

Article III. - LEA CC Land Extensive Agriculture Coastal District.^[2]

Footnotes:

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Editor's note— Ord. No. 5963, § IV, adopted January 31, 2012, amended the title of Art. III. Formerly, Art. III was entitled "LEA—Land Extensive Agriculture District."

Sec. 26C-30. - Purpose.

To enhance and protect lands best suited for permanent agricultural use and capable of relatively low production per acre of land; and to implement the provisions of the land extensive agriculture land use category of the General Plan, the policies of the agricultural resources element and the resource policies of the local Coastal Plan.

(Ord. No. 5963, § IV, 1-31-2012; Ord. No. 5318 § 1, 2001.)

Editor's note— Former § 26C-30A. Renumbered by Ord. No. 5963, adopted January 31, 2012.

Sec. 26C-31. - Permitted uses, subject to site development and erosion control.

The following uses are permitted except within a sensitive area, riparian corridor, critical habitat area, or unique feature designated in the General Plan or Coastal Plan in which case a use permit is required. Only those uses permitted in (a) and (b) are considered principal permitted uses, except that additional dwellings beyond one single-family dwelling are not considered to principal permitted uses. All clearing of vegetation, grading, excavation, fill or construction in association with these uses shall conform to the site development and erosion control standards.

(a) Principal Uses:

- (1) On parcels exceeding five (5) 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:
 - a. Containment of waste to the site;
 - b. Reuse or disposal of waste in accordance with health and/or water quality regulations;
 - c. Mitigation of potential water quality impacts due to surface runoff of waste;
 - d. Control of vectors; In the event that the confined animal use is proposed within five hundred feet (500') of a non-agricultural land use category, it shall require prior approval of a use permit.
- (2) On parcels of five (5) acres or less, raising, feeding, maintaining and breeding of not more than one of the following per twenty-thousand (20,000) square feet of area:

- a. Five (5) hogs or pigs;
 - b. One (1) horse, mule, cow, or steer;
 - c. Five (5) goats, sheep, or similar animals;
 - d. Fifty (50) chickens or similar fowl;
 - e. Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals.
 - f. The above limitations may be modified by the director of the permit and resource management department 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 director of the permit and resource management department may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses.
 - g. 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 director of the permit and resource management department may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses.
- (3) Beekeeping.
- (4) The growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops, including wholesale nurseries. Except as noted below, agricultural cultivation shall not be permitted in the following areas:
- a. Within one hundred feet (100') from the top of the bank of the "Russian River riparian corridor."
 - b. Within fifty feet (50') from the top of the bank of designated "flatland riparian corridors."
 - c. Within twenty-five feet (25') from the top of the bank of designated "upland riparian corridors."

Agricultural cultivation may be allowed in subsections (a)(4)(a) through (a)(4)(c) of this section upon approval of a management plan which includes appropriate mitigations for potential erosion, bank stabilization, and biotic impacts. This plan may be approved by the director of the permit and resource management department or by use permit pursuant to Section 26C-32(b)(1).

- (5) Agricultural support services involving no more than one (1) employee and occupying no more than one-half ($\frac{1}{2}$) 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:

- a. The geographic area of the lot devoted to the support service use in comparison to that remaining in agricultural production;
- b. Whether or not new structures or significant expansion of existing structures are needed to accommodate the support service use;
- c. The relative number of employees devoted to the support service use in comparison to that needed for agricultural production.
- d. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.

- (6) Incidental cleaning, grading, packing, polishing, sizing and similar preparation of crops which are grown on the site, but not including agricultural processing.
- (7) Temporary or seasonal sales and promotion and incidental storage of crops which are grown or animals which are raised on the site.
- (8) Ranch roads.

(b) 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. In the event that more than one (1) such dwelling unit is placed on a single lot, the additional dwellings shall be clustered with the primary dwelling in order to minimize roads, drives, and utility extensions. The additional dwellings shall also be subject to design review approval. 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 26C-331. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:

- a. The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of this ordinance;
 - b. The manufactured home shall be skirted. All skirting shall be of a type approved by the state of California;
 - c. The manufactured home shall have one patio awning with a minimum dimension of nine feet by twenty feet (9' x 20') and either a garage, carport, or awning with a minimum dimension of ten feet by twenty feet (10' x 20') for covered parking;
 - d. All manufactured home sites shall be landscaped; and
 - e. The manufactured home shall be occupied by the owner of the property or a relative of the owner.
- (2) One detached farm family dwelling unit per lot provided that the following requirements are met:
 - a. 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;
 - b. 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 dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:
 - a. At least fifty (50) dairy cows, dairy sheep, or dairy goats ;
 - b. At least twenty (20) acres of grapes, apples, pears, prunes;
 - c. At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg-layers, or three thousand (3,000) turkeys;
 - d. At least one hundred (100) non-dairy sheep, goats, replacement heifers, beef cattle, or hogs;
 - e. At least thirty (30) mature horses;

- f. 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;
- g. Any other agricultural use which the director of the permit and resource management department determines to be of the same approximate agricultural value and intensity as subsections (b)(3)(a) through (b)(3)(f) of this section.

Said dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations) provided that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in Section 26C-31(b)(1). Agricultural employee units may be established within designated Class 4 water-scarce areas only where a hydrogeology report 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 said employee unit(s), the property owner shall place on file with the permit and resource management department an affidavit that said 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 farm worker housing which meets the standards set forth in Section 26C-320 (k). Seasonal farm worker housing shall also conform to such public health, building and fire safety criteria established by resolution or ordinance of the Board of Supervisors.
 - (6) Year-round and extended seasonal farm worker housing which meets the standards set forth in Section 26C-320(o). Year-round and extended seasonal farm worker 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 26C-320(k)(8)
 - (8) One (1) guest house per lot.
- (c) The following non-agricultural 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 which are not owned by the occupant or owner of the property subject to issuance of a zoning permit, but not including shows, lessons, clinics or similar related activities. 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. 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.
 - (3) Small residential community care facilities, except that such facilities are not allowed on land subject to a Williamson Act contract.

- (4) Occasional cultural events, provided that a written notice stating "The Sonoma County Permit and Resource Management 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 26C-331 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, health services, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26C-331. 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. 26C-325.3, 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 which do not interfere with the primary purpose of the Coastal Plan land use designation.
- (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 which meet the applicable criteria set forth in Section 26C-325.7.
- (12) Minor free-standing commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26C-325.7, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one 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 Article 33 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 article. 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 26C-325.7. 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 Article 33 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 article.
- (14) Small wind energy systems, subject to the applicable criteria set forth in Section 26C-325.8.
- (15) Reserved.

- (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;
- (d) 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.
- (e) Minor timberland conversions, subject to compliance with the requirements of Section 26C-327.
- (f) 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.
- (g) Other nonresidential uses which in the opinion of the permit and resource management director are of a similar and compatible nature to those uses described in Section 26C-31.

(Ord. No. 5963, § IV, 1-31-2012; Ord. No. 5829 § II, 2009; Ord. No. 5429 § 3(a), 2003; Ord. No. 5362 § 2(b), 2002; Ord. No. 5343 § 4, 2002; Ord. No. 5318 § 1, 2001.)

Editor's note— Former § 26C-31. Renumbered by Ord. No. 5963, adopted January 31, 2012.

Sec. 26C-32. - Uses requiring a use permit.

(a) Sensitive Area Uses:

- (1) Permitted uses listed in Section 26C-31 when located within a sensitive area, riparian corridor, critical habitat area, or unique feature designated in the General Plan or Coastal Plan.
- (2) Any clearing of vegetation, grading, excavation, fill, or construction when located in a sensitive area, riparian corridor, scenic corridor, critical habitat area, or unique feature designated in the General Plan or Coastal Plan.

(b) Agricultural Uses:

- (1) Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26C-31(a)(4):
 - a. Within one hundred feet (100') from the top of the bank of the "Russian River riparian corridor."
 - b. Within fifty feet (50') from the top of the bank of designated "flatland riparian corridors."
 - c. Within twenty-five feet (25') from the top of the bank of designated "upland riparian corridors."
- (2) Livestock feed yards, animal sales yards.
- (3) Commercial mushroom farming.
- (4) Commercial stables not permitted under Section 26C-31(c)(1), riding academies, equestrian riding and driving clubs. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.
- (5) Commercial aquaculture, provided that, at a minimum, the use does not adversely affect biotic resources and does not take place on prime soils.

- (6) Agricultural support services with more than one (1) employee or occupying more than one-half (½) acre of land, but otherwise subject to the same criteria as Section 26C-31(a)(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.
 - (7) Preparation of agricultural products which are not grown on site, processing of agricultural products of a type grown or produced primarily on site or in the local area, storage of agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of General Plan Policies AR-5c
 - (8) 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,
 - (9) Retail nurseries involving crops/plants which are not grown on the site, except on land subject to a Williamson Act contract.
 - (10) 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 26C-31(a)(7).
 - (11) Promotional or marketing accommodations for private guests, provided that the use, at a minimum, meets all of the following criteria:
 - a. The use promotes or markets agricultural products grown or processed on the site;
 - b. The scale of the use is appropriate to the production and/or processing use on the site;
 - c. The use complies with General Plan Policies AR-6d and AR-6f;
 - d. No commercial use of private guest accommodations is allowed.
 - 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;
 - (12) 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 other lot need not be a lot within the coastal zone. The number of units allowed shall be determined by the standards in Section 26C-31(b)(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.
 - (13) Temporary farm worker camps not permitted by Section 26C-31(b).
 - (14) Seasonal farm worker housing that does not meet the road access, occupancy or setback standards of Section 26C-320(k).
 - (15) Year-round and extended seasonal farm worker housing that does not meet the road access, occupancy limits, parcel size or setback standards of Section 26C-320(o).
- (c) The following nonagricultural uses, provided that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with objective AR-4.1 and policy AR-4a of the agricultural resources element.
- (1) Game preserves, refuges, and hunting clubs, Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.
 - (2) Public schools; private nursery, primary and secondary schools; places of religious worship; and places of public or community assembly, all subject, at a minimum, to the criteria of General Plan Policy LU-6e, except on a parcel under a Williamson Act contract.

- (3) Campgrounds with a maximum of thirty (30) sites provided that the subject area is not under a Williamson Act contract, and subject, at a minimum, to the criteria of General Plan Policy AR-6d.
- (4) Cemeteries, except that such facilities are not allowed on land subject to a Williamson Act contract.
- (5) Private landing strips. On land subject to a Williamson Act contract, such use shall be limited to that necessary for aircraft dedicated to aerial spraying and other agricultural purposes and not for private passenger aircraft for personal convenience and transportation,
- (6) One (1) bed and breakfast inn, of five (5) or fewer rooms on land not under Williamson Act contract and subject to design review, Article XXIX, or Landmarks Commission Article XXIV, and subject, at a minimum, to the criteria of General Plan Policy AR-6f. No restaurant is permitted; food service is limited to breakfast served to inn guests only; and all public health requirements must be met. No accessory structures shall be used for rental occupancy. A bed and breakfast inn shall have an owner and/or operator in residence within the structure. Nonamplified music lawn parties, weddings or similar outdoor activities may be allowed where specifically included in the use permit. A bed and breakfast inn is ancillary to the agricultural use. Before a use permit is granted, a finding must be made and conditioning must insure that the bed and breakfast use is not detrimental to surrounding agricultural operations.
- (7) Guest ranches and country inns not exceeding thirty (30) units and which are not located within designated village commercial areas in the Coastal Plan nor on lands subject to a Williamson Act contract, and further provided that any use permit granted to an operator of a guest ranch/inn to serve food to other than overnight guests is subject to the following limitations:
 - a. Dining for other than overnight guests may be allowed only in conjunction with a guest ranch/inn with a minimum of six (6) overnight guest rooms;
 - b. The number of overnight rooms plus the number of outside dining patrons cannot exceed thirty (30);
 - c. The number of outside dining guests allowed will be determined at the time of use permit consideration based on the formula list in subsection b above. Guest ranch/inn proprietors may serve one (1) meal only per day to the established allowable number of outside patrons. Such dining arrangements must be made by reservation only;
 - d. Dining for other than overnight guests may be allowed only in conjunction with guest ranches/inns located east of Highway 1.
 - e. Advertising of dining facilities to serve patrons other than overnight guests at guest ranches/inns shall be prohibited.
 - f. Approved on-site signs for guest ranches/inns may include no reference to dining facilities.
 - g. Non-amplified music, lawn parties, weddings or similar activities may be allowed where specifically included in the use permit.
- (8) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including, but not limited to reservoirs, storage tanks, pumping stations, and transformer stations. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations,
- (9) Fire and police stations and training centers, service yards and parking lots which, at a minimum, meet the criteria of General Plan Policy PF-2t and which are not otherwise exempt by state law. Such facilities are not permitted on land subject to a Williamson Act contract;
- (10) Intermediate and major free-standing commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26C-325.7. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.

- (11) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26C-325.7.
 - (12) Exploration and development of low temperature geothermal resources for other than power development purposes provided that at a minimum it is compatible with surrounding land uses. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.
 - (13) Application of clean dredge material or biosolids from wastewater treatment plants subject, at a minimum, to the criteria of General Plan Policies PF-2s.
 - (14) Granges and similar community service facilities which do not adversely impact agriculture in the area. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.
 - (15) Large residential community care facility, except on land subject to a Williamson Act contract.
 - (16) Day care center, except on land subject to a Williamson Act contract.
 - (17) Craft sales and garage sales involving three (3) or four (4) sales days per year.
 - (18) One (1) second dwelling unit per lot, provided that the procedures and all criteria of section 26C-325.1 are met. Second dwelling units may be established within designated Class 3 water areas only where the domestic water source is located on the subject parcel, or a mutual water source is available; and groundwater yield is sufficient for the existing and proposed use, pursuant to Section 7-12 of the Sonoma County Code. Second dwelling units may be established within designated Class 4 water areas only where a hydro-geologic report, as defined, certifies that the establishment and continuation of the second dwelling unit use will not have significant adverse impacts on local groundwater availability or yield. Approval of any such second dwelling unit is appealable to the Coastal Commission pursuant to Public Resources Code Section 30603. Second units are not allowed on a parcel subject to a Williamson Act contract.
 - (19) Commercial composting facilities incidental to the agricultural use, subject to Policy AR-4a of General Plan Agricultural Resources Element. Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules and regulations.
 - (20) Agricultural farmstays, subject to the standards set forth in Section 26C-325.9, Any such use on a parcel under a Williamson Act contract must be consistent with Government Code Section 51200 et seq.(the Williamson Act) and local rules and regulations.
- (d) Other nonresidential uses which in the opinion of the director of the permit and resource management department are of a similar and compatible nature to those uses described in Section 26C-31.

(Ord. No. 5963, § IV, 1-31-2012; Ord. No. 5829 § II, 2009; Ord. No. 5429 § 3, 2003; Ord. No. 5362 § 2(j), 2002; Ord. No. 5343 § 5, 2002; Ord. No. 5318 § 1, 2001.)

Editor's note— Former § 26C-31. Renumbered by Ord. No. 5963, adopted January 31, 2012.

Sec. 26C-33. - 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 ordinance, and the provisions of any district which is combined herewith. Policies and criteria of the General Plan and Coastal Plan shall supersede the standards herein. Development shall comply with Coastal Plan policies.

- (a) Density: Residential density shall be between sixty (60) and three hundred twenty (320) acres per dwelling unit as shown in the General Plan land use element or permitted by a B combining district, whichever is more restrictive. However, dwelling units described in Sections 26C-31(b)(2)

through (7) inclusive, may be permitted in addition to the residential density, provided that no more than four (4) residential units shall be approved per parcel.

- (b) Minimum Lot Size: The minimum lot size for creation of new parcels shall be six hundred forty (640) acres, unless a different area is provided by a B combining district, provided that it shall also meet the criteria of General Plan policies AR-8c and AR-3b.
- (c) Minimum Lot Width: The minimum average lot width within each lot is one hundred twenty-five feet (125').
- (d) Height Limits: Height for all structures is measured as the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.
 - (1) West of Highway 1: Residential height limits are sixteen feet (16'). Commercial height limits are twenty-four feet (24').
 - (2) Bodega Bay Core Area residential: Sixteen feet (16') height limit except that in major developments up to fifteen percent (15%) of the units may exceed the height limit.
 - (3) East of Highway 1 in the Sereno Del Mar Subdivision: Residential height limits are sixteen feet (16'). The Sereno Del Mar Architectural Review Committee may grant a higher structure to a maximum of twenty-four percent (24%) in accordance with subsection (d)(7) of this section.
 - (4) East of Highway 1 and visible from designated scenic roads: Residential and commercial height limits are twenty-four feet (24').
 - (5) East of Highway 1 and not visible from designated scenic roads: fifty feet (50').
 - (6) Agricultural structures: fifty feet (50'). However, structures shall not obstruct views of the shoreline from coastal roads, vista points, recreation areas, and beaches; and structures shall be sited to minimize visual impacts.
 - (7) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26C-325.7.
 - (8) An increase in height for residential structures west of Highway 1, up to a maximum of twenty-four feet (24') may be approved if the appropriate review body finds that the structure is no higher than sixteen feet (16') above the corridor route grade directly across from the building site, will not block coast views from the corridor route or neighboring properties and is compatible with community character.

An increase in height for structures east of Highway 1 up to a maximum of thirty-five feet (35') may be considered if the appropriate review body finds that the structure is no higher than twenty-four feet (24') above the corridor route grade directly across from the building site, will not block coast views from the corridor route or neighboring properties and is compatible with community character.

Where these requirements conflict with the height, site, and bulk criteria in Appendix B (Bane Bill) of the Coastal Plan, for those properties listed, the requirements of Appendix B shall be followed.

- (9) A legal single family dwelling or appurtenant structures for which a building permit was issued after December 1, 1980, shall be considered to be conforming with regard to the height measurement. Repair and remodeling of such structures shall be allowed provided that the height does not exceed the height of the structure prior to the remodel or repair, or the building height allowed by this chapter, whichever is greater.

Expansions of such structures which do not comply with the revised height restrictions shall comply with the new definition of height measurement as stated above, except that the expansion, up to ten percent (10%) of floor area and not to exceed four hundred (400) square feet, shall be allowed, provided that the height does not exceed the height of the structure prior to the expansion, or the building height allowed by this chapter, whichever is greater.

(e) Maximum Lot Coverage:

- (1) On parcels of two (2) acres in size or less: twenty percent (20%);
- (2) On parcels greater than two (2) acres up to and including five (5) acres in size: eighteen thousand (18,000) SF or fifteen percent (15%), whichever is greater;
- (3) On parcels greater than five (5) acres up to and including twenty (20) acres in size: thirty thousand (30,000) SF or ten percent (10%), whichever is greater; and
- (4) On parcels greater than twenty (20) acres in size: eighty-five thousand (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 yard: Ten percent (10%) of the depth of the lot but not more than seventy-five feet percent (75%).
- (2) Side yard: Ten percent (10%) of the width of the lot, but not more than twenty feet (20').
- (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 director of the permit and resource management department may require a use permit if the reduction might result in a traffic hazard.
- (6) Cornices, eaves, canopies, bay windows, fireplaces, other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third (1/3) of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.
- (7) Where twenty-five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of Section 26C-33(f)(5).
- (8) Accessory buildings may be constructed within the required yards on the rear half of the lot, provided that such building(s) shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on the same or adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions). Additional setbacks may be required under the California Building Code.

- (9) The yard requirements of subsections (1) or (2) above may be reduced up to fifty percent (50%) for agricultural buildings and structures if necessary for efficient farming operation.
 - (10) Additional setbacks may be required within sensitive areas, riparian corridors, scenic corridors, critical habitat areas, or unique features designated in the General Plan or Coastal Plan.
- (g) Environmental and Hazards Requirements.
- (1) Environmental protection and hazards recommendations contained in the Coastal Plan, Chapter 3, and land use recommendations 20 and 21, Chapter 7, shall be applied to development projects within or affecting identified "potentially sensitive," "conservation," "sanctuary preservation," and "geologically unstable" areas on open space and hazards maps.
 - (2) All development shall be subject to site development and erosion control standards. These standards are to be used as the minimum standards for development in the coastal zone. Where both these standards and the policies of the Coastal Plan apply to a development, the policies of the Coastal Plan shall take precedence over these standards. Where the policies and standards of the General Plan are more restrictive than those of the Coastal Plan or any of the standards below, the General Plan standards and policies shall apply. Development shall comply with Coastal Plan policies.
 - (3) No development or grading shall occur on slopes greater than thirty percent (30%), unless no feasible alternate site is available.
- (h) Access Dedication.
- (1) Each permit must conform to Chapter V access provisions of the Coastal Plan. An offer of dedication is required if an access way is shown on the property in the access plan. Consult Chapter V in the Coastal Plan for a description of each access way and procedural requirements for dedication. In addition, existing prescriptive rights must be protected even if no access way is shown in the access plan.
 - (2) Two (2) types of access may be required: Lateral and/or vertical.
 - a. Lateral access refers to access paralleling the water's edge, either on the beach or the bluff. For all new development between the first public road and the ocean, granting of lateral easements to allow for public access along the shoreline shall be mandatory, unless the project has no direct or cumulative impact on the availability of public access to the coast. When there is a bluff, beach access to the toe of the bluff should be dedicated. If not, a twenty-five feet (25') wide access way should be dedicated. If a bluff top trail is shown in the access plan, a bluff top easement dedication shall be required to be described as an area beginning at the bluff edge extending approximately twenty-five feet (25') inland. In no case shall the dedicated easement be required to be closer than ten feet (10') to a residential structure.
 - b. Vertical access dedications are necessary to provide access from the public roadway to the shoreline. A corridor easement should be a minimum of fifteen feet (15') in width with slope easements plus the additional area necessary for the placements of improvements.
- (i) Design Requirements:
- (1) All new development shall conform with Coastal Plan visual resource recommendations, applicable scenic view protection policies and policies related to landform and vegetation categories included in the coastal administrative manual, or subsequently approved area design guidelines.
 - (2) Design review to be required in accordance with the procedures described on the review process final view rating maps on file in the permit and resource management department and incorporated by reference.

- (3) New extensions of utility distribution lines shall be undergrounded, except when such undergrounding would have a more significant environmental effect than an overhead line.

(Ord. No. 5963, § IV, 1-31-2012; Ord. No. 5318 § 1, 2001.)

Editor's note— Former § 26C-32. Renumbered by Ord. No. 5963, adopted January 31, 2012.