Local Guidelines) combining zone shall be reviewed and approved in compliance with Chapter 26, Article 82 (Design Review), and a Design and Site Plan Review or Administrative Design and Site Plan Review Permit shall be required prior to construction permit issuance to implement the provisions of the applicable Local Area Guidelines and Standards. This design and site plan review requirement is in addition to any other required permits (Building Permit, Zoning Permit, Conditional Use Permit, Subdivision, etc.).
- (b) Review Authority. The review authority shall be the highest review authority designated by Section 26-92-060 (Concurrent Processing of Related Applications). Where only a Building, Grading, or Drainage Permit is required, the Director shall be the review authority for the Administrative Design Review.

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

Sec. 26-90-050. - Canon Manor West (CMW).

- (a) Purpose. The purpose of the Canon Manor West Subdivision Local Area Guidelines and Standards is to implement water conservation mitigation measures required with the formation of a sewer and water assessment district for the Canon Manor West area.
- (b) Additional Permit Requirements or Exemptions. Only a Planning Clearance is required for the following ministerial actions require compliance with this Division prior to connection, permit final or resale, with the water conservation standards of Subsection (c) herein:
 - (1) Connection to sewer and/or water.
 - (2) A Building Permit for:
 - a. Construction of a new dwelling; or
 - b. Major renovation (more than thirty percent (30%) increase in square footage based on linear footage of altered walls method (Department Policy 9-2-29) of an existing home (a Building Permit and inspection is required).
 - (3) The resale of an existing dwelling:
 - a. Before sale the seller shall perform a water system audit utilizing the approved form provided by the Department and repair leaks as necessary. This is a self-monitoring process and does not require a Building Permit or inspection; and
 - b. Owners shall file the water system audit with the Department and the records shall be maintained in the well and septic files for the subject property.
- (c) Standards. The standards of this section are limited to the following water conservation measures:
 - (1) Low flush toilets (1.6-gallon or less) (installation of a toilet requires a Building Permit);
 - (2) Low-flow showerheads (2.5 gallons per minute (gpm) or less); and
 - (3) Low-flow faucet aerators (2.2 gpm or less); or
 - (4) If the dwelling is already equipped with low flush toilets, replace leaking toilet flappers as needed.
- (d) Boundaries. The standards of this Section apply to all properties within the boundary shown in the Zoning Database as being within the LG/CMW (Local Guidelines/Canon Manor West) combining zone.

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

Sec. 26-90-060. - Glen Ellen Development and Design Guidelines (GE1) (GE2).

- (a) Purpose. The purpose of the Glen Ellen Development and Design Guidelines is to direct development in a way that the character of Glen Ellen is enhanced and its rural character and scenic quality are maintained. The design guidelines encourage the use of forms and materials that are human in scale.
- (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) Ministerial projects within the Glen Ellen Subarea 2 are exempt from the provisions of the Glen Ellen Design Guidelines.
- (c) Standards. Applicable development shall be reviewed and approved in compliance with the most current version of the Glen Ellen Development and Design Guidelines on file at the Permit and Resource Management Department.
- (d) Boundaries. The standards of this section apply to all properties within the boundary shown in the Zoning Database as being within the LG/GE1 (Local Guidelines Glen Ellen Subarea 1) or LG/GE2 (Local Guidelines/Glen Ellen Subarea 2) combining zone.

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

Sec. 26-90-070. - Highway 116 Scenic Corridor (116).

- (a) Purpose. The purpose of the Highway 116 Scenic Corridor Study is to provide for the protection and enhancement of the scenic corridor along State Route 116 in Sonoma County.
- (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) Projects that require only ministerial approval, such as building permits, are exempt from the requirements of this section.
 - (2) Discretionary projects within the Highway 116 Scenic Corridor Study boundary, but not visible from Highway 116 are exempt from the requirements of this section upon approval of a Zoning Permit with sufficient documentation to verify that the project would not be visible from Highway 116.
 - (3) As authorized by the Scenic Highway 116 Guidelines, Cal-trans highway projects, County public works projects, and public utility projects shall use the Scenic Highway 116 Guidelines protective measures in the design and construction of public projects in the Scenic Highway 116 boundaries.
- (c) Standards. Applicable development shall be reviewed and approved in compliance with the most current version of Sonoma Highway 116 Scenic Highway Corridor Study on file at the Permit and Resource Management Department.
- (d) Boundaries. The guidelines established by this Section apply to all properties shown in the Zoning Database as being within the LG/116 (Local Guidelines/Highway 116 Scenic Corridor) combining zone.

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

Sec. 26-90-080. - Penngrove Main Street (PNG).

- (a) Purpose. The purpose of the Penngrove Main Street Design Guidelines is to preserve the historic resources and traditional character of Penngrove's Main Street and promote a walkable, mixed-use, and economically viable commercial zone.
- (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) Public and private improvements within and adjacent to the public street right-of-way shall comply, unless otherwise approved by the Board.
 - (2) Signage and exterior lighting shall comply.
 - (3) Historic structures identified in the Sonoma County Historic Resources Inventory and sites in the HD (Historic) combining zone require review by the Sonoma County Landmarks Commission or designated Landmarks Commission staff in compliance with Chapter 26, Article 82 (Design Review) and Article 68 (Historic District), and such review shall occur concurrently with the Design Review or Administrative Design Review Permit.
- (c) Standards. Applicable development shall be reviewed and approved in compliance with the most current version of the Penngrove Main Street Design Guidelines on file at the Permit and Resource Management Department.
- (d) Boundaries. The standards of this Section apply to all properties within the boundary shown in the Zoning Database as being within the LG/PNG (Local Guidelines/Penngrove) combining zone.

Sec. 26-90-090. - Russian River Corridor (RRC).

- (a) Purpose. The purpose of the Russian River Design Guidelines is to provide clear, concise design guidance in order to preserve and enhance the built environment of the Russian River area and to promote new development that respects the context of its unique setting and is appropriately integrated into the fabric of the existing community.
- (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) Signage and exterior lighting shall comply.
 - (2) Single family and multi-family ministerial projects of 3 or less units are exempt from the provisions of the Russian River Corridor Design Guidelines, unless the site contains historic resources listed in subsection (b)(3) below.
 - (3) Historic resources identified in the Russian River Corridor Appendix B (Historic Resources), the Sonoma County Historic Resources Inventory, and sites in the HD (Historic) combining zone require review by the Sonoma County Landmarks Commission or designated Landmarks Commission staff in compliance with Chapter 26, Article 82 (Design Review), and such review shall occur concurrently with the Design Review or Administrative Design Review Permit.
- (c) Standards. Applicable development shall be reviewed and approved in compliance with the most current version of the Russian River Corridor Design Guidelines on file at the Permit and Resource Management Department.
- (d) Boundaries. The standards of this Section apply to all properties within the boundary shown in the Zoning Database as being within the LG/RRC (Local Guidelines/Russian River Corridor) combining zone.

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

Sec. 26-90-100. - Sebastopol Road Urban Vision Plan (SRV).

- (a) Purpose. The Sebastopol Road Urban Vision Plan advocates mixed use development along the Sebastopol Road corridor, with new structures placed at the edge of the public sidewalk and parking

located behind the structure(s). The purpose of the Sebastopol Road Urban Vision Plan is to provide design parameters for current and new land uses to meet the following objectives:

- (1) Stimulate economic revitalization.
 - (2) Provide more green spaces.
 - (3) Facilitate pleasant and safer pedestrian connectivity.
 - (4) Help decongest traffic.
 - (5) Provide public spaces for socializing.
- (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) Public and private improvements within and adjacent to the public street right-of-way shall comply, unless otherwise approved by the Board.
- (c) Standards. Applicable development shall be reviewed and approved in compliance with the most current version of the Sebastopol Road Urban Vision Plan on file at the Permit and Resource Management Department.
- (d) Boundaries. The standards of this Section apply to all properties within the boundary shown in the Zoning Database as being within the LG/SRV (Local Guidelines/Sebastopol Road Urban Vision Plan) combining zone.

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

Sec. 26-90-110. - The Springs Highway 12 (SPR).

- (a) Purpose. The purpose of the Springs Highway 12 Design Guidelines is to provide a vision and design standards that will lead to the beautification of the Highway 12 Corridor linking the communities of Fetters Hot Springs, Agua Caliente, Boyes Hot Springs and El Verano - collectively referred to as "The Springs."
- (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) Signage and exterior lighting shall comply.
 - (2) Public and private improvements within and adjacent to the public street right-of-way shall comply, unless otherwise approved by the Board.
- (c) Standards. Applicable development shall be reviewed and approved in compliance with the most current version of The Springs Highway 12 Design Guidelines on file at the Permit and Resource Management Department.
- (d) Boundaries. The standards established by this Section applies to any parcel with frontage on Highway 12 from its intersection at Verano Avenue, north, to its intersection at Agua Caliente Road, and shown in the Zoning Database as being within the LG/SPR (Local Guidelines/The Springs Highway 12) combining zone.

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

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)

Article 92. - Administrative and Public Hearing Procedures.

Sec. 26-92-010. - Zoning permit—When required.

Zoning permits shall be required for all buildings and structures erected, constructed, altered, repaired or moved in or into any district established by this chapter, 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 chapter.

(Ord. No. 4643, 1993.)

Sec. 26-92-020. - Same—Issuance.

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

(Ord. No. 4643, 1993.)

Sec. 26-92-030. - Indemnification of county.

- (a) At the time of submitting an application for a discretionary approval which is the subject of this chapter, the applicant shall agree, as part of the application, to defend, indemnify and hold harmless the county and its agents, officers, attorneys and employees from any claim, action or proceeding brought against the county or its agents, officers, attorneys or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, appeal boards or board of supervisors, which action is brought within the applicable statute of limitations. The indemnification shall include damages awarded against the county, if any, costs of suit, attorney fees and other costs and expenses incurred in connection with such action.
- (b) In the event that a claim, action or proceeding discussed in subsection (a) is brought, the county shall promptly notify the applicant of the existence of the claim, action or proceeding and will cooperate fully in the defense of such claim, action or proceeding. Nothing set forth in this section shall prohibit the county from participating in the defense of any claim, action or proceeding if the county elects to bear its own attorney fees and costs and defends the action in good faith.

(Ord. No. 4643, 1993.)

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

- (a) Except as provided in Section 1-7.3 of this code and subsection (d) of this section 26-92-040, the board of zoning adjustments or the planning commission, as appropriate, after notice as provided in this chapter, shall hear and decide on applications for use permits, applications for variances, and appeals from any order, requirement, permit, decision or determination made by any administrative official of the county in connection with the administration of this chapter.
- (b) Any interested person may appeal any administrative order, requirement, permit, or determination made by the planning director pursuant to this chapter to the board of zoning adjustments or the planning commission, as appropriate. An appeal shall be filed in writing with the planning director within ten (10) days after the decision that is the subject of the appeal; provided, however, that the county may still revoke any erroneously issued permit or entitlement even after the expiration of the ten-day appeal period. The appeal shall specifically state the basis for the appeal and shall be accompanied by the required filing fee.
- (c) In case of uncertainties by the permit and resource management department as to whether certain uses are permitted in certain districts, the department may refer such questions to the board of zoning adjustments or planning commission, as appropriate, for decision.
- (d) The planning director may waive the requirement for a public hearing and approve, conditionally approve, or deny use permit applications that meet one or more of the following criteria, provided, that subsequent to public noticing procedures pursuant to section 26-92-050, no timely, written, and signed requests for public hearing are received. If the application does not meet any of the following criteria, or if a timely, written, and signed request for public hearing is received, the item shall be

noticed for a hearing before the board of zoning adjustments and the board of zoning adjustments may approve, conditionally approve, or deny the application as otherwise provided in this section:

- (i) Off-site impacts to adjacent properties would be insignificant because of the location of the site, large parcel sizes in the vicinity, or proposed siting of the use relative to neighboring residences.
- (ii) The project either qualifies for a CEQA exemption or Negative Declaration/Mitigated Negative Declaration.
- (iii) Due to the site's location, the provision of water and wastewater disposal can be accommodated with no significant impact to the environment or surrounding properties.
- (iv) The project involves a minor expansion on a site that has no active enforcement action.
- (v) There is no evidence that the project would be controversial, detrimental to properties or residents in the vicinity, or contribute incrementally to any significant environmental impact in the local region.

(Ord. No. 5933, § II(k), 5-10-2011; Ord. No. 5537 § 2(d), 2004: Ord. No. 4909 § 3, 1995: Ord. No. 4643, 1993.)

Sec. 26-92-050. - Same—Notice.

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

(Ord. No. 4643, 1993; Ord. Nos. 2684 and 2936, § VII.)

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

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

- (a) The Sonoma County planning commission may, at the same meeting that it acts upon an application within its jurisdiction, act on a related application which would otherwise be decided by the board of zoning adjustments.
- (b) All applications made pursuant to Chapter 25 of the Sonoma County Code which are accompanied by an application for a rezoning, specific plan amendment or general plan amendment shall be heard by the planning commission; the planning commission shall make its recommendation to the board of supervisors in connection with such rezoning or plan amendment and all related applications and, after considering such recommendation, the board of supervisors shall be the decision-making body for all such related applications.
- (c) Where the board of supervisors takes original jurisdiction over an application made pursuant to Chapter 25 it may, at the same time, assume direct jurisdiction over a related approval required

pursuant to this chapter, except in those cases where state law requires the planning commission to hear and make a recommendation on such related approval.

- (d) Applications for extensions or modifications of development projects originally approved pursuant to this section may be acted upon by any decision making body which would otherwise have jurisdiction over the type of extension or modification which is sought.

(Ord. No. 4643, 1993; Ord. No. 3753.)

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

Use permits may be issued by the board of zoning adjustments for any of the uses for which such permits are required by this chapter, except in the PC district.

(Ord. No. 4643, 1993.)

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

- (a) 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, comfort or general welfare of persons residing or working 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 chapter and may require such guarantees and evidence that such conditions are being or will be complied with.

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

(Ord. No. 5537 § 2(e), 2004; Ord. No. 4643, 1993.)

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

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

- (a) Finding required by Section 26-92-050(a);
- (b) The conversion of the rental mobile home park to an alternate land use is consistent with the county's general plan, and either:
 - (1) Adequate replacement rental housing in other mobile home parks is available for displaced mobile home park tenants and any adverse impacts of the conversion, closure or cessation of use on the ability of displaced mobile home park tenants to find adequate rental housing in a mobile home park have been mitigated, or
 - (2) There exists land which is presently zoned and approved for development which will allow replacement housing for displaced mobile home park tenants;

- (c) A relocation plan has been submitted which mitigates the adverse impacts of the displacement of low-and moderate-income individuals or households for a reasonable transition period and mitigates the adverse impacts of long-term displacement.
- (d) An adequate impact report has been prepared and filed pursuant to Government Code, Sections 65863.7 and 66427.4 and Civil Code Section 798 et seq.

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

(Ord. No. [6247](#), § II(Exh. J), 10-23-2018)

Editor's note— Ord. No. [6247](#), § II(Exh. J), adopted Oct. 23, 2018, repealed the former § 26-92-090, and enacted a new section as set out herein. The former § 26-92-090 pertained to similar subject matter and derived from Ord. No. 4643, adopted in 1993.

Sec. 26-92-100. - Variances generally.

- (a) Whenever, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings which are unique to the subject property alone, where the strict application of this chapter is bound to deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification, a variance may be granted. Justification for such a variance shall be based solely on comparative information describing the disparities between the subject property and surrounding properties and the burden of demonstrating that the above requirements are met shall be the responsibility of the applicant.
- (b) 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 subsection (a) of this section apply to the variance sought. As a part of such findings, the board shall set forth such conditions, if any, as are necessary to obtain compliance with the provision of such subsection. Following the aforesaid hearings, the board of zoning adjustments shall make its determination on the matter within sixty (60) days after the hearing is closed. Failure of the board of zoning adjustments to reach a decision on the matter within sixty (60) days after the hearing is closed shall constitute a denial of the request by the Board.

(Ord. No. 4643, 1993.)

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

Subject to the right of appeal as provided in this chapter, the decision of the board of zoning adjustments shall be final ten (10) days after the board of zoning adjustments renders its decision.

(Ord. No. 5537 § 2(f), 2004: Ord. No. 4643, 1993.)

Sec. 26-92-120. - Revocation generally.

- (a) Whenever in the opinion of the planning director or of the board of zoning adjustments a condition of any permit issued pursuant to this chapter has been violated, or that the use constitutes a nuisance, the planning director shall cause a hearing to be held before the board of zoning adjustments on the matter of the revocation or modification of such permit. The hearing shall be noticed in accordance with this chapter and shall require the owner to appear at the noticed time and place and show cause why such permit should not be revoked or modified.

- (b) If, after the hearing, the board of zoning adjustments finds that there has been or will be a substantial failure to fulfill one or more of the conditions of the permit or that exercise of the use constitutes a nuisance, the board may either revoke the permit or modify it in such a manner as to secure the goals of Section 26-92-080.

(Ord. No. 4643, 1993.)

Sec. 26-92-130. - Revocation for failure to use or for abandonment of use.

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

(Ord. No. 5933, § II(1), 5-10-2011; Ord. No. 4643, 1993.)

Sec. 26-92-140. - Revocation—Notice.

- (a) At least ten (10) days' written notice of all hearings required by Sections 26-92-120 and 26-92-130 shall be given by the planning director through the United States mails to the owners of the property that is the subject of the permit.
- (b) The planning director may give such additional notice as he deems necessary to secure a fair hearing.

(Ord. No. 4643, 1993.)

Sec. 26-92-150. - Permit conditions as violations of this chapter.

It is unlawful, prohibited and a violation of this chapter to violate any term or condition of any permit or approval granted or issued pursuant to this chapter. Any person whether as principal, agent, employee or otherwise, violating any such term or condition shall be subject to the sanctions provided in Section 26-92-260.

(Ord. No. 4643, 1993.)

Sec. 26-92-155. - Original jurisdiction.

This section provides the procedures for the board of supervisors, upon its own initiative, to exercise original jurisdiction over applications filed pursuant to this chapter.

- (a) Request to Exercise Original Jurisdiction. Any member of the board of supervisors may request the board to exercise original jurisdiction over any application filed pursuant to this chapter, except in cases where state law requires a recommendation of the planning commission prior to action by the board on the matter.
- (b) Timing and Form of Request to Exercise Original Jurisdiction. A request to exercise original jurisdiction shall be made orally at a board of supervisors meeting, or filed in writing with the clerk of the board, prior to any decision by a lower level decision maker approving or denying the subject application. A request to exercise original jurisdiction need not state the reasons for the request.

- (c) Effect of Request to Exercise Original Jurisdiction. A request to exercise original jurisdiction shall stay any proceedings of lower level decision makers until the board of supervisors takes action in compliance with subsection (d) of this section.
- (d) Consideration of Request to Exercise Original Jurisdiction. A request to exercise original jurisdiction shall be considered by the board of supervisors at a public meeting. Notice of the meeting shall be given, and the meeting shall be conducted, in compliance with applicable law.
 - (1) If the board of supervisors approves the request to exercise original jurisdiction, the board shall assume jurisdiction over the matter and take action in compliance with subsection (e) of this section.
 - (2) If the board of supervisors denies the request to exercise original jurisdiction, the appropriate lower level decision maker shall resume jurisdiction over the matter and take action in compliance with applicable law.
- (e) Hearing and Decision. Any matter that is the subject of original jurisdiction shall be heard and decided by the board of supervisors at a public hearing. Notice of the hearing shall be given, and the hearing shall be conducted, in compliance with applicable law. The board may approve, conditionally approve, or deny the subject application.
- (f) Participation by Initiator of Request to Exercise Original Jurisdiction. Any member of the board of supervisors who initiates a request to exercise original jurisdiction shall have full participation rights in determining whether to approve the request and, if the request is approved, in hearing and deciding upon the matter, including the right to vote, unless actual bias or prejudice is otherwise shown.

(Ord. No. 5537 § 2(g), 2004)

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

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

(Ord. No. 5537 § 2(h), 2004: Ord. No. 4643, 1993.)

Sec. 26-92-161. - Direct review.

This section provides the procedures for the board of supervisors, upon its own initiative, to review the decisions of lower level decision makers on applications filed pursuant to this chapter.

- (a) Request for Direct Review. Any member of the board of supervisors may request the board to review a decision of a lower level decision maker approving or denying any application filed pursuant to this chapter.
- (b) Timing and Form of Request for Direct Review. A request for direct review shall be made orally at a board of supervisors meeting, or filed in writing with the clerk of the board, prior to the expiration of the appeal period for the decision of the lower level decision maker on the subject application. A request for direct review need not state the reasons for the request. A request for direct review shall not be deemed to be an allegation of any flaw in or a pre-judgment of the decision of the lower level decision maker.
- (c) Effect of Request for Direct Review. A request for direct review shall stay the decision of the lower level decision maker until the board of supervisors takes action in compliance with subsection (d) of this section and, if applicable, until the board of supervisors takes action in compliance with subsection (e) of this section. The stay shall not extend the time for filing an appeal of the decision of the lower level decision maker.
- (d) Consideration of Request for Direct Review. A request for direct review shall be considered by the board of supervisors at a public meeting. Notice of the meeting shall be given, and the meeting shall be conducted, in compliance with applicable law.
 - (1) If the board of supervisors approves the request for direct review, the board shall assume jurisdiction over the matter and take action in compliance with subsection (e) of this section.
 - (2) If the board of supervisors denies the request for direct review, the decision of the lower level decision maker shall stand unless an appeal of the decision was timely filed.
- (e) Hearing and Decision. Any matter that is the subject of direct review shall be heard and decided by the board of supervisors at a public hearing. Notice of the hearing shall be given, and the hearing shall be conducted, in compliance with applicable law. The hearing shall be de novo. The board may affirm, wholly or partly, modify, or reverse the decision of the lower level decision maker on the subject application.
- (f) Participation by Initiator of Request for Direct Review. Any member of the board of supervisors who initiates a request for direct review shall have full participation rights in determining whether to approve the request and, if the request is approved, in hearing and deciding upon the matter, including the right to vote, unless actual bias or prejudice is otherwise shown.

(Ord. No. 5537 § 2(i), 2004.)

Sec. 26-92-162. - Simultaneous appeal and direct review.

When a decision by a lower level decision maker is both appealed and jurisdiction is taken by the board of supervisors through direct review, both the appeal and the direct review shall be heard and considered concurrently.

(Ord. No. 5537 § 2(j), 2004.)

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

Applications for zoning permits, use permits, variances and appeals for use permits and variances shall be in writing on forms prescribed by the board of zoning adjustments and shall be accompanied by such plans and data as are necessary to determine compliance with this chapter. If a use permit application, variance permit application, or mobile home zoning permit application is denied by the board of zoning adjustments, planning commission or board of supervisors, reapplication for the same use cannot be made within one (1) year of the denial unless the application is denied "without prejudice."

(Ord. No. 4643, 1993.)

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

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

(Ord. No. 4643, 1993; Ord. No. 2269, § 1.)

Sec. 26-92-190. - Enforcement of chapter.

- (a) The planning director and the director's authorized agents and/or employees are hereby authorized to issue citations to persons for violations of this chapter.
- (b) The planning director and the director's authorized agents or employees are authorized to issue stop orders to prohibit further construction or use of structures or property which are violations of this chapter. Such stop orders shall remain in effect until violations are eliminated.

(Ord. No. 4643, 1993.)

Sec. 26-92-200. - Compliance with chapter generally.

- (a) Except as otherwise provided in this chapter, 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 one that is included among the uses listed in this chapter as permitted in the district in which such building, land or premises is located.
- (b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this chapter for the districts in which such building is located.
- (c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open area be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations designated in this chapter for the district in which such building or open space is located.

(Ord. No. 4643, 1993.)

Sec. 26-92-210. - Permits and licenses to conform to chapter.

- (a) All departments, officials and public employees of the county which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter 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 chapter. Such permit or license, if issued in conflict with the provisions of this chapter, shall be null and void.
- (b) The county may refuse to issue any discretionary or ministerial permit, license, variance or other entitlement, which is sought pursuant to this chapter, including zoning clearance for a building permit, where the property upon which the use or structure is proposed is in violation of this chapter.

(Ord. No. 4643, 1993.)

Sec. 26-92-220. - Structure or use contrary to chapter prohibited—Declared public nuisance—
Abatement generally.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter shall be, and the same is declared to be unlawful and public nuisance, and the district attorney of the county shall, on 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 as may have jurisdiction to grant such relief as will abate or remove such building or structure, and restrain and enjoin any person from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this chapter.

(Ord. No. 4643, 1993.)

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

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

(Ord. No. 4643, 1993.)

Sec. 26-92-240. - Repealed by Ord. No. 4909.

Sec. 26-92-250. - Remedies to be cumulative.

The remedies provided for in this chapter shall be cumulative and not exclusive.

(Ord. No. 4643, 1993.)

Sec. 26-92-260. - Penalty for violation of chapter—Continuing violations.

Any person, firm or corporation or agency, or employee of any person, firm or corporation or agency who violates or knowingly permits violation of any regulatory provision of this chapter shall be guilty of a public offense. The first and each subsequent conviction shall be a misdemeanor punished by a fine of not more than one thousand dollars (\$1000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Each person, firm or corporation or agency or employee thereof shall be guilty of a separate offense for each day, or any portion thereof, during which any violation of this chapter is committed or permitted and shall be punished accordingly.

(Ord. No. 4643, 1993.)

Sec. 26-92-270. - Tolling of development timelines.

The period of time during which any zoning permit, use permit, variance, precise development plan, design review approval or other entitlement issued pursuant to this chapter would normally be effective may be tolled pursuant to the provisions of this section. Requests for a stay may be made where a lawsuit is brought in a court of competent jurisdiction involving the approval or conditional approval of any of the foregoing permits or entitlements. The following shall apply to requests for a stay:

- (a) A stay may not be granted until the county is served with the initial petition or complaint. If the county is not a party to the litigation, the county must be served with a courtesy copy of the initial pleading.
- (b) Stays will only be granted where the litigation is brought by opponents of the development to attack or overturn the development approval or its accompanying environmental document.
- (c) Stays may only be requested in connection with development approvals or any authorized extensions thereof, which are in effect as of or after March 1, 1991.
- (d) A request for a stay must be made prior to the expiration of the development approval or any authorized extension thereof. Requests may be made on or after March 1, 1991.
- (e) A request for a stay of one (1) year or less will be automatically approved by the planning director, unless the litigation is collusive.
- (f) A request for a stay of more than one (1) year and up to three (3) years is discretionary and will be acted upon by the body which issued the original permit or entitlement and shall be subject to appeal in the same fashion as would the original permit or entitlement.
- (g) Stays shall not exceed either three (3) years or the period during which the litigation is pending, whichever is less.
- (h) Requests for stays shall be acted upon within (40) days.
- (i) If granted, the effective life of the permit or entitlement shall be extended for the period of the stay.

(Ord. No. 4643, 1993.)

Article 93. - Requests for Reasonable Accommodations Under the Fair Housing Acts.

Sec. 26-93-010. - Purpose.

This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

(Ord. No. 5429 § 8, 2003.)

Sec. 26-93-020. - Applicability.

A request for reasonable accommodation may be made by any person with a disability, or by an entity acting on behalf of a person or persons with disabilities to provide or secure equal access to housing, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability with equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section 26-93-030.

(Ord. No. 5429 § 8, 2003.)

Sec. 26-93-030. - Application requirements.

- (a) Application. Requests for reasonable accommodation shall be submitted on an application form provided by the planning department, or in the form of a letter to the deputy director of planning, and shall contain the following information:
- (1) The applicant's name, address and telephone number;
 - (2) The street address and assessor's parcel number of the property for which the request is being made;
 - (3) The current actual use of the property;
 - (4) The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts;
 - (5) The zoning law, provision, regulation or policy from which reasonable accommodation is being requested;
 - (6) Why the requested accommodation is necessary to make the specific property accessible to the individual or group of individuals.
- (b) Concurrent Review. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, then the applicant may file the request concurrently with the application for discretionary approval.

(Ord. No. 5429 § 8, 2003.)

Sec. 26-93-040. - Review authority and procedure.

- (a) Director. Requests for reasonable accommodation shall be reviewed by the planning director, or his/her designee, if no approval is sought other than the reasonable accommodation request. The director or his/her designee shall make a written determination within forty-five (45) days and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 26-93-050.

- (b) Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The applicable review authority shall make a written determination and either grant, grant with modifications or deny a request for reasonable accommodation in accordance with Section 26-93-050.

(Ord. No. 5429 § 8, 2003.)

26-93-050. - Findings and decision.

- (a) Findings. The written decision to grant, grant with modifications or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following:
 - (1) Whether the housing which is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and that the accommodation requested is necessary to make specific housing available to the individual or group of individuals with (a) disability(ies) under the Acts;
 - (2) Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit, or if alternative accommodations would be suitable based on the circumstances of this particular case;
 - (3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the county;
 - (4) Whether the requested reasonable accommodation would be consistent with the general plan land use designation of the property which is the subject of the reasonable accommodation request, and with the general purpose and intent in the applicable zoning district;
 - (5) Whether the requested reasonable accommodation substantially affects the physical attributes of the property.
- (b) Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in Subsection (a) of this section.

(Ord. No. 5429 § 8, 2003.)

Sec. 26-93-060. - Appeal of determination.

A determination by the reviewing authority to grant, grant with modifications, or deny a request for reasonable accommodation may be appealed pursuant to Section 26-92-040 of this code.

(Ord. No. 5429 § 8, 2003.)

Article 94. - Nonconforming Uses.

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 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.

(Ord. No. 4643, 1993.)

Sec. 26-94-020. - Reconstruction.

If at any time any commercial or industrial use in existence on the effective date of the ordinance codified in this chapter, which does not conform to the regulations for the district in which it is located, is damaged or destroyed by fire, explosion, Act of God, tortious conduct of a third party, or act of the public enemy, to the extent of more than fifty percent (50%) of the replacement value of the structure, the land shall be subject to all the regulations specified by this chapter or the district in which such land is located. Any legal nonconforming agricultural or residential structure so damaged may be rebuilt on the original foundation footprint. Additional floor area may be added to the structure in accordance with Section 26-94-010(b). "Replacement value," as used in this section, is equal to the cost of the labor and materials which would be necessary to construct the structure.

(Ord. No. 4643, 1993.)

Sec. 26-94-030. - Termination of use.

If the actual operation of a legal nonconforming 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 legal nonconforming use shall be considered termination; then without further action by the planning commission the use of the land shall be subject to all the regulations specified by this chapter for the district in which such land is located.

(Ord. No. 4643, 1993.)

Sec. 26-94-040. - Repairs and maintenance.

- (a) Remodeling, ordinary maintenance and repairs may be made to any legal nonconforming industrial or commercial structures to the extent of twenty percent (20%) of the appraised value of the structure during any calendar year period; provided, that foundation work shall be exempt from the twenty percent (20%) calculation. Remodeling, ordinary maintenance and repairs to any legal nonconforming agricultural or residential structure shall not be limited except as otherwise required by this article or by other provisions of law.
- (b) Nonconforming historic structures shall be exempt from the twenty percent (20%) calculation provided that they are either: (1) included in an historic combining district; or (2) are listed as an historic resource in a specific plan or coastal plan; and (3) have been certified to be an historic resource by the Sonoma County historic landmarks commission, or state of California or in the Federal Register of Historic Places; and (4) repair or reconstruction is an authentic replica of the original structure.

(Ord. No. 4643, 1993.)

Sec. 26-94-050. - Waiver of covered parking.

The director of planning may waive the requirement for covered parking when a nonconforming structure is proposed for rehabilitation if topography, lot size or existing building location renders the requirement of covered parking unreasonable.

(Ord. No. 4643, 1993.)

Sec. 26-94-060. - Construction beginning prior to effective date of ordinance.

Nothing contained in this chapter 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 the ordinance codified in this chapter. "Actual construction" is defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner; provided, that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

(Ord. No. 4643, 1993.)

Sec. 26-94-070. - Nonconforming uses created by change in districts.

The foregoing provisions of this article shall also apply to nonconforming uses in districts hereafter changed.

(Ord. No. 4643, 1993.)

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

All outdoor advertising structures, outdoor advertising signs, appurtenant signs and directional signs existing on or prior to December 5, 1957, or the effective date of a change in land use classification, whichever is later, which do not conform to the provisions of this chapter relating to the district in which such outdoor advertising structures, outdoor advertising signs, appurtenant signs and directional signs are located shall be considered nonconforming uses. Subject to the limitations set forth in the State Outdoor Advertising Act, such nonconforming uses shall be removed without compensation within thirty (30) days after the expiration of the amortization period set forth in Business and Professions Code Sections 5412.1 and 5412.2. The amortization period for signs which may be amortized pursuant to Sections 5412.1 and 5412.3 shall commence after the adoption of the ordinance codified in this chapter and the giving of notice to the affected property owner. Wherever, by reason of the spacing limitations of this chapter, a greater number of outdoor advertising structures, outdoor advertising signs, appurtenant signs or directional signs exist in the R, LIA, LEA and DA districts than this chapter permits, the board of zoning adjustments shall determine the date of establishment of each such outdoor advertising structure, outdoor advertising sign, appurtenant sign or directional sign and determine which such signs are nonconforming and subject to amortization pursuant to Business and Professions Code Sections 5412.1 and 5412.3. Outdoor advertising signs and structures that were defined as general service boards and granted a use permit prior to the adoption of this ordinance shall become a nonconforming use, if they do not meet the provisos of this chapter.

(Ord. No. 4643, 1993.)

Article 96. - Amendments.

Sec. 26-96-010. - Procedure generally—Methods of initiating.

This chapter 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 article. An amendment may be initiated by:

- (a) The petition of one (1) or more owners of property affected by the proposed amendment which petition shall be filed with the planning commission;
- (b) Resolution of intention by the board of supervisors;
- (c) Resolution of intention by the planning commission.

(Ord. No. 4643, 1993.)

Sec. 26-96-020. - Public hearing—Zoning and interim zoning.

The planning commission shall hold at least one (1) public hearing after notice as provided in this chapter, prior to taking any action on any proposal to amend this chapter; provided, that 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 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, placing the area which is the subject of such studies or hearing in an S district (study district).

(Ord. No. 4643, 1993.)

Sec. 26-96-030. - Action by planning commission.

Following a public 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 the 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 to report within ninety (90) days without the aforesaid agreement, shall be deemed to be approval of the proposed amendment by the planning commission.

(Ord. No. 4643, 1993.)

Sec. 26-96-040. - Action by board of supervisors—Abandonment or withdrawal of amendatory proceedings.

Upon receipt of a 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 (1) publication 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 the board may deem advisable. The decision of the board of supervisors, whenever practicable, shall be rendered within ninety (90) days after the receipt of a report and recommendation from the planning commission, except that after a four-fifths (4/5) vote, the board of supervisors may render its decision after ninety (90) days but within a reasonable time. 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 considerable; and provided that any hearing of which public notice has been given shall be held.

(Ord. No. 4643, 1993.)

Article 98. - Development Fees.

Sec. 26-98-005. - Purpose.

Purpose: the purpose of this article is to provide for certain general procedures for payment of development fees and to provide a place in the Sonoma County zoning ordinance for the codification of development fee ordinances which accompany specific plans adopted by the board of supervisors. Such codifications are intended to assist both staff and developers in locating development fee ordinances which apply to parcels located within certain specific plan areas in the county.

(Ord. No. 5897, § I, 7-13-2010; Ord. No. 4643, 1993.)

Sec. 26-98-010. - Sonoma Valley development fee.

In order to implement the goals and objectives of the general plan, including the circulation and transit element of that general plan, and to mitigate the traffic impacts caused by new development in the Sonoma Valley development fee impact area, and to implement the results of the Sonoma Valley traffic study, certain public roadway improvements must be constructed to insure a safe and efficient level of service. The board of supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction cost of these improvements. In establishing the fee described in the following sections, the board of supervisors has found the fee to be consistent with its general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the county's housing needs as established in the housing element of the general plan.

(Ord. No. 4815 § 1, 1994; Ord. No. 4643, 1993.)

Sec. 26-98-020. - Sonoma Valley development fee impact area.

- (a) The Sonoma Valley development fee impact area is shown on the map attached to Ordinance No. 4815 as Exhibit A, and is on file with the permit and resource management department, and is incorporated herein.
- (b) There is created in the office of the county auditor-controller and the county treasurer a special interest-bearing separate capital facilities account or fund complying with the requirements of Government Code § 66006(a) entitled "Sonoma Valley Roadway Improvement Fund." Said fund shall consist of a roadway account. All amounts collected from roadway development fees in the Sonoma Valley development fee impact area shall be deposited in that account. These fees shall be expended in accordance with the provisions of the general plan and Sonoma County Code Section 26-98-010 et seq. to pay the costs of the roadway facilities and improvements described in Table 1, dated November 2009, as amended (attached to the ordinance codified in this chapter and on file in the permit and resource management department and made a part hereof). These funds may also be used to reimburse the developers who have been required or permitted to install roadway facilities which are oversized with supplemental size, length, or capacity.

(Ord. No. 5877, § I, 2-2-2010; Ord. No. 5514, § 1, 2004; Ord. No. 5419, § 1, 2003; Ord. No. 5345, § 1, 2002; Ord. No. 5214, § 1, 2000; Ord. No. 5012, § 1, 1997; Ord. No. 4980, § 3, 1996; Ord. No. 4961, § 1, 1996; Ord. No. 4815, § 1, 1994; Ord. No. 4643, 1993.)

Sec. 26-98-030. - Findings and determinations of the board of supervisors.

- (a) The purpose of the fees adopted by Section 26-98-010 et seq. is to pay the costs of roadway facilities and improvements in accordance with the provisions of the general plan, including the circulation and transit element, and to implement the county's general plan, and to use the authority of Article XI, Section 7 of the California Constitution by imposing development fees to fund the costs of certain facilities and services the need for which is generated by the type and level of development proposed in the Sonoma Valley development fee impact area.
- (b) The use to which the fees are to be put is to pay the costs of the roadway facilities and improvements identified in Table 1, dated November 2009, as amended (attached to the ordinance codified in this chapter and on file in the permit and resource management department and made a part hereof).
- (c) There is a reasonable relationship between the fees used and the types of development projects on which the fee is imposed for the reasons set forth in the general plan, the Sonoma Valley traffic study and the January 1991, February 1992 and subsequent reports of the transportation and public works director, all of which are incorporated herein by this reference.
- (d) There is a reasonable relationship between the need for the roadway facilities and improvements identified in Table 1, dated November 2009, as amended, and the development projects on which the fee is imposed, for the reasons set forth in the Sonoma County general plan, the Sonoma Valley traffic study and the January 1991, February 1992, and subsequent reports of the transportation and public works director, all of which are incorporated herein by this reference.
- (e) The cost estimates in Table 1, dated November 2009, as amended, are based upon actual current costs of construction as determined by the county director of transportation and public works through an analysis of current contracted public projects.
- (f) Without the adoption of Section 26-98-010 et seq., and the construction of infrastructure improvements as called for in Table 1, dated November 2009, as amended, there will be decreased levels of service on certain highways, increased congestion, decreased highway safety, increased accidents, inadequate structural sections, road services deteriorating to the point where they cannot be safely maintained, lack of shoulders meeting basic safety standard, substandard traffic intersections, and an increase in flooding potential."

(Ord. No. 5877, § II, 2-2-2010; Ord. No. 5514, § 2, 2004; Ord. 5419, § 2, 2003; Ord. No. 5345, § 2, 2002; Ord. No. 5214, § 1, 2000; Ord. No. 5012, § 2, 1997; Ord. No. 4980, § 4, 1996; Ord. No. 4961, § 2, 1996; Ord. No. 4815, § 1, 1994; Ord. No. 4643, 1993.)

Sec. 26-98-040. - Amount of roadway improvement fund.

- (a) The development fee required for roadway improvements shall be apportioned among residential, commercial, industrial and institutional use.
- (b) The development fee amount is based upon the report of the transportation and public works director dated January 1991 (including the studies and documents and attachments to that report) and February 1992, and the subsequent reports, and the general plan and the Sonoma Valley traffic study.

The development fee shall be:

Four hundred seven dollars (\$407.00) per trip for residential uses; and

One hundred twenty-four dollars (\$124.00) per trip for commercial uses; and

One hundred fourteen dollars (\$114.00) per trip for industrial/institutional uses.

- (c) The total fee payable for residential, commercial and industrial/institutional uses shall be computed by multiplying the number of estimated new average daily trips generated by the proposed project times the fee per trip.
- (d) Calculation of new average daily trips:
- (1) The mostly recently issued trip generation manual published by the Institute of Transportation Engineers shall be used to determine the average daily trips for each proposed use.
- (2) If a project alters or replaces an existing legal project on the same parcel, the number of average daily trips generated by the existing legal project will be deducted to determine the net increase in average daily trips. The fee assessment will be based on the net increase in average daily trips for a particular site.

Example: For a general retail use of four thousand (4,000) square feet, replacing existing uses generating twenty (20) average daily trips, the fee would be:

48 trips/MSF × 4 MSF = +192 gross trips (MSF = Thousand Square Feet)

20 existing trips = - 20

31 passby trips = - 31

Net New Trips = 141 new trips

141 New Trips × \$124/Trip = \$17,484

- (e) Individual nonresidential uses permitted by land use plan other than in commercial, industrial and institutional land use categories shall have roadway improvement fees assigned based upon recommendations from the county department of transportation and public works.

(Ord. No. 4980 § 2, 1996; Ord. No. 4815 § 1, 1994; Ord. No. 4643, 1993.)

Sec. 26-98-050. - Alternative method and compliance with other laws.

- (a) Sections 26-98-010 through 26-98-100, inclusive, are intended to establish a supplemental method for funding the cost of certain facilities and services, the need for which will be generated by the level and type of development proposed in the Sonoma Valley development fee impact area. The provisions of these sections shall not be construed to limit the power of the county to impose any other fees or exactions, but shall be in addition to any other requirements which the county is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings, or other entitlements within the Sonoma Valley development fee impact area pursuant to state and local laws.
- (b) The development fees established for this area are necessary for the mitigation of significant impacts which will be created by future development in the Sonoma Valley development fee impact area. If, for any reason, any portion of this chapter is challenged in a court of competent jurisdiction, such challenge may constitute new information for purposes of CEQA which might, in turn, require

additional environmental review of development projects. The refusal to pay fees imposed herein represents a failure on the part of the developer to participate in area-wide mitigation fees and may constitute the basis for the county's refusal to make a statement of overriding consideration in connection with cumulative environmental impacts generated by such project.

- (c) Rezoning in the Sonoma Valley development fee impact area are subject to the condition subsequent that the fees imposed by Sections 26-98-010 through 26-98-100, inclusive, will be paid. Failure to pay such fees shall result in a violation and entitle county to pursue such remedies as may be available to it by law.

(Ord. No. 4815 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-060. - Projects exempt from fee requirements.

The fee provisions shall not apply to public agency projects (including special districts) which provide public infrastructure within the scope of the public agency's responsibilities.

(Ord. No. 4815 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-070. - Annual adjustment and review of fees.

- (a) On January 1st of each year beginning in 1995, the development fees imposed by Sections 26-98-010 through 26-98-100, inclusive, shall be adjusted by the department of transportation and public works by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding twelve (12) month period. The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of department of permit and resource management's approval of the building permit, or in those cases specified in Section 26-98-080(a)(3), the fee in effect at the time of the department's discretionary approval of the permit.
- (b) The board of supervisors shall review the adequacy of the development fees established herein at least once every three (3) years or, if required or appropriate, more often than once every three (3) years.
- (c) The department of transportation and public works and the department of permit and resource management shall provide an annual report to the board of supervisors which specifies:
 - (1) Any change in the fee due to automatic annual adjustments;
 - (2) The status of the trust fund established to fund the development of public infrastructure in the Sonoma Valley development fee impact area; and
 - (3) The status of any improvement projects financed in full or in part by such trust funds.

(Ord. No. 4815 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-080. - Timing of fee payments.

- (a) The fees imposed and required by Sections 26-98-010 through 26-98-100, inclusive, shall be paid when any of the following county approval or permits are required:
 - (1) Department of permit and resource management's approval of building permits for new residential dwelling units on existing lots, including second dwelling units authorized pursuant to this chapter;

- (2) Those permits for which, prior to the issuance of a building permit, discretionary approval is required. These permits include, but are not limited to, use permits, design review approvals and major or minor subdivisions; and
 - (3) Those zoning permits requiring discretionary approval which do not require a building permit.
- (b) The fees imposed and required by subsection (a) of this section shall be paid as follows:
- (1) The fee for those approvals referred to in subsection (a)(1) of this section shall be paid to the county prior to department of permit and resource management's approval of the building permit.
 - (2) The fee for those permits and approvals referred to in subsection (a)(1) of this section shall be paid to the county prior to department of permit and resource management's approval of a building permit or issuance of the building permit, whichever occurs first. At the time of the discretionary approval, the following condition shall be imposed on the development:

"As a condition of the approval, applicant shall pay to the county of Sonoma those development fees required by Sections 26-98-010 through 26-98-100, inclusive, of the Sonoma County Code. Such fees shall be paid prior to issuance of a building permit."

Where the condition set forth above is to be placed on a major or minor subdivision, the condition shall be placed as a notation on the final or parcel map so that subsequent purchasers of lots within the subdivision will be on notice that fees will be required prior to the issuance of a building permit.
 - (3) The fee for those permits referred to subsection (a)(3) of this section shall be paid to the county within thirty (30) days after the permit is approved. At the time of the discretionary approval, the following condition shall be imposed:

"As a condition of the approval, applicant shall pay to the County of Sonoma that development fee required by Section 26-98-010 through 26-98-100, inclusive, of the Sonoma County Code within thirty (30) days after approval of this permit. Failure to make this payment within thirty (30) days after approval of this permit shall result in said permit being rendered null and void."
- (c) No building permit or discretionary approval for property within the Sonoma Valley development fee impact area shall be issued or approved unless the development fees for the property are paid as required by Section 26-98-010 through 26-98-100, inclusive.

(Ord. No. 4815 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-090. - Developer construction of oversized facilities.

Whenever a developer is required, as a condition of approval of a development permit, to construct roadway facilities determined by the county to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the roadway facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The reimbursement amounts shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.

(Ord. No. 4815 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-100. - Fee adjustments.

- (a) A developer of any project subject to the fee established by Sections 26-98-010 through 26-98-100, inclusive, may apply to the director of the permit and resource management department for a reduction or adjustment to that fee, or a waiver of that fee, based upon: (1) the absence of any reasonable relationship or nexus between the traffic and transportation impacts of that development and either the amount of the fee charged or the types of facilities to be financed; and/or (2) the development is sufficiently specialized such that the fee should be specially calculated so as to maintain a reasonable relationship between the type of the development project and the amount of the fee.

The application shall be made in writing and filed with the director of the permit and resource management department not later than: twenty (20) days prior to the public hearing on the development permit application for the project; or if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The director of the permit and resource management department in consultation with the director of the department of transportation and public works shall consider the application and render a decision. If a reduction, adjustment or waiver is granted, any change of use within the project shall invalidate the waiver, adjustment or reduction of the fee.

- (b) In addition to the foregoing, a developer of any project subject to the fee established by Sections 26-98-010 through 26-98-100, inclusive, may apply to the board of supervisors for a reduction or adjustment to that fee, or a waiver of that fee, otherwise due in the following case:
- (1) Situations where the board of supervisors determines that the project development is a project eligible for direct county funding consideration and, in lieu of such funding, the board elects to waive or reduce the fee in an amount determined appropriate by the board in its sole discretion.

Any such application shall be made in writing and filed with the clerk to the board of supervisors not later than: ten (10) days prior to the public hearing on the development permit application for the project; or if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The board of supervisors shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty (60) days after the filing of the fee adjustment application. The decision of the board of supervisors shall be final. If a reduction, adjustment or waiver is granted, any change of use within the project shall invalidate the waiver, adjustment or reduction of the fee.

(Ord. No. 5012 § 3, 1997: Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-200. - Windsor specific plan development fees—Purpose.

- (a) Purpose. The purpose of Sections 26-98-200 through 26-98-380, inclusive, is to establish development fees to provide for public services and facilities needed as a result of future growth within the area encompassed by the Windsor specific plan. Such area is set forth on that map which is attached to the ordinance codified in this chapter and on file in the planning department, and incorporated herein by reference as Exhibit A. These sections are intended as an implementation tool of the goals, policies and criteria identified in the Windsor specific plan. The Windsor specific plan, adopted pursuant to the county's general plan, requires that areas chosen for urban expansion shall be capable of being provided, within a reasonable period of time, with adequate facilities and services, including:
- (1) School facilities;
 - (2) Fire protection services and facilities;
 - (3) Civic facilities; and
 - (4) Recreational facilities.

- (b) The Windsor specific plan further requires the preparation of a plan that identifies a mechanism for financing those facilities and services necessary to serve urban development within the Windsor specific plan area.
- (c) The purpose of Sections 26-98-200 through 26-98-380, inclusive, is to implement the county's general plan and the Windsor specific plan requirements and to use the authority of Article XI, Section 7 of the California Constitution by imposing development fees to fund the costs of certain facilities and services the need for which is directly or indirectly generated by the type and level of development proposed in the Windsor specific plan area.
- (d) It is the further purpose of Sections 26-98-200 through 26-98-380, inclusive, to require that adequate provision is made for developer financed facilities and services within the Windsor specific plan area as a condition subsequent to any rezonings adopted through such plan and prior to approval of certain development applications within the area.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-210. - Method of computation.

- (a) Residential fees for fire protection facilities and park acquisition, shall be computed by multiplying the number of dwelling units times the fee per dwelling unit.
- (b) Commercial, industrial and institutional fees for fire protection facilities shall be computed by multiplying the number of gross acres of the parcel as identified on the latest county assessor's role times the fee per acre.
- (c) The computations arrived at above are designed to implement plan policies set forth in Section 4.5 of the specific Windsor plan.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-220. - Establishment and administration of Windsor Park development fund.

- (a) There is created in the office of the county auditor-controller in the county treasury a special interest bearing trust fund entitled "Windsor Specific Plan Park Development Fund." All park acquisition, development and frontage fees collected pursuant to Section 26-98-200 et seq. shall be placed in said fund and shall be expended in accordance with the provision of the Windsor specific plan to pay the costs of park acquisition, development and frontage improvements associated therewith.
- (b) Amounts deposited in the fund set forth above may, upon incorporation of the Windsor area or upon assumption of county obligations by a special district, be transferred to the town of Windsor or such district for the purposes set forth herein.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-230. - Establishment and administration of Windsor fire protection improvement fund.

- (a) There is created in the office of the county auditor-controller in the county treasury two (2) special interest bearing trust funds entitled "Windsor Specific Plan Fire Protection Improvement Fund" (Rincon Valley Fire Protection District) and "Windsor Specific Plan Fire Protection Improvement Fund" (Windsor Fire Protection District). All fire protection development fees collected pursuant to Section 26-98-200 et seq. shall be placed in the respective funds and shall be expended in accordance with the provisions of the Windsor specific plan to pay the costs of fire protection facilities and services.

- (b) Amounts deposited in the funds set forth above may, upon incorporation of the Windsor area or upon assumption of county obligations by a special district, be transferred to the town of Windsor or such district for the purposes set forth herein.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-310. - Imposition of development fees and timing of fee payments.

- (a) The fees imposed and required by Sections 26-98-200 through 26-98-380, inclusive, shall be paid when any of the following county approvals or permits are required:
 - (1) Department of permit and resource management's approval of building permits for new residential dwelling units on existing lots, including second dwelling units authorized pursuant to Section 26-92-040 of this chapter;
 - (2) Those permits for which, prior to the issuance of a building permit, discretionary approval is required. These permits include, but are not limited to, use permits, design review approvals and major or minor subdivisions; and
 - (3) Those zoning permits requiring discretionary approval which do not require a building permit.
- (b) The fees imposed and required by subsection (a) of this section shall be paid as follows:
 - (1) The fee for those approvals referred to in subsection (a)(1) of this section shall be paid to the county or local district prior to department of permit and resource management's approval of the building permit or issuance of the building permit, whichever occurs first.
 - (2) The fee for those permits and approvals referred to in subsection (a)(2) of this section shall be paid to the county or local district prior to department of permit and resource management's approval of a building permit or issuance of the building permit, whichever occurs first. At the time of the discretionary approval, the following condition shall be imposed on the development:

"As a condition of the approval, applicant shall pay to the County of Sonoma or local district those development fees required by Sections 26-98-200 through 26-98-380, inclusive, of the Sonoma County Code. Such fees shall be paid prior to issuance of a building permit."

Where the condition set forth above is to be placed on a major or minor subdivision, the condition shall be placed as notation on the final or parcel map so that subsequent purchasers of lots within the subdivision will be on notice that fees will be required prior to the issuance of a building permit.
 - (3) The fee for those permits referred to subsection (a)(3) of this section shall be paid to the county or local district within thirty (30) days after the permit is approved. At the time of the discretionary approval, the following condition shall be imposed:

"As a condition of the approval, applicant shall pay to the County of Sonoma that development fee required by Sections 26-98-200 through 26-98-380, inclusive, of the Sonoma County Code within thirty (30) days after approval of this permit. Failure to make this payment within thirty (30) days after approval of this permit shall result in said permit being rendered null and void."
- (c) No building permit or discretionary approval for property within the Windsor specific plan area shall be issued or approved unless the development fees for the property are paid as required by Section 26-98-200 through 26-98-380, inclusive.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-320. - Annual adjustment and review of fees.

- (a) On January 1st of each year beginning in 1995, the development fees imposed by Sections 26-98-200 through 26-98-380, inclusive, shall be adjusted by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding twelve (12) month period. The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of department of permit and resource management's approval of the building permit, or in those cases specified in Section 26-98-310(a)(3), the fee in effect at the time of the department of permit and resource management's discretionary approval of the permit.
- (b) The board of supervisors shall review the adequacy of the development fees established herein at least once every three (3) years or, if it deems it appropriate, more often than once every three (3) years.
- (c) The department of permit and resource management shall provide an annual report to the board of supervisors which specifies:
 - (1) Any change in the fee due to automatic annual adjustments;
 - (2) The status of the trust funds established to fund the development of public infrastructure in the Windsor area; and
 - (3) The status of any improvement projects financed in full or in part by such trust funds.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-330. - Amount of fee payment for school site acquisition.

For those areas within the Windsor specific plan which are covered by findings of overcrowding made pursuant to Sonoma County Code Chapter 25C:

- (a) No building permit for residential development within the Windsor specific plan area shall be issued unless and until such development complies with the requirements of Sonoma County Code Chapters 25C and 25D;
- (b) Moneys required to be paid to the applicable school districts pursuant to Chapters 25C or 25D shall be paid directly to the local school district.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-340. - Amount of fee for park development fund.

- (a) The development fee required for park development within the Windsor specific plan is apportioned among residential land uses only. The fee amount is based on Table 4.5C of the Windsor specific plan text and assigned at seven hundred eighteen dollars (\$718.00) per dwelling unit. The total fee payable shall be the product of the fee per dwelling unit times the total number of dwelling units.
- (b) The fee established by subsection (a) above is based on the cost of site acquisition, site development and frontage improvements associated therewith.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-350. - Amount of fire protection improvement fee.

- (a) The development fee required for the acquisition, development and frontage improvements for fire protection facilities shall be apportioned among residential, commercial, industrial and institutional land uses. The fee amount is based on Table 4.5D of the Windsor specific plan text and summarized below by jurisdiction and land use type:

(1) Windsor Fire Protection Area.

Residential: \$164/dwelling unit

Commercial/Industrial/Institutional \$1,200/acre

(2) Rincon Valley Fire Protection District.

Residential \$164/dwelling unit

Commercial/Industrial/Institutional \$1,200/acre

- (b) The total fee payable shall be computed by multiplying the fee per residential dwelling unit or commercial/industrial/institutional/acre times the total number of residential dwelling units or commercial/industrial/institutional acres.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-370. - Alternative method and compliance with other laws.

- (a) Sections 26-98-200 through 26-98-380, inclusive, are intended to establish a supplemental method for funding the cost of certain facilities and services, the need for which will be generated by the level and type of development proposed in the Windsor specific plan area. The provisions of these sections shall not be construed to limit the power of the county to impose any other fees or exactions, but shall be in addition to any other requirements which the board of supervisors is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings or other entitlements within the Windsor specific plan area pursuant to state and local laws. In particular, in the event that the park acquisition, development and frontage fee is challenged by a developer, such developer shall remain liable for the payment of a fee pursuant to the ordinance adopted by the Sonoma County board of supervisors implementing the Quimby Act (Government Code Section 66477 et seq.).
- (b) The development fees established and referenced in this chapter are necessary for the mitigation of significant impacts which will be created by future development in the Windsor area. If, for any reason, any portion of this chapter is challenged in a court of competent jurisdiction, such challenge may constitute new information for purposes of CEQA regulation 15162 which might, in turn, require additional environmental review of development projects. The refusal to pay fees imposed herein represents a failure on the part of the developer to participate in area-wide mitigation fees and may constitute the basis for the county's refusal to make a statement of overriding consideration in connection with the cumulative environmental impacts generated by such project.
- (c) Rezonings made through the Windsor specific plan are subject to a condition subsequent that the fees imposed by Section 26-98-200 through 26-98-380, inclusive, will be paid. Failure to pay such fees shall result in a violation of this condition subsequent and entitle the county to pursue such remedies as may be available to it by law.

(Ord. No. 4818 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-380. - Projects exempt from fee requirements.

- (a) Projects which donate land for park, school and fire facilities may be exempt from a portion of the fees established by this chapter. The extent of the exemption is set forth in Section 4.5 of the Windsor specific plan.
- (b) The fee provisions shall not apply to public agency projects (including special districts) which provide public infrastructure within the scope of the public agencies' responsibilities.

(Ord. No. 4818 § 1, 1994; Ord. No. 4643, 1993; Ord. No. 3681.)

Sec. 26-98-400. - Airport industrial area development fees.

- (a) The purpose of Sections 26-98-400 through 26-98-450, inclusive, is to establish development fees to provide for certain improvements needed as a result of growth within the area described as the Sonoma County airport industrial area. Such area is set forth on that map which is attached to the ordinance codified in this chapter and on file in the planning department. Such improvements, as required by the Sonoma County airport industrial specific plan consist of the following:
 - (1) Fire protection improvements, including a ladder truck/pumper combination and a squad.
- (b) The purpose of Sections 26-98-400 through 26-98-450, inclusive, is to require that adequate provision is made for developer financed improvements within the Sonoma County airport industrial area as a condition precedent to the issuance of any building permits and prior to approval of certain development applications within the area.

(Ord. No. 5711 § 6 (Exh. E), 2007.)

Sec. 26-98-410. - Method of computation and amount of fee.

- (a) The impact fee per acre will be based on the local landowners cost responsibilities pursuant to the provisions of the Sonoma County airport industrial area specific plan, Section VIII, entitled financing and implementation (see Section 26-98-450(a)). The development fees are as follows:
 - (1) Fire Protection Improvements. For all parcels located within the Sonoma County airport industrial area as depicted on Exhibit A, the fee is five hundred sixty-two dollars (\$562.00) per acre.

The foregoing amounts are subject to modification pursuant to the provisions of Section 26-98-440.

In the event of an expansion of an existing use which requires discretionary county approval, the fee shall be applied based on a ratio of the expansion to the total resulting developed area unless the expansion is fifty percent (50%) or greater in which case the entire fee shall be applied.

(Ord. No. 5711 § 6 (Exh. E), 2007.)

Sec. 26-98-420. - Administration of the Sonoma County airport industrial area improvement fund.

- (a) The development fees established pursuant to Section 26-98-400(a)(1) for fire protection improvements shall be paid directly to the Rincon Valley Fire District. All amounts collected for development fees for improvements provided for in Section 26-98-400(a)(1) shall be expended to fund the improvements provided for in the section.

(Ord. No. 5711 § 6 (Exh. E), 2007.)

Sec. 26-98-430. - Imposition of development fees and timing of fee payments.

- (a) The fees imposed by Sections 26-98-400 through 26-98-450, inclusive, shall be required when any of the following county approvals or permits are required:
 - (1) Those permits for which, prior to the issuance of a building permit, discretionary approval is required. These permits include, but are not limited to, use permits, design review approvals and major or minor subdivisions.

- (i) At the time of the discretionary approval, the following condition shall be imposed on the development:

"As a condition of the approval, applicant shall pay to the County of Sonoma those development fees required by Sections 26-98-400 through 26-98-450 inclusive, of the Sonoma County Code. Such fees shall be paid prior to issuance of a building permit."

Where the condition set forth above is to be placed on a major or minor subdivision, the condition shall be placed as a notation on the final or parcel map or map sheet so that subsequent purchasers of lots within the subdivision will be on notice that fees will be required prior to the issuance of a building permit.

- (b) The fees imposed and required by subsection (a)(1) of this section shall be paid as follows:
 - (1) The fee for those approvals referred to in subsection (a)(1) of this section shall be paid to the Rincon Valley Fire District, and a copy of the receipt submitted to the county permit and resource management department prior to approval of the building permit or issuance of the building permit, whichever occurs first.
- (c) No building permit for property within the Sonoma County airport industrial area shall be issued or approved unless the development fees for the property are paid as required by Section 26-98-430 through 26-98-450, inclusive.
- (d) No discretionary approval for property within the Sonoma County airport industrial area shall be approved unless such approval is conditioned pursuant to subsection (a)(1) of this section, to require the payment of the development fees for the property as required by Sections 26-98-400 through 26-98-450, inclusive.

(Ord. No. 5711 § 6 (Exh. E), 2007.)

Sec. 26-98-440. - Annual adjustment and review of fees.

- (a) On January 1st of each year beginning in 1990, the development fees imposed by Sections 26-98-400 through 26-98-450, inclusive, shall automatically be adjusted on January 1 of each calendar year, beginning January 1, 2007, by a percentage equal to the percentage change in the Engineering News Record, Construction Cost Index for the twelve (12) month period ending on November 30 of the prior year, unless the amount of the fee is otherwise revised by the board by resolution. The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of planning department approval of the building permit. Any such adjustment shall be enacted in accordance with the provisions of Government Code Sections 65962, 54986 and 54992.
- (b) The board of supervisors shall review the adequacy of the development fees established herein at least once every three (3) years or, if it deems it appropriate, more often than once every three (3) years.
- (c) The department of public works and the department of planning shall provide a report to the board of supervisors when requesting any change in the fee due to proposed annual adjustments.
- (d) Application for rezoning to increase the intensity of development or use of properties within the airport industrial area Sonoma County will, if moved, be conditioned to require the applicant to assume a proportionate share of the improvement costs which would otherwise be the responsibility of the county pursuant to the provisions of the airport industrial area specific plan, Section VIII, entitled financing and implementation.

(Ord. No. 5711 § 6 (Exh. E), 2007.)

Sec. 26-98-450. - Amount of Sonoma County airport industrial specific plan fund.

- (a) The costs associated with the improvements shall be spread among all of the properties within the area boundaries in accordance with the provisions of the Sonoma County airport industrial area, specific plan (as amended May 27, 1987) Section VIIIE, entitled "apportionment of capital improvement cost responsibilities."
- (b) Actual assessments will be made upon each individual parcel at the time of development based upon the number of acres approved for construction and any increase of the improvement costs.
- (c) The development fees established and referenced in this chapter are necessary for the mitigation of significant impacts which will be created by future development in the area described herein. The fees required herein are fairly apportioned within the Sonoma County airport industrial area on the basis of benefits conferred on affected properties and are consistent with the circulation elements of the general plan and the airport industrial area specific plan. If, for any reason, any portion of this chapter is challenged in a court of competent jurisdiction, such challenge may constitute new information for purposes of CEQA Regulation 15162 which might, in turn, require additional environmental review of development projects. The refusal to pay fees imposed herein represents a failure on the part of the developer to participate in area wide mitigation fees and may constitute the basis for the county's refusal to make a statement of overriding consideration in connection with the cumulative environmental impacts generated by such project.

(Ord. No. 5711 § 6 (Exh. E), 2007.)

Sec. 26-98-460. - Repealed by Ord. No. 5345 § 6.

Sec. 26-98-470. - Repealed by Ord. No. 5345 § 6.

Sec. 26-98-500. - Mooreland Avenue traffic impact zone.

- (a) The purpose of Section 26-98-500 through 26-98-550, inclusive, is to establish development fees to provide for certain roadway and related shoulder and drain improvements needed as a result of growth within the area described as the Moorland Avenue Traffic Impact Zone. Such area is set forth on that map which is attached to the ordinance codified in this chapter and on file in the planning department, and incorporated herein by reference as Exhibit A.
- (b) The purpose of Sections 26-98-500 through 26-98-550, inclusive, is to require that adequate provision is made for developer finance improvements within the Moorland Avenue traffic impact zone as a condition precedent to the issuance of any building permits and prior to approval of certain development applications within the area.

(Ord. No. 4643, 1993.)

Sec. 26-98-510. - Method of computation and amount of fee.

- (a) The impact fee per residential unit will be based on the total cost of the improvements (one hundred ninety-two thousand dollars (\$192,000.00); see Section 26-98-550(b)) times the developers share of said improvements (sixty (60); see Section 26-98-550(c)) divided by the residential development potential for all parcels within the district (162; see Section 26-98-550(d)). The impact fee resulting from this computation is seven hundred eleven dollars (\$711.00) per unit. This amount is subject to modification pursuant to the provisions of Section 26-98-540.

(Ord. No. 4643, 1993.)

Sec. 26-98-520. - Establishment and administration of the Moorland Avenue traffic impact zone improvement fund.

- (a) There is created in the office of the county auditor-controller in the county treasury a special interest bearing trust fund entitled the Moorland Avenue traffic impact improvement fund. All amounts collected for development fees shall be deposited in the account and expended to fund roadway shoulder and drain improvements on Moorland Avenue.

(Ord. No. 4643, 1993.)

Sec. 26-98-530. - Imposition of development fees and timing of fee payments.

- (a) The fees imposed by Sections 26-98-500 through 26-98-550, inclusive, shall be required when any of the following county approvals or permits are required:
 - (1) Planning department approval of building permits for new residential dwelling units on existing lots;
 - (2) Those permits for which, prior to the issuance of a building permit, discretionary approval is required. These permits include, but are not limited to, use permits, design review approvals and major or minor subdivisions.
- (b) The fees imposed and required by subsection (a) of this section shall be paid as follows:
 - (1) The fee for those approvals referred to in subsection (a)(1) of this section shall be paid to the county prior to planning department approval of the building permit or issuance of the building permit, whichever occurs first.
 - (2) The fee for those permits and approvals referred to in subsection (a)(2) of this section shall be paid to the county prior to planning department approval of a building permit or issuance of the building permit, whichever occurs first. At the time of the discretionary approval, the following condition shall be imposed on the development:

"As a condition of the approval, applicant shall pay to the County of Sonoma those development fees required by Sections 26-98-500 through 26-98-550, inclusive, of the Sonoma County Code. Such fees shall be paid prior to issuance of a building permit."

Where the condition set forth above is to be placed on a major or minor subdivision, the condition shall be placed as a notation on the final or parcel map or map sheet so that subsequent purchasers of lots within the subdivision will be on notice that fees will be required prior to the issuance of a building permit.
- (c) No building permit or discretionary approval for property within the Moorland Avenue traffic impact zone shall be issued or approved unless the development fees for the property are paid as required by Sections 26-98-510 through 26-98-540, inclusive.

(Ord. No. 4643, 1993.)

Sec. 26-98-540. - Annual adjustment and review of fees.

- (a) On January 1st of each year beginning in 1989, the development fees imposed by Sections 26-98-500 through 26-98-550, inclusive, shall be adjusted by a percentage amount equivalent to the percentage change in the engineering new record construction cost index for the preceding twelve (12) month period. The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of planning department approval of the building permit.
- (b) The board of supervisors shall review the adequacy of the development fees established herein at least once every three (3) years or, if it deems it appropriate, more often than once every three (3) years.

- (c) The department of public works and the department of planning shall provide an annual report to the board of supervisors which notes any change in the fee due to automatic annual adjustments.
- (d) Application for rezoning to increase the residential density of properties within the impact zone will, if moved, be conditioned to require the applicant to assume a proportionate share of the improvement costs which would otherwise be the responsibility of the county.

(Ord. No. 4643, 1993.)

Sec. 26-98-550. - Amount of traffic impact zone improvement fund.

- (a) The development fee required for roadway improvements shall be apportioned among future residential uses.
- (b) The development fee amount is based on the 1987/1988 zone/A flood control district budget appropriation of one hundred ninety-two thousand dollars (\$192,000.00) for the improvement work.
- (c) The costs associated with the improvement district shall be spread among all of the properties within the area boundaries according to their development potential. Since approximately forty percent (40%) of the land within the district is already developed, the county of Sonoma shall bear forty percent (40%) of the cost of the project, except as provided by Section 26-98-540(d).
- (d) The development potential for each parcel within the district shall be calculated based upon the maximum number of units which could be developed for each parcel under existing zoning of January 1, 1987 less the number of existing units as of that date.
- (e) Actual assessments will be made upon each individual parcel at the time of development based upon the number of units approved for construction and any increase of the improvement costs.
- (f) The development fees established and referenced in this chapter are necessary for the mitigation of significant impacts which will be created by future development in the area described herein. The fees required herein are fairly apportioned within the impact zone on the basis of benefits conferred on affected properties. If, for any reason, any portion of this chapter is challenged in a court of competent jurisdiction, such challenge may constitute new information for purposes of CEQA regulation 15162 which might, in turn, require additional environmental review of development projects. The refusal to pay fees imposed herein represents a failure on the part of the developer to participate in area wide mitigation fees and may constitute the basis for the county's refusal to make a statement of overriding consideration in connection with the cumulative environmental impacts generated by such project.

(Ord. No. 4643, 1993.)

Sec. 26-98-600. - Purpose of countywide traffic development fee.

In order to implement the goals and objectives of the general plan, including the circulation and transit element of that general plan, and to mitigate the traffic impacts caused by new development in Sonoma County, certain public roadway improvements must be constructed to insure a safe and efficient level of service. The board of supervisors has determined that a countywide development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction cost of these improvements. In establishing the fee described in the following sections, the board of supervisors has found the fee to be consistent with its general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the county's housing needs as established in the housing element of the general plan.

(Ord. No. 4816 § 1, 1994.)

Sec. 26-98-605. - Countywide development fee impact area.

- (a) The countywide development fee impact area shall be all unincorporated lands within the boundary of the county except for those lying within the boundaries of the Sonoma Valley development fee impact area.
- (b) There is created in the office of the county auditor-controller and the county treasurer a separate capital facilities account or fund complying with the requirements of Government Code § 66006(a) entitled "Sonoma County Countywide Roadway Improvement Fund." Said fund shall consist of a roadway account. All amounts collected from roadway development fees on account of this chapter shall be deposited in said account. These fees shall be expended in accordance with the provisions of the general plan and Sonoma County Code Section 26-98-600 et seq., to pay the costs of roadway facilities and improvements described in Table 3, dated November, 2009, as amended (attached to the ordinance codified in this chapter and on file in the public works department and made a part hereof). Pursuant to Government Code Section 66007(b), these fees are authorized for expenditures and obligations for the specific purposes described in said Table 2. These funds may also be used to reimburse developers who have been required or permitted to install roadway facilities which are oversized with supplemental size, length or capacity.

(Ord. No. 5877, § III, 2-2-2010; Ord. No. 5514, § 3, 2004; Ord. No. 5419, § 3, 2003; Ord. No. 5345, § 3, 2002; Ord. No. 5214, § 1, 2000; Ord. No. 5012, § 4, 1997; Ord. No. 4816, § 1, 1994; Ord. No. 4643, 1993.)

Sec. 26-98-610. - Findings and determinations of the board of supervisors.

- (a) The purpose of the fees adopted by Section 26-98-600 et seq. is to pay the costs of roadway facilities and improvements in accordance with the provisions of the general plan, including the circulation and transit element, and to implement the county's general plan, and to use the authority of Article XI, Section 7 of the California Constitution by imposing development fees to fund the costs of certain facilities and services, the need for which is generated by the type and level of development proposed in Sonoma County.
- (b) The use of which the fees are to be put is to pay the costs of the roadway facilities and improvements identified in Table 2, dated November 2009, as amended (attached to this ordinance codified in this chapter and on file in the permit and resource management department and made a part hereof).
- (c) There is a reasonable relationship between the fees used and the types of development projects on which the fee is imposed for the reasons set forth in the general plan and the January 1991, February 1992 and subsequent reports of the county transportation and public works directors, which are incorporated herein by this reference.
- (d) There is a reasonable relationship between the need for the roadway facilities and improvements identified in said Table 2, dated November 2009, as amended, and the development projects on which the fee is imposed, for the reasons set forth in the Sonoma County general plan and the January 1991, February 1992, and subsequent reports of the county transportation and public works director, which are incorporated herein by this reference.
- (e) The cost estimates in said Table 2, dated November 2009, as amended, are based upon current costs of construction as determined by the county transportation and public works director through an analysis of current contracted public projects.
- (f) Without the adoption of Section 26-98-600 et seq., and the construction of infrastructure improvements as called for in said Table 2, dated November 2009, as amended, there will be decreased levels of service on certain highways, increased congestion, decreased highway safety, increased accidents, inadequate structural sections, road services deteriorating to the point where

they cannot be safely maintained, lack of shoulders meeting basic safety standards, substandard traffic intersections, and an increase in flooding potential.

(Ord. No. 5877, § IV, 2-2-2010; Ord. No. 5514, § 4, 2004; Ord. No. 5419, § 4, 2003; Ord. No. 5345, § 4, 2002; Ord. No. 5214, § 1, 2000; Ord. No. 5012, § 5, 1997; Ord. No. 4816, § 1, 1994; Ord. No. 4643, 1993.)

Sec. 26-98-620. - Amount of roadway improvement fund.

- (a) The development fee required for roadway improvements shall be apportioned among residential, commercial, industrial and institutional use.
- (b) The development fee amount is based upon the report of the transportation and public works director dated January 1991, February 1992, and subsequent reports, and the Sonoma County general plan.

The development fee shall be:

Three hundred ninety-one dollars (\$391.00) per trip for residential uses; and

One hundred nineteen dollars (\$119.00) per trip for commercial uses; and

One hundred nine dollars (\$109.00) per trip for industrial/institutional uses.

- (c) The total fee payable for residential, commercial and industrial/institutional uses shall be computed by multiplying the number of estimated new average daily trips generated by the proposed project times the fee per trip.
- (d) Calculation of New Average Daily Trips.
 - (1) The most recently issued trip generation manual published by the Institute of Transportation Engineers shall be used to determine the average daily trips for each proposed use.
 - (2) If a project alters or replaces an existing legal project on the same parcel, the number of average daily trips generated by the existing legal project will be deducted to determine the net increase in average daily trips. The fee assessment will be based on the net increase in average daily trips for a particular site.

Example: for a general retail use of four thousand (4,000) square feet, replacing existing uses generating twenty (20) average daily trips, the fee would be:

48 trips/MSF × 4 MSF = +192 gross trips (MSF = Thousand Square Feet)

20 existing trips = - 20

31 passby trips = - 31

Net New Trips = 141 new trips

141 New Trips × \$119/Trip = \$16,779

- (e) Individual nonresidential uses permitted by the land use plan other than in commercial, industrial and institutional land use categories shall have roadway improvement fees assigned based upon recommendations from the county department of transportation and public works.

(Ord. No. 4816 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-630. - Alternative method and compliance with other laws.

- (a) Sections 26-98-600 through 26-98-680, inclusive, are intended to establish a supplemental method for funding the cost of certain facilities and services, the need for which will be generated by the level and type of development proposed in Sonoma County. The provisions of these sections shall not be construed to limit the power of the county to impose any other fees or exactions, but shall be in addition to any other requirements which the county is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings or other entitlements within Sonoma County pursuant to state and local laws.
- (b) The development fees established and referenced in this chapter are necessary for the mitigation of significant impacts which will be created by future development in Sonoma County. If, for any reason, any portion of this chapter is challenged in a court of competent jurisdiction, such challenge may constitute new information for purposes of CEQA which might, in turn, require additional environmental review of development projects. The refusal to pay fees imposed herein represents a failure on the part of the developer to participate in area-wide mitigation fees and may constitute the basis for the county's refusal to make a statement of overriding consideration in connection with accumulative environmental impacts generated by such project.
- (c) Rezonings in Sonoma County are subject to the condition subsequent that the fees imposed by Sections 26-98-600 through 26-98-680, inclusive, will be paid. Failure to pay such fees shall result in a violation and entitle the county to pursue such remedies as may be available to it by law.

(Ord. No. 4816 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-640. - Projects exempt from fee requirements.

- (a) The fee provisions shall not apply to public agency projects (including special districts) which provide public infrastructure within the scope of the public agency's responsibilities.
- (b) Development areas within the Sonoma Valley traffic mitigation fee ordinances shall be exempt from this chapter and shall instead pay the roadway development fees already established in that area.

(Ord. No. 5419 § 5, 2003: Ord. No. 5345 § 5, 2002: Ord. No. 5214 § 1, 2000: Ord. No. 4816 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-650. - Annual adjustment and review of fees.

- (a) On January 1st of each year beginning in 1995, the development fees imposed by Sections 26-98-600 through 26-98-680, inclusive, shall be adjusted by the department of transportation and public works by a percentage amount equivalent to the percentage change in the engineering news record construction cost index for the preceding twelve (12) month period. The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of department of permit and resource management's approval of the building permit, or in those cases specified in Section 26-98-660(a)(3), the fee in effect at the time for the department of permit and resource management's discretionary approval of the permit.

- (b) The board of supervisors shall review the adequacy of the development fees established herein at least once every three (3) years or, if required or appropriate, more often than once every three (3) years.
- (c) The department of transportation and public works and the department of permit and resource management shall provide an annual report to the board of supervisors which specifies:
 - (1) Any change in the fee due to automatic annual adjustments;
 - (2) The status of the trust funds established to fund the development of public infrastructure in the countywide area; and
 - (3) The status of any improvement projects financed in full or in part by such trust funds.

(Ord. No. 4816 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-660. - Timing of fee payments.

- (a) The fees imposed and required by Sections 26-98-600 through 26-98-680, inclusive, shall be paid when any of the following county approval or permits are required:
 - (1) Department of permit and resource management's approval of building permits for new residential dwelling units on existing lots, including second dwelling units authorized pursuant to this chapter;
 - (2) Those permits for which, prior to the issuance of a building permit, discretionary approval is required. These permits include, but are not limited to, use permits, design review approvals, and major or minor subdivisions; and
 - (3) Those zoning permits requiring discretionary approval which do not require a building permit.
- (b) The fees imposed and required by subsection (a)(1) of this section shall be paid as follows:
 - (1) The fee for those approvals referred to in subsection (a)(1) of this section shall be paid to the county prior to department of permit and resource management's approval of a building permit.
 - (2) The fee for those permits and approvals referred to in subsection (a)(2) of this section shall be paid to the county prior to department of permit and resource management's approval of a building permit or issuance of the building permit, whichever occurs first. At the time of the discretionary approval, the following condition shall be imposed on the development:

"As a condition of the approval, applicant shall pay to the County of Sonoma those development fees required by Sections 26-98-600 through 26-98-680, inclusive, of the Sonoma County Code. Such fees shall be paid prior to issuance of a building permit."

Where the condition set forth above is to be placed on a major or minor subdivision, the condition shall be placed as a notation on the final or parcel map so that subsequent purchasers of lots within the subdivision will be on notice that fees will be required prior to the issuance of a building permit.
 - (3) The fee for those permits referred to in subsection (a)(3) of this section shall be paid to the county within thirty (30) days after the permit is approved. At the time of the discretionary approval, the following condition shall be imposed:

"As a condition of the approval, applicant shall pay to the County of Sonoma that development fee required by Sections 26-98-600 through 26-98-680, inclusive, of the Sonoma County Code within thirty (30) days after approval of this permit. Failure to make this payment within thirty (30) days after approval of this permit shall result in said permit being rendered null and void."

- (c) No building permit or discretionary approval for property within Sonoma County shall be issued or approved unless the development fees for the property are paid as required by Sections 26-98-610 through 26-98-680, inclusive.

(Ord. No. 4816 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-670. - Developer construction of oversized facilities.

Whenever a developer is required, as a condition of approval of a development permit, to construct roadway facilities determined by the county to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the roadway facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The reimbursement amounts shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.

(Ord. No. 4816 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-680. - Fee adjustments.

- (a) A developer of any project subject to the fee established by Sections 26-98-600 through 26-98-680, inclusive, may apply to the director of the permit and resource management department for a reduction or adjustment to that fee, or a waiver of that fee, based upon: (1) the absence of any reasonable relationship or nexus between the traffic and transportation impacts of that development and either the amount of the fee charged or the types of facilities to be financed; and/or (2) the development is sufficiently specialized such that the fee should be specially calculated so as to maintain a reasonable relationship between the type of the development project and the amount of the fee.

The application shall be made in writing and filed with the director of the permit and resource management department not later than: twenty (20) days prior to the public hearing on the development permit application for the project; or if no development permit is required, at the time of the filing of the request for a building permit.

The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The director of the permit and resource management department in consultation with the director of the department of transportation and public works shall consider the application and render a decision. If a reduction, adjustment or waiver is granted, any change of use within the project shall invalidate the waiver, adjustment or reduction of the fee.

- (b) In addition to the foregoing, a developer of any project subject to the fee established by Sections 26-98-600 through 26-98-680, inclusive, may apply to the board of supervisors for a reduction or adjustment to that fee, or a waiver of that fee, otherwise due in the following case:

- (1) Situations where the board of supervisors determines that the project development is a project eligible for direct county funding consideration and, in lieu of such funding, the board elects to waive or reduce the fee in an amount determined appropriate by the board in its sole discretion.

Any such application shall be made in writing and filed with the clerk to the board of supervisors not later than: ten (10) days prior to the public hearing on the development permit application for the project; or if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The board of supervisors shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty (60) days after the filing of the fee adjustment application. The decision of the board of supervisors shall be final. If a reduction,

adjustment or waiver is granted, any change of use within the project shall invalidate the waiver, adjustment or reduction of the fee.

(Ord. No. 5012 § 6, 1997: Ord. No. 4816 § 1, 1994: Ord. No. 4643, 1993.)

Sec. 26-98-700. - Purpose of Larkfield area development fee.

In order to implement the goals and objectives of the general plan, including the circulation and transit element of that general plan, and to mitigate the traffic impacts caused by new development in the Larkfield/Wikiup development fee impact area, certain public roadway improvements must be constructed to insure a safe and efficient level of service. The board of supervisors has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction cost of these improvements. In establishing the fee described in the following sections, the board of supervisors has found the fee to be consistent with its general plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the county's housing needs as established in the housing element of the general plan.

(Ord. No. 4817, 1994.)

Sec. 26-98-710. - Larkfield development fee impact area.

- (a) The Larkfield development fee impact area is shown on the map attached to Ordinance No. 4350 as Exhibit B, and is on file with the permit and resource management department, and is incorporated herein.
- (b) There is created in the office of the county auditor-controller and the county treasurer a special interest-bearing trust fund entitled "Larkfield Roadway Improvement Fund." Said fund shall consist of a roadway account. All amounts collected from roadway development fees in the Larkfield development fee impact area shall be deposited in that account. These fees shall be expended in accordance with the provisions of the general plan and Sonoma County Code Section 26-98-700 et seq. to pay the costs of the roadway facilities and improvements described in Table 4, dated April 1997, as amended, attached and incorporated herein. These funds may also be used to reimburse the developers who have been required or permitted to install roadway facilities which are oversized with supplemental size, length, or capacity.

(Ord. No. 5012 § 7, 1997: Ord. No. 4817, 1994.)

Sec. 26-98-720. - Findings and determinations of the board of supervisors.

- (a) The purpose of the fees adopted by Section 26-98-720 et seq. is to pay the costs of roadway facilities and improvements in accordance with the provisions of the Sonoma County general plan, including the circulation and transit element, and to implement the county's general plan, and to use the authority of Article XI, Section 7 of the California Constitution by imposing development fees to fund the costs of certain facilities and services the need for which is generated by the type and level of development proposed in the Larkfield development fee impact area.
- (b) The use to which the fees are to be put is to pay the costs of the roadway facilities and improvements identified in Table 4, dated April 1997, as amended (attached to this ordinance and on file in the permit and resource management department and made a part hereof).
- (c) There is a reasonable relationship between the fees used and the types of development projects on which the fee is imposed for the reasons set forth in the Sonoma County general plan, the January 1991, February 1992, and subsequent reports of the transportation and public works director, all of which are incorporated herein by this reference.

- (d) There is a reasonable relationship between the need for the roadway facilities and improvements identified in Table 4, dated April 1997 as amended, and the development projects on which the fee is imposed, for the reasons set forth in the Sonoma County general plan, the January 1991, February 1992, and subsequent reports of the transportation and public works director, all of which are incorporated herein by this reference.
- (e) The cost estimates in Table 4, dated April 1997, as amended, are based upon actual current costs of construction as determined by the county director of transportation and public works through an analysis of current contracted public projects.
- (f) Without the adoption of Section 26-98-700 et seq., and the construction of infrastructure improvements as called for in Table 4, dated April 1997 as amended, there will be decreased levels of service on certain highways, increased congestion, decreased highway safety, increased accidents, inadequate structural sections, road services deteriorating to the point where they cannot be safely maintained, lack of shoulders meeting basic safety standards, substandard traffic intersections, and an increase in flooding potential.

(Ord. No. 5012 § 8, 1997: Ord. No. 4817, 1994.)

Sec. 26-98-730. - Amount of roadway improvement fund.

- (a) The development fee required for roadway improvements shall be apportioned among residential, commercial, industrial and institutional use.
- (b) The development fee amount is based upon the report of the Sonoma County transportation and public works director dated January 1991, February 1992, and subsequent reports (including the studies and documents and attachments to those reports) and the Sonoma County general plan.

The development fee shall be:

Four hundred two dollars (\$402.00) per trip for residential uses, and

One hundred nineteen dollars (\$119.00) per trip for commercial uses, and

One hundred nine dollars (\$109.00) per trip for industrial/institutional uses.

- (c) The total fee payable for residential, commercial and industrial/institutional shall be computed by multiplying the number of estimated new average daily trips generated by the proposed project times the fee per trip.
- (d) Calculation of new average daily trips:
 - (1) The most recently issued trip generation manual published by the Institute of Transportation Engineers shall be used to determine the average daily trips for each proposed use.
 - (2) If a project alters or replaces an existing legal project on the same parcel, the number of average daily trips generated by the existing legal project will be deducted to determine the net increase in average daily trips. The fee assessment will be based on the net increase in average daily trips for a particular site.

Example: For a general retail use of four thousand (4,000) square feet, replacing existing uses generating twenty (20) average daily trips, the fee would be:

48 trips/MSF × 4 MSF = +192 gross trips (MSF = Thousand Square Feet)

20 existing trips = - 20

31 passby trips = - 31

Net New Trips = 141 new trips

141 New Trips × \$119/Trip = \$16,779

- (e) Individual nonresidential uses permitted by land use plan other than in commercial, industrial and institutional land use categories shall have roadway improvement fees assigned based upon recommendations from the county department of transportation and public works.

(Ord. No. 4817, 1994.)

Sec. 26-98-740. - Alternative method and compliance with other laws.

- (a) Sections 26-98-700 through 26-98-790, inclusive, are intended to establish a supplemental method for funding the cost of certain facilities and services, the need for which will be generated by the level and type of development proposed in the Larkfield development fee impact area. The provisions of these sections shall not be construed to limit the power of the county to impose any other fees or exactions, but shall be in addition to any other requirements which the county is authorized to impose, or has previously imposed, as a condition of approving plans, rezonings, or other entitlements within the Larkfield development fee impact area pursuant to state and local laws.
- (b) The development fees established for this area are necessary for the mitigation of significant impacts which will be created by future development in the Larkfield development fee impact area. If, for any reason, any portion of this chapter is challenged in a court of competent jurisdiction, such challenge may constitute new information for purposes of CEQA which might, in turn, require additional environmental review of development projects. The refusal to pay fees imposed herein represents a failure on the part of the developer to participate in area-wide mitigation fees and may constitute the basis for the county's refusal to make a statement of overriding consideration in connection with cumulative environmental impacts generated by such project.
- (c) Rezonings in the Larkfield development fee impact area are subject to the condition subsequent that the fees imposed by Sections 26-98-700 through 26-98-790, inclusive, will be paid. Failure to pay such fees shall result in a violation of this condition subsequent and entitle County to pursue such remedies as may be available to it by law.

(Ord. No. 4817, 1994.)

Sec. 26-98-750. - Projects exempt from fee requirements.

The fee provisions shall not apply to public agency projects (including special districts) which provide public infrastructure within the scope of the public agency's responsibilities.

(Ord. No. 4817, 1994.)

Sec. 26-98-760. - Annual adjustment and review of fees.

- (a) On January 1st of each year beginning in 1995, the development fees imposed by Sections 26-98-700 through 26-98-790, inclusive, shall be adjusted by the department of transportation and public works by a percentage amount equivalent to the percentage change in the Engineering News Record Construction Cost Index for the preceding twelve (12) month period. The amount of fee applicable to any permit shall be computed based on the fee in effect as of the date of department of permit and resource management's approval of the building permit, or in those cases specified in Section 26-98-770(a)(3), the fee in effect at the time of the department of permit and resource management's discretionary approval of the permit.
- (b) The board of supervisors shall review the adequacy of the development fees established herein at least once every three (3) years or, if required or appropriate, more often than once every three (3) years.
- (c) The department of transportation and public works and the department of permit and resource management shall provide an annual report to the board of supervisors which specifies:
 - (1) Any change in the fee due to automatic annual adjustments;
 - (2) The status of the trust fund established to fund the development of public infrastructure in the Larkfield development fee impact area; and
 - (3) The status of any improvement projects financed in full or in part by such trust funds.

(Ord. No. 4817, 1994.)

Sec. 26-98-770. - Timing of fee payments.

- (a) The fees imposed and required by Sections 26-98-700 through 26-98-790, inclusive, shall be paid when any of the following County approval or permits are required:
 - (1) Department of permit and resource management's approval of building permits for new residential dwelling units on existing lots, including second dwelling units authorized pursuant to this chapter;
 - (2) Those permits for which, prior to the issuance of a building permit, discretionary approval is required. These permits include, but are not limited to, use permits, design review approvals and major or minor subdivisions; and
 - (3) Those zoning permits requiring discretionary approval which do not require a building permit.
- (b) The fees imposed and required by subsection (a) of this section shall be paid as follows:
 - (1) The fee for those approvals referred to in subsection (a)(1) of this section shall be paid to the county prior to department of permit and resource management's approval of the building permit.
 - (2) The fee for those permits and approvals referred to in subsection (a)(2) of this section shall be paid to the county prior to department of permit and resource management's approval of a building permit or issuance of the building permit, whichever occurs first. At the time of the discretionary approval, the following condition shall be imposed on the development:

"As a condition of the approval, applicant shall pay to the County of Sonoma those development fees required by Sections 26-98-700 through 26-98-790, inclusive, of the Sonoma County Code. Such fees shall be paid prior to issuance of a building permit."

Where the condition set forth above is to be placed on a major or minor subdivision, the condition shall be placed as notation on the final or parcel map so that subsequent purchasers of lots within the subdivision will be on notice that fees will be required prior to the issuance of a building permit.

- (3) The fee for those permits referred to subsection (a)(3) of this section shall be paid to the county within thirty (30) days after the permit is approved. At the time of the discretionary approval, the following condition shall be imposed:

"As a condition of the approval, applicant shall pay to the County of Sonoma that development fee required by Section 26-495 through Section 26-495.9, inclusive, of the Sonoma County Code within thirty (30) days after approval of this permit. Failure to make this payment within thirty (30) days after approval of this permit shall result in said permit being rendered null and void."

- (c) No building permit or discretionary approval for property within the Larkfield development fee impact area shall be issued or approved unless the development fees for the property are paid as required by Sections 26-98-700 through 26-98-790, inclusive.

(Ord. No. 4817, 1994.)

Sec. 26-98-780. - Developer construction of oversized facilities.

Whenever a developer is required, as a condition of approval of a development permit, to construct roadway facilities determined by the county to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the roadway facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this chapter on the development project, shall be offered. The reimbursement amounts shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.

(Ord. No. 4817, 1994.)

Sec. 26-98-790. - Fee adjustments.

- (a) A developer of any project subject to the fee established by Sections 26-98-700 through 26-98-790, inclusive, may apply to the director of the permit and resource management department for a reduction or adjustment to that fee, or a waiver of that fee, based upon: (1) the absence of any reasonable relationship or nexus between the traffic and transportation impacts of that development and either the amount of the fee charged or the types of facilities to be financed; and/or (2) the development is sufficiently specialized such that the fee should be specially calculated so as to maintain a reasonable relationship between the type of the development project and the amount of the fee.

The application shall be made in writing and filed with the director of the permit and resource management department not later than: twenty (20) days prior to the public hearing on the development permit application for the project; or if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The director of the permit and resource management department in consultation with the director of the department of transportation and public works shall consider the application and render a decision. If a reduction, adjustment or waiver is granted, any change of use within the project shall invalidate the waiver, adjustment or reduction of the fee.

- (b) In addition to the foregoing, a developer of any project subject to the fee established by Sections 26-98-700 through 26-98-790, inclusive, may apply to the board of supervisors for a reduction or adjustment to that fee, or a waiver of that fee, otherwise due in the following case:

- (1) Situations where the board of supervisors determines that the project development is a project eligible for direct county funding consideration and, in lieu of such funding, the board elects to waive or reduce the fee in an amount determined appropriate by the board in its sole discretion.

Any such application shall be made in writing and filed with the clerk to the board of supervisors not later than: ten (10) days prior to the public hearing on the development permit application for the project; or if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment. The board of supervisors shall consider the application at the public hearing on the permit application or at a separate hearing held within sixty (60) days after the filing of the fee adjustment application. The decision of the board of supervisors shall be final. If a reduction, adjustment or waiver is granted, any change of use within the project shall invalidate the waiver, adjustment or reduction of the fee.

(Ord. No. 5012 § 9, 1997; Ord. No. 4817, 1994.)

Sec. 26-98-800. - Deferral of development fee payment.

- (a) Notwithstanding any other provision of this Code, payment of development fees imposed pursuant to this chapter and Chapter 25 of this Code may be deferred on projects that provide affordable or special needs housing subject to compliance with the provisions of this section. A fee deferral may be requested any time prior to issuance of a building permit.
- (b) A fee deferral may be approved if the director or the board of supervisors determines, in consultation with affected departments, that the improvements funded by the fees can be delayed or that the fees from the project are not needed to finance the programmed public improvements over the near-term.
- (c) Fees for affordable rental housing may be deferred until the time permanent financing for the project is in place or a certain date specified by the promissory note, whichever occurs first. Fees for affordable ownership housing may be deferred until the sale of the dwelling unit, or a certain date specified by the promissory note, whichever occurs first.
- (d) To secure payment of deferred fees a promissory note and a deed of trust, or other instrument(s) as authorized by the board of supervisors and approved by county counsel, shall be recorded against the parcel on which the project is being constructed. The deed of trust may be subordinated to the purchase and construction financing, at the discretion of the director of the department.
- (e) For the purpose of this section an affordable housing development shall mean dwelling unit(s) reserved for rent or sale to a low-, very low-, or extremely low-income household pursuant to the provisions of the general plan housing element, including the requirement that the continued affordability of said units be secured by a recorded affordable housing agreement or special needs housing agreement, as applicable. A special needs housing development shall have at least twenty (20) percent of the special needs units reserved for occupancy by very low-, low-, or extremely low-income special needs households.
- (f) The director of the Sonoma County Permit and Resource Management Department is hereby authorized and directed to execute any documents on behalf of the County of Sonoma which may be required to implement the provisions of this section, provided the forms of such documents have been approved by the county counsel.
- (g) The county counsel is authorized and directed to prepare or review and approve as to legal form, all necessary legal documents, including but not limited to promissory notes, deeds of trust, any escrow instructions which may be necessary to implement the provisions of this section.
- (h) The board of supervisors may, by resolution, temporarily extend the benefits of fee deferral under this section to additional categories of development projects as it determines appropriate. All fee deferrals authorized by such resolution shall be subject to the provisions of this section, with the exception that the provisions of subsection (c) shall not apply, and instead fees deferred pursuant to such resolution shall be due and payable at time of building occupancy or final inspection whichever occurs first, but not later than thirty-six (36) months from the date of original issuance of the building permit.

(Ord. No. 5897, § II, 7-13-2010; Ord. No. 5569 § 11, 2005: Ord. No. 5009 § 1(H), 1997.)

Article 100. - Development Agreements.

Sec. 26-100-010. - Purpose.

- A. This chapter establishes procedures and requirements for processing development agreements. The appropriate use of development agreements can provide a developer greater certainty in the development approval process by vesting certain development rights and provide the County with public benefits by requiring the developer to provide certain public improvements and benefits that would not otherwise be obtained through other applicable development approval processes. Among other benefits, development agreements have the potential to strengthen the planning process, encourage comprehensive planning, reduce uncertainty in the development review process, reduce the economic costs of development, and facilitate the development and financing of infrastructure and other public improvements.
- B. This Article is adopted under the authority of, and incorporates by reference, Sections 65864 through 65869.5 of the California Government Code and any successor statute(s).

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-020. - Applicability.

This Article authorizes the county of Sonoma, at its sole discretion, to enter into a development agreement with any qualified applicant for the development of real property. The provisions of this Article are applicable throughout the unincorporated area of the county of Sonoma outside of the Coastal Zone.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-030. - Definitions.

[The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Developer means the party with whom the county enters a development agreement.

Development agreement means a binding agreement entered into between the county and a qualified applicant pursuant to the requirements and procedures of state law and this Article.

Legal description means the geographical description of real property by metes and bounds, which unambiguously identifies the location, boundaries, and any existing easements on the property.

Property means real property, unless otherwise specified.

Qualified applicant means a person who has a legal or equitable interest in the real property that is the subject of the development agreement and who is applying to enter into a development agreement with the county. The term "qualified applicant" includes the plural in the case of an applicant consisting of more than one (1) party. The term "person" includes any legal entity.

Words not defined herein shall have the same meaning as provided elsewhere in the county code or in applicable state law.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-040. - Application for development agreements.

- A. Owner Authorization. Only a qualified applicant may file an application to enter into a development agreement. An applicant shall submit written proof of its legal or equitable interest in the property that is the subject of the development agreement, and of the authority of any agent to act on its behalf.
- B. Eligibility. Development proposals which are eligible for consideration for a development agreement shall be limited to projects in which the qualified applicant agrees to make a significant contribution to infrastructure, open space, affordable housing, or other public improvements and amenities of benefit to the county that would not be otherwise be obtained through other applicable development approval processes.
- C. Application Requirements. The director may prescribe the form and contents of the application for the preparation and implementation of development agreements, and amendments to development agreements, which shall be submitted with a request for a development agreement or amendment to a development agreement. The application shall contain, without limitation, the following:
 - 1. The name and address of the applicant and of all persons and entities having any legal or equitable interest in the property that is the subject of the proposed development agreement or amendment.
 - 2. Evidence demonstrating that the applicant has a legal or equitable interest in the property that is the subject of the proposed development agreement;
 - 3. Legal description of the property and a list of all assessor's parcel numbers for the property, including an approximation of the total area of the property which is the subject of the proposed development agreement;
 - 4. Information about the current use of the property proposed to be subject to the development agreement;
 - 5. Additional information that the director or his or her designee may deem necessary or convenient to process the application, including but not limited to explanatory text, development plans, maps, drawings, and photos
- D. Separate Applications. A qualified applicant shall file an application for each development project for which a development agreement is requested.
- E. Waiver. The director may waive the filing of one (1) or more of the application materials required by subsection C above if the same information is filed with an application for a specific plan or land use entitlement to be considered concurrently.
- F. Fees. The filing of an application for development agreement or amendment to a development agreement shall be accompanied by payment of such fees as are established by the board of supervisors by resolution.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-050. - Procedures for processing of development agreements.

- A. Initiation. A proposal for a development agreement may be initiated only by a qualified applicant.
- B. Completeness Review. The director or his or her designee shall review the application for completeness and shall determine any additional requirements necessary to make the application complete. The director may reject an application as incomplete if it is not made by a qualified applicant, if it does not contain the documentation required by the director or his or her designee, other county departments, or other responsible agencies, or if it is unaccompanied by the required fee.
- C. Time for Commencement of Negotiation. At such time that the director or his or her designee has determined the application is complete, the applicant may enter into negotiations with the county

regarding the terms of the development agreement. When the county and applicant have reached tentative agreement on the terms of the development agreement, the development agreement may be considered by the planning commission, provided that the proposed agreement shall be considered concurrently with any applications for discretionary land use entitlements authorizing the development which is the subject of the proposed development agreement.

- D. County Representative. The director or his or her designee, assigned in writing are authorized to negotiate the specific components and provisions of a development agreement on behalf of the county.
- E. Environmental Review. A development agreement application submitted pursuant to this Article is a discretionary project pursuant to the California Environmental Quality Act.
- F. Review and Recommendation. The planning commission shall review and provide a recommendation to the board of supervisors on all development agreement applications, consistent with state law and this Article.
- G. Review and Decision. The board of supervisors shall be the final decision-making authority on all development agreements consistent with state law and this Article.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-060. - Notice.

- A. Notice of public hearings to consider recommendations on and adoption of a development agreement shall be given pursuant to state law as it may be periodically amended, including Government Code Sections 65867, 65090, and 65091. The notice may be combined with any other notice required by law for other actions to be considered concurrently with the development agreement.
- B. Public hearing notices for projects processed under this Article will contain the following information:
 - 1. The time and place of the hearing;
 - 2. The name of the body conducting hearing;
 - 3. The project location.
 - 4. A general project description with reference to a proposed Development Agreement;
 - 5. Other necessary information which the director, or clerk of the board of supervisors considers necessary or desirable.
- C. Public notices for applications involving a development agreement shall be mailed to all persons shown on the last equalized assessment roll of parcels of real property within three hundred feet (300') of the project site, by publication in a newspaper of general circulation, and by posting in at least three (3) places on or near the property which is the subject of the hearing. The director may require enlarged or enhanced signage on the project site.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-070. - Development agreement requirements.

- A. Location. Development agreements as defined herein may be used in any zoning district authorized by this zoning ordinance. Said agreements, when established, shall be considered a combining zone with the existing zoning district.
- B. Required Provisions in Development Agreements. A development agreement shall specify the following:

1. Duration of the agreement;
 2. Allowed uses of the property;
 3. Density or intensity of specified uses on the property;
 4. The maximum height and size of proposed structures;
 5. Provisions for reservation or dedication of land for public purposes;
 6. The public benefits that would exceed those required by existing ordinances and regulations.
- C. Elective Provisions in Development Agreements. A development agreement may also specify the following:
1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development identified in the agreement.
 2. The time period for commencement of construction, and that the project or any phase of the project be completed within a specified time.
 3. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.
 4. Other terms deemed appropriate by the director and that are consistent with the requirements of this Article and California Government Code Section 65864 et seq. and any successor statute(s).

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-080. - Procedure for review; findings, and decision.

- A. The planning commission shall hold at least one (1) noticed public hearing to consider the proposed development agreement, and other proposed land use entitlements to be considered concurrently with the development agreement. The planning commission shall by resolution make its recommendation to the board of supervisors on the proposed development agreement. The planning commission shall not recommend approval of the development agreement unless it makes the all of findings under subsection E of this section.
- B. Following receipt of the planning commission's recommendation, the board of supervisors shall hold at least one (1) noticed public hearing to consider the proposed development agreement. The hearing shall be "de novo."
- C. The board of supervisors shall consider the recommendation of the planning commission. The board may, but need not, refer matters not previously considered by the planning commission during its hearing back to the planning commission for report and recommendation with in the time limit set by the board.
- D. The board of supervisors, in its sole discretion, may determine whether to enter into a development agreement. The board of supervisors may add, modify, or delete any provision of the development agreement as a condition of approval. The board shall not approve a development agreement unless it makes all of the findings specified in subsection E below.
- E. The board shall make all of the following findings when approving a development agreement:
 1. The provisions of the development agreement are consistent with the objectives, policies, and program specified in the General Plan, applicable Area Plan, Specific Plan, or any such policy to be adopted concurrently with the adoption of the agreement;

2. If the development agreement includes a proposed subdivision as defined by Government Code Section 66473.7, the development agreement provides that any tentative map prepared for the subdivision comply with the provisions of Government Code Section 66473.7.
 3. The development agreement is in the public interest;
 4. The development agreement provides public improvements and benefits that would not otherwise be obtained through other applicable development approval processes; and
 5. The Agreement is consistent with the provisions of this Article and Government Code Sections 65864 through 65869.5 governing development agreements.
- F. If the board approves the development agreement, it shall do so by the adoption of an ordinance. No development agreement shall be signed by the chair of the board of supervisors until it has been approved as to form by county counsel and executed by the applicant and by all persons having a legal or equitable interest in the property which is the subject of the development agreement. Owners of easements need not execute the development agreement unless the county determines that their agreement to be bound by the development agreement is necessary.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-090. - Effective date.

The effective date of the development agreement is the effective date of the ordinance adopting the agreement unless the development agreement specifies a later effective date.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-100. - Recording the agreement.

1. No later than ten (10) days after the county enters into a development agreement, the clerk of the board of supervisors shall record with the county recorder, at the expense of the qualified applicant, a fully executed copy of the development agreement, which shall include a legal description of the land subject thereto.
2. The burdens and benefits of the development agreement shall be binding and will be in effect for all successors in interest to the parties to the agreement.
3. If the parties to the development agreement or their successors in interest amend or cancel the agreement as herein provided, the director shall cause notice of such action to be recorded with the Sonoma County Recorder, at the expense of the party initiating the amendment or cancellation.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-110. - Amendment and cancellation.

- A. Any development agreement may be amended, or cancelled in whole or in part, by the mutual consent of the parties to the agreement or their successors in interest. Any party may initiate the amendment or cancelation of a development agreement. The procedure for amending or cancelling a development agreement shall be the same as the procedure for approval of the agreement.
- B. Trivial changes not affecting any material term or condition of the development agreement and correction of clerical errors are not an "amendment" within the meaning of this subsection and may be approved by the director.

- C. The issuance of any land use permit or entitlement which requires a change in any vested element of the development agreement shall require an amendment to the development agreement for such change to be vested.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)

Sec. 26-100-120. - Periodic compliance review and cancellation for non-compliance.

- A. The director shall, on an annual basis and at any other time that the director deems appropriate during the term of the agreement, review the compliance with the terms and conditions of the development agreement. The developer or their successor shall have the burden of demonstrating good faith compliance with the terms of the development agreement and shall provide such information and documents as the Director deems reasonably necessary to ascertain compliance with the development agreement. The developer shall bear the costs of the periodic review, including without limitation the costs of notice of any public hearings held in connection with the periodic review.
- B. If the director determines, based on substantial evidence, that the developer has complied in good faith with the terms and conditions of the development agreement during the review period, the director shall adopt a written resolution certifying compliance with the development agreement through the applicable period of review.
- C. If the director determines, based on substantial evidence, that the developer has not complied in good faith with the terms and conditions of the development agreement, the director shall set a public hearing before the planning commission, noticed in accordance with the procedures for noticing a public hearing to consider approval of a development agreement as outlined in Section 26-100-050 of this Article, at which the developer shall be given an opportunity to demonstrate good faith compliance with the terms of the development agreement. The developer shall bear the burden of proving compliance.
- D. If the planning commission determines on the basis of substantial evidence that the developer, or their successor has complied in good faith with the terms and conditions of the development agreement during the period under review, then the planning commission shall adopt a resolution determining compliance with the development agreement. If the planning commission finds, on the basis of substantial evidence, that the developer, or developer's successor in interest, has not complied in good faith with the terms or conditions of the development agreement, then the planning commission shall forward its recommended determination to the board of supervisors.
- E. Following receipt of a recommendation from the planning commission regarding compliance with the development agreement, the board of supervisors shall hold a public hearing, noticed pursuant to the applicable provisions of state law, to determine whether the developer has failed to comply in good faith with the terms and conditions of the development agreement and whether to modify or cancel the agreement. The hearing before the board of supervisors shall be "de novo". The developer shall be given an opportunity to be heard at the hearing before the board of supervisors, and the developer shall bear the burden of proving compliance.
- F. If the board of supervisors determines on the basis of substantial evidence that the developer has complied in good faith with the terms and conditions of the development agreement during the period under review, then the board of supervisors shall adopt a resolution determining compliance with the development agreement through the applicable period under review. If the board of supervisors finds, on the basis of substantial evidence, that the developer has not complied in good faith with all terms and conditions of the development agreement, the board of supervisors may cancel or modify the agreement. Any such cancellation or modification shall be approved by ordinance.
- G. At any time the board of supervisors, at a public hearing, may consider whether there are grounds for revocation of any development agreement. The applicant shall be given advance notice of the time, date and place of any hearing by the board during which the development agreement will be considered. At the hearing, the applicant or successor in interest shall be required to demonstrate

good faith compliance with the terms of the agreement. If as a result of such review, the board finds and determines, on the basis of substantial evidence, that the applicant or successor thereto has not complied in good faith with the terms or conditions of the agreement, the board may revoke or amend the agreement in whole or in part.

([Ord. No. 6299](#), § II(Exh. A), 2-25-2020)