

# 15655 Arnold Drive Due Diligence Review

Assessor's Parcel Numbers: 133-062-003, 022, 012 & 013

## Hunter's Farms, Inc.

For: George and Pamela Hamel



*"A Service You Can Count On!"*

The following is a breakdown of the Zoning Designation of each of the parcels considered for purchase:

**APN 133-062-003 15655 Arnold Drive**

LIA B6 40 Z F2 LG/MTN RC100/50 SR VOH

**APN 133-062-011 15599 Arnold Drive**

RR B6 2.1 RC50/50 SR

**APN 133-062-012 15655 Arnold Drive**

LIA B6 20 Z LG/MTN RC50/50 SR VOH

**APN 133-062-013 15655 Arnold Drive**

LIA B6 20 LG/MTN SR VOH

**Zoning Designations**

**LIA** Land Intensive Agriculture (Sec. 26-04)

**B6** – B Combing District for Determination of Density (40 - 40 Acre Max. Density) (Sec. 26-78)

**Z** – Z Second Unit Exclusion Combining District (sec. 26-76)

**F2** – Floodplain Combining District (Sec. 26-58)

**LG/MTN** – Taylor/Sonoma/Mayacamas Mountain Design Guidelines (sec. 26-90-120)

**RC100/50** – Riparian Corridor Combining District (100' residential setback, 50' agricultural setback) (Sec. 26-65)

**SR** – Scenic Resources Combining District (Sec. 26-64)

**VOH** – Valley Oak Habitat Combining District (Sec. 26-67)

**RR** – Rural Residential District (Sec. 26-18)

See Attached References for text from County Zoning Code

## 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) The growing and harvesting of shrubs, plants, flowers, trees, vines, 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;
- (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 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) second dwelling unit per lot, pursuant to Section 26-88-060, provided that the water supply for the second dwelling unit is proposed to be located within a designated Class 1, 2 or 3 groundwater availability area. Second 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 secondary residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield. Second units are not permitted on land subject to a Williamson Act contract;
- (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.

(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) Promotional or marketing accommodations for private guests, provided, that the use, at a minimum, meets all of the following criteria:
  - (1) The use promotes or markets agricultural products grown or processed on the site,
  - (2) The scale of the use is appropriate to the production and/or processing use on the site,
  - (3) The use complies with General Plan Policies AR-6d and AR-6f,
  - (4) No commercial use of private guest accommodations is allowed,
  - (5) 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) 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.

(Ord. No. 5964, § III, 1-31-2012; Ord. No. 5569 § 7, 2005; Ord. No. 5435 § 2(c), 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 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.
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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 76. - Z Second Unit Exclusion Combining District.

Sec. 26-76-005. - Purpose.

Purpose: the purpose of this district is to provide for the exclusion of second 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 second 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. 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 a second unit otherwise authorized by Section 26-92-040.

(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.)

**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 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 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) Additional or varied development may be allowed in designated community separators and scenic landscape units in accordance with general plan Policies OS-1c, and OS-2c, respectively.
- (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. 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 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
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Diameter at Breast Height of Large Valley Oak Being Cut Down or Removed	Valley Oak Retention Requirement <sup>1</sup>	Valley Oak Replacement Requirement <sup>2</sup>	Valley Oak Retention and Replacement Requirement <sup>2</sup>	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 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 one-half the diameter at breast height being cut down or removed and plant 8 trees	\$ 50.00

All retained trees shall be valley oaks.

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 <sup>1</sup>	Valley Oak Replacement Requirement <sup>2</sup>	Valley Oak Retention and Replacement Requirement <sup>2</sup>	In-Lieu Fee Requirement
60 inches of less	None	None	None	None
Greater than 60 inches up to and	Retain 1 or more trees having a cumulative diameter at breast	Plant 16 trees	Retain 1 or more trees having a cumulative diameter at breast height equal to or greater than	\$ 50.00

including 80 inches	height equal to or greater than the cumulative diameter at breast height being cut down or removed		the cumulative diameter at breast height being cut down or removed and plant 8 trees	
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
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All retained trees shall be valley oaks.

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 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) The growing and harvesting of shrubs, plants, flowers, trees, vines, 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) 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) 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;

- (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) Bed and breakfast inns, containing not more than one (1) guest room, contained within a single-family dwelling, subject to the criteria of general plan Policy AR-6e and application for a zoning permit. Food service 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. No weddings, lawn parties or similar activities shall be permitted. No outdoor amplified sound shall be permitted. At least ten (10) days prior to issuance of a zoning permit pursuant to this subsection, a written notice stating "The Sonoma County Permit and Resource Management Department will issue a zoning permit for a one guest room bed and breakfast inn on the property located at [address and APN] if a written appeal is not received within ten (10) days from the date of this notice" shall be posted on

the subject parcel and shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within three hundred feet (300') of the subject parcel. If no written appeal is received during the ten (10) day period following the posting and mailing or delivery of notice, a zoning permit shall be issued if the proposed inn satisfies the requirements of this subsection. In the event of a timely appeal, a hearing on the proposed inn shall be held before the board of zoning adjustments pursuant to Section 26-92-040 and the proposed inn shall be evaluated under the provisions of this subsection and the standards set forth in Section 26-92-080;

- (v) One (1) second dwelling unit per lot, pursuant to Section 26-88-060, provided that the water supply for the second dwelling unit is proposed to be located within a designated Class 1, 2 or 3 groundwater availability area. Second units may be established within designated Class 4 water-scarce areas only where a hydro-geotechnical report, as defined, certifies that the establishment and continuation of the secondary residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield;
- (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;

(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 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 permitted. No outdoor amplified sound shall be permitted. 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 five (5) 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;
- (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. 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.)