

ORDINANCE NO. 5964

An Ordinance Of The Board Of Supervisors Of The County Of Sonoma, State Of California, Amending Text Of Chapter 26 (Zoning Ordinance) Of The Sonoma County Code To: 1) Implement The Sonoma County 2020 General Plan Policies; 2) Make Changes And Clarifications Related To Uses Allowed On Agricultural Lands, Consistent With Government Code § 51200 Et. Seq. (Land Conservation Act) And The County Of Sonoma's Uniform Rules For Agricultural Preserves & Farmland Security Zones, And 3) Streamline Procedures By Eliminating The RRDWA Zoning District And Rezoning All Properties From RRDWA To RRD Retaining Existing Combining Zones.

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

SECTION I. Findings. The Board finds and declares that the adoption of this Ordinance is necessary to implement the Sonoma County 2020 General Plan and make changes, clarifications, and minor corrections related to uses of agricultural lands, consistent with the current update of the County of Sonoma's Uniform Rules for Agricultural Preserves and Farmland Security Zones. The Board hereby finds that the facts supporting the adoption of this ordinance are as follows:

1. Eliminating the Resource and Rural Development (Agricultural Preserve) (RRDWA) zoning district and expanding the Resource and Rural Development (RRD) zone district to cover the area now zoned RRDWA will facilitate participation in the County's Land Conservation Act program. There is no legal or policy need for a separate RRDWA zone district applicable only to parcels restricted by Land Conservation Act (a.k.a. Williamson Act) contracts, and the continued existence of said RRDWA zone district creates a burden on persons who own land within the RRD zone district and who desire to participate in the County's Land Conservation Act program, as such persons must obtain a zone change in order to participate in the program, while other agricultural zoning districts do not require a zone change to participate in the program. Rezoning the parcels in the RRDWA to RRD with clarification of allowable uses on contracted land will streamline procedures to agricultural properties in the RRD zoning district.

2. The County's Uniform Rules for Agricultural Preserves and Farmland Security Zones implement the Williamson Act by establishing procedures and eligibility requirements to which each participating landowner must adhere in order to receive a reduction in tax assessment. The Uniform Rules, which list allowable uses for contracted land, do not authorize any development on agricultural or open space land that is not otherwise permitted by the applicable zone district. However, the Uniform Rules may be more restrictive than the underlying zoning. In order to ensure the public benefit of the Williamson Act Program, provide clear and consistent information to property owners

and the public and avoid potential breach of a Williamson Act contract, the uses restricted or prohibited under the Rules should be clarified in each of the agricultural and resource zoning districts.

3. Existing regulations concerning allowed agricultural employee, caretaker, and farmworker housing require greater clarity and flexibility in the standards for permit issuance, which can be evaluated on a case by case basis through a use permit process.

4. On December 8, 2009, the Board of Supervisors amended the Land Use Element of the 2020 General Plan. Additional amendments to the Agriculture and Residential (AR) zoning district to allow limited agricultural processing of products grown or raised on site are needed to implement General Plan policy LU-6d. Amendments to the allowable uses in the Land Intensive Agriculture zoning district to prohibit schools, hospitals, places of religious worship and similar places of public or community assembly are necessary to implement General Plan Policy LU-6e (2).

5. Additional minor clarifications of, and modifications to, requirements for permitting compatible non-agricultural uses within agricultural zone districts are needed to provide consistency with the updated Uniform Rules for Agricultural Preserves and Farmland Security Zones where possible.

6. This ordinance will further implement the policies and programs of the County's Williamson Act Program, the Uniform Rules for Agricultural Preserves and Farmland Security Zones, and the Sonoma County General Plan 2020, and is consistent with that General Plan and its goals, objectives, policies and programs.

SECTION II. Amendments to Definitions. Section 26-02-140 (Definitions) of Chapter 26 of the Sonoma County Code is amended to insert in alphabetical order and change the following definition with deletions shown in strikeout and additions underlined.

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

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

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

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

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

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

Farmstay or farm homestay. See Lodging - Agricultural Farmstay.

Farmworker. See Agricultural Employee.

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

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

SECTION III. Amendments to Chapter 26, Article 04, LIA Land Intensive Agricultural District. Article 04, Section 26-04-005 through 26-04-030, of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit A, which is attached hereto and incorporated by reference.

SECTION IV. Amendments to Chapter 26, Article 06. LEA Land Extensive Agricultural District. Article 06, Section 26-06-005 through 26-06- 030, of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit B, which is attached hereto and incorporated by reference.

SECTION V. Amendments to Chapter 26, Article 08. DA Diverse Agricultural District. Article 08, Section 26-08-005 through 26-08- 030, of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit C, which is attached hereto and incorporated by reference.

SECTION VI. Amendments to Chapter 26, Article 10. RRD Resources and Rural Development District. Article 10, Section 26-10-005 through 26-10- 030, of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit D, which is attached hereto and incorporated by reference.

SECTION VII. Amendments to Chapter 26, Article 16. AR Agricultural and Residential District. Article 08, Section 26-16-005 through 26-16- 030, of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit E, which is attached hereto and incorporated by reference.

SECTION VIII. Amendments to Chapter 26, Article 88. General Use and Bulk Exceptions; Building Lines. Article 88, Section 26-88-010 (l) Seasonal Farmworker Housing, of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit F, which is attached hereto and incorporated by reference.

SECTION IX. Amendments to Chapter 26, Article 88. General Use and Bulk Exceptions; Building Lines. Article 88, Section 26-88-010 (o) Year-round Farmworker Housing, of Chapter 26 of the Sonoma County Code is amended as shown in Exhibit G, which is attached hereto and incorporated by reference.

SECTION X. Amendments to Chapter 26, Article 88. General Use and Bulk Exceptions; Building Lines. Article 88, Section 26-88-085, Agricultural Homestays, of Chapter 26 of the Sonoma County Code is hereby added to the code as shown in Exhibit H, which is attached hereto and incorporated by reference.

SECTION XI. Repeal of Article 12 of Chapter 26. Resource and Rural Development (Agricultural Preserves) Zone District (RRDWA), Article 12, Chapter 26, Sections 26-12-050 through 26-12-030, is hereby repealed.

SECTION XII: Rezone RRDWA to RRD. The official zoning database of the County, adopted by reference by Section 26-02-110 of the Sonoma County Code, is amended by reclassifying all real property zoned Resource and Rural Development Agricultural Preserve (RRDWA) to the Resources and Rural Development Zone District (RRD)

retaining all existing combining zones. The Director of the Permit and Resource Management Department is directed to reflect this amendment to the Official Zoning Database of the County as shown in the attached Exhibit I, which is attached hereto and incorporated by reference.

SECTION XIV. Environmental Determination. The Board of Supervisors hereby finds and determines that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) under the General Rule Section 15061(b)(3), because the adoption of this ordinance will have no physical effect on the environment related to changes to reflect the update of the County’s Uniform Rules for Administering Ag Preserve because the changes reflect no increase in the scope or intensity of use and further clarify or restrict allowable land uses on contracted lands. The adoption of this ordinance is categorically exempt pursuant to State CEQA Guidelines section 15307 and 15308 in that it is authorized by state law to assure the preservation and conservation of the state’s agricultural and open space resources, and the maintenance, restoration, enhancement, and protection of the natural resources and the environment.

The Board further finds that changes to the zoning code to implement the General Plan policies related to allowing agricultural processing in the AR zoning district and allowing agricultural farmstays in all three agricultural zoning districts (LIA, LEA and DA) were analyzed in the General Plan 2020 FEIR. Standards have been incorporated into the proposed zoning code changes to ensure potential impacts are reduced to less than significant for the agricultural processing in the AR zoning district, including limitations on the size of processing buildings that ensure that the scale of such facilities will be in keeping with the residential nature of the zoning district. The structures allowed by the ordinance are those that can be considered small structures pursuant to State CEQA Guidelines section 15303. Any such agricultural processing will be subject to a discretionary use permit that will be subject to health and safety standards, further environmental review, and conditions of approval to reduce any impacts to less than significant. Likewise, CEQA Guideline section 15303 would apply to an agricultural farmstay use because the standards only allow the use in structures that qualify as small structures in the CEQA Guidelines.

Additional changes to terminology for farmworker housing and allowing day care homes as a permitted use conform the zoning to state law and are likewise exempt as based on the standards for such uses already included in the zoning code. Reduced lot coverage standards are also exempt under the General Rule Section 15061(b)(3) as it can be seen with certainty that reducing lot coverage would not have an adverse physical effect on the environment. The Director of Permit and Resource Management is directed to file a Notice of Exemption and a Notice of Determination in accordance with CEQA and the state CEQA Guidelines.

SECTION XV. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision

shall not affect the validity of the remaining portion(s) 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 XVI. Notice to Assessor. Notice of this Ordinance and rezone shall be given to the Assessor within 30 days of its adoption, pursuant to Gov. Code 56863.5.

SECTION XVII. Effective Date. This Ordinance and all amendments to the Sonoma County Code as set forth within shall become effective on the 31st day following its passage. This Ordinance 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. Pursuant to Government Code section 25124, a complete copy of Exhibits "A" through "I", inclusive to this Ordinance, are on file with the Clerk of the Board of Supervisors and are available for public inspection and copying during regular business hours in the Office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California.

SECTION XVIII. Custodian of Documents. The clerk of the Board of Supervisors shall be the custodian of the documents and other materials which constitute the record of the proceedings upon which the Board's decision is based.

IN REGULAR SESSION of the Board of Supervisors of the County of Sonoma, introduced, passed, and adopted this 31st day of January, 2012, on regular roll call of the members of said Board by the following vote:

SUPERVISOR VOTE:

Brown: Aye Rabbitt: Aye McGuire: Aye Carrillo: Aye Zane: Aye

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

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Veronica Ferguson
Clerk of the Board of Supervisors