

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING THE OFFICIAL ZONING DATABASE OF THE COUNTY OF SONOMA, ADOPTED BY REFERENCE IN SECTION 26-02-110 OF THE SONOMA COUNTY CODE, TO RECLASSIFY CERTAIN REAL PROPERTY FROM THE LEA B6 100, Z RC50/25 ZONING DISTRICTS TO THE LEA B6 100, RC50/25 ZONING DISTRICTS FOR 76.73 ACRES LOCATED AT LOCATED AT 3463 MIDDLE TWO ROCK ROAD, PETALUMA; APN 022-220-021

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

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

Section II. The Board of Supervisors finds that adoption of this ordinance is consistent with the General Plan. Removal of the Z Combining District is consistent with the Diverse Agriculture land use designation and will not significantly alter any of the potential uses that are currently allowed on this site.

Section III. The Board of Supervisors finds that adoption of this ordinance is consistent with Chapter 26 of the Sonoma County Code (Zoning). Removal of the Z Combining District would allow for an accessory dwelling unit on the parcel. Accessory dwelling units are allowed in the LEA Zoning District (Sec. 26-06-030, Allowed land uses). The parcel meets the Zoning Ordinance requirements for an accessory dwelling unit. Section 26-88-060 of the Zoning Ordinance allows an accessory dwelling unit in zoning districts that allow single-family dwellings. The subject parcel meets this standard. This parcel does not meet any of the conditions provided in Sec. 26-76-005 for retaining the Z combining district, for the following reasons:

- a. Water Supply. The Z Combining District was not originally applied to the subject parcel for reasons related to water supply. The parcel is located in a Class 2 Groundwater Availability Area, which indicates a major natural recharge area. The project site has a finaled well permit (WEL99-0084).

- b. The Z Combining District was not applied to the subject parcel for reasons related to inadequate wastewater disposal. The parcel and the development facilitated by the project would be served by a code compliant septic system.

The subject parcel is located in the Petaluma Nitrate Waiver Prohibition Area, one of several areas in Sonoma County designated as waiver prohibition areas, where variances or waivers to septic development standards (per Section 18 of the Sonoma County Onsite Wastewater Treatment Systems Manual) are not allowed, or where there are special standards for construction of wells or septic systems. Special standards required in the Petaluma Nitrate Waiver Prohibition Area were established by Ordinances 2607 (1980) and 3019 (1982), following the discovery of serious nitrate contamination in groundwater in the area. Those standards include wet weather groundwater determination and percolation testing for all septic systems, and minimum annular seals of at least 100 feet for water wells.

- c. The Z Combining District was not originally applied to the subject parcel for reasons related to traffic hazards. The project site is located on Middle Two Rock Road, in a lightly populated agricultural area. The addition of an accessory dwelling unit would not contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads, or highways in the area.
- d. The Z Combining District was not originally applied to the subject parcel for reasons related to fire hazard. The parcel is located in a Moderate Fire Hazard Severity Zone as established by the General Plan Safety Element (Figure PS-1g). Permit Sonoma Fire Prevention staff visited the project site and determined that the establishment of an ADU would not increase the fire risk.

Section IV. The Official Zoning Database (OZD) of the County, adopted by reference in Section 26-02-110 of the Sonoma County Code, is hereby amended to reclassify the following real property from the LEA (Land Extensive Agriculture District), B6 100 (100 acres per dwelling unit density), Z (Accessory Dwelling Unit Exclusion Combining District), RC50/25 (Riparian Corridor Combining District, 50-foot setbacks) zoning districts; and shall be reclassified as the LEA (Land Extensive Agriculture District), B6 100 (100 acres per dwelling unit density), RC50/25 (Riparian Corridor Combining District, 50-foot setbacks) zoning districts, for 76.73 acres located at 3463 Middle Two Rock Road, Petaluma; APN 022-220-021; File No. ZCE21-0002. The Director of the Permit and Resource Management Department is directed to reflect this amendment in the OZD of the County as shown on Sectional District Map No. _____.

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

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

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

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the X day of X, 2022, and finally passed and adopted this X day of X, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin:	Rabbitt:	Coursey:	Gore:	Hopkins:
Ayes:	Noes:	Absent:	Abstain:	

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Clerk of the Board of Supervisors