

ORDINANCE NO. 6394

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE IN SECTION 26-02-110 OF THE SONOMA COUNTY CODE, TO RECLASSIFY CERTAIN REAL PROPERTY FROM THE DA B6 20 Z RC100/25 RC200/25 SR VOH ZONING DISTRICTS TO THE DA B6 20 RC100/25 RC200/25 SR VOH ZONING DISTRICTS FOR 19.86 ACRES LOCATED AT LOCATED AT 10531 BODEGA HIGHWAY, SEBASTOPOL: APN 077-070-010

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

Section I. The Board of Supervisors finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, because the proposal to remove the Z Combining District is a minor alteration in land use limitations in an area with an average slope of less than 20% that does not result in any changes in land use or density. This ordinance is a minor alteration in land use limitations that does not alter the base zoning or allowable uses or density because under state law, addition of one accessory dwelling unit may not be considered to exceed the allowable density for the lot upon which it is located (Government Code § 65852.2(a)(8)). Adoption of the proposed ordinance is also exempt from CEQA pursuant to Public Resources Code section 21080.17, adoption of an ordinance by a city or county to implement the provisions of Government Code section 65852.2, regarding permitting of accessory dwelling units. The proposed rezoning would provide for the creation of an accessory dwelling unit in an area zoned to allow residential development.

Section II. The Board of Supervisors finds that adoption of this ordinance is consistent with the General Plan, for the following reasons:

- a. General Plan Housing Element Policy HE-3c includes a program to remove the Z (Accessory Dwelling Unit Exclusion) Combining District from qualifying parcels less than ten acres in size. The subject parcel is 19.86 acres in size; however, allowing an accessory dwelling unit is consistent with Housing Element goals and objectives to increase opportunities for the production of affordable housing such as accessory dwelling units.
- b. Removal of the Z Combining District is consistent with the Diverse Agriculture land use designation and will not significantly alter any of the potential uses that are currently allowed on this site.

Section III. The Board of Supervisors finds that adoption of this ordinance is consistent with Chapter 26 of the Sonoma County Code (Zoning). Removal of the Z Combining District would allow for an accessory dwelling unit on the parcel. Accessory dwelling units are allowed in the DA Zoning District (Sec. 26-06-030, Allowed land uses). The parcel meets the Zoning Ordinance requirements for an accessory dwelling

unit. Section 26-88-060 of the Zoning Ordinance allows an accessory dwelling unit in zoning districts that allow single-family dwellings. The subject parcel meets this standard. This parcel does not meet any of the conditions provided in Sec. 26-76-005 for retaining the Z combining district, for the following reasons:

- a. The parcel has sufficient water supply to serve two dwelling units. The majority of the parcel and the existing well is located in a Class 2 Groundwater Availability Area, which indicates location in a major natural recharge area, and a well test showed sufficient water supply for two dwelling units.
- b. Adequate wastewater disposal is available. The parcel and the development facilitated by the project would be served by a proposed septic system.
- c. The parcel is not located in an area with existing traffic hazards, and the addition of an accessory dwelling unit to this site would not increase the burden on streets, roads, or highways in the area as they are all operating acceptably and are not projected to become impacted in the foreseeable future.
- d. A 2 acre portion of the parcel is located in a high Fire Hazard Severity Zone and 17 acres are located in a moderate Fire Hazard Severity Zone as established by the General Plan Safety Element (Figure PS-1g). The establishment of an accessory dwelling unit would not increase the fire risk. Removal of the Z Combining District would not decrease public safety.

Section IV. The Official Zoning Database (OZD) of the County, adopted by reference in Section 26-02-110 of the Sonoma County Code, is hereby amended to reclassify the following real property from the DA (Diverse Agriculture District), B6 20 (20 acres per dwelling unit density), Z (Accessory Dwelling Unit Exclusion Combining District), RC100/25 (Riparian Corridor Combining District, 100-foot setbacks), RC200/25 (Riparian Corridor Combining District, 200-foot setbacks), SR (Scenic Resources Combining District), VOH (Valley Oak Habitat Combining District) zoning districts; and shall be reclassified as the DA (Diverse Agriculture District), B6 20 (20 acres per dwelling unit density), RC100/25 (Riparian Corridor Combining District, 100-foot setbacks), RC200/25 (Riparian Corridor Combining District, 200-foot setbacks), SR (Scenic Resources Combining District), VOH (Valley Oak Habitat Combining District) zoning districts, for 19.86 acres located at 10531 Bodega Highway, Sebastopol; APN 077-070-010; File No. ZCE21-0006. The Director of the Permit and Resource Management Department is directed to reflect this amendment in the OZD of the County as shown on Sectional District Map No. ZCE21-0006.

Section V. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence,

clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

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

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 9th day of August 2022, and finally passed and adopted this 9th day of August, 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Aye Rabbitt: Aye Coursey: Aye Gore: Aye Hopkins: Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors