

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING BOARD OF SUPERVISORS APPROVAL OF AMENDMENTS TO SONOMA COUNTY CODE CHAPTERS 26 (ZONING REGULATIONS) AND 26C (COASTAL ZONING RESOURCE DISTRICTS), ESTABLISHING A ZONING ADMINISTRATOR PUBLIC HEARING PROCESS AND MAKING RELATED AND OTHER CHANGES TO PROJECT REVIEW PROCESSES AND PROCEDURES

WHEREAS, the mission of Permit Sonoma is to serve the people of Sonoma County by providing a customer-focused process for the orderly development of real property, balanced with resource stewardship under the general policy direction of the Board of Supervisors and to develop and maintain standards that protect the health and safety of the public; and

WHEREAS, the County Administrator's Office contracted with the consultant BerryDunn to evaluate Permit Sonoma operations and organizational effectiveness, consistent with the Organizational Effectiveness pillar of Sonoma County Five-Year Strategic Plan 2021-2026; and

WHEREAS, the Board of Supervisors directed Permit Sonoma to implement the recommendations in the BerryDunn report, including establishing a Zoning Administrator public hearing process; and

WHEREAS, Permit Sonoma determined that implementation of this initiative requires amendments to several chapters of the Sonoma County Code, including Sonoma County Code Chapter 26 (Zoning Regulations) and Chapter 26C (Coastal Zoning Regulations); and

WHEREAS, pursuant to state law and the County Code, the Planning Commission is charged with reviewing proposals to amend Chapters 26 and 26C, and making recommendations to the Board of Supervisors regarding such proposals; and

WHEREAS, the Zoning Regulations are a primary tool for implementing the General Plan through detailed land use and development regulations; and

WHEREAS, it is essential for the Zoning Regulations to be clear, navigable and accessible for all users; and

WHEREAS, Chapter 26C, Coastal Zoning Resource Districts, is part of Sonoma County's Local Coastal Plan, and the proposed amendments to Chapter 26C require approval by the California Coastal Commission before they can be effective because Chapter 26C is the Implementation Program of the County's Local Coastal Plan; and

WHEREAS, the proposed amendments to Chapter 26C are more limited than the proposed amendments to Chapter 26, and are intended to make the minimum changes necessary to implement Zoning Administrator hearings, retire the BZA and PRAC, modify the duties and hearing jurisdiction of the Planning Commission, and maintain general compatibility with certain provisions of Chapter 26 that are being amended as part of this initiative;

WHEREAS, these limited amendments are appropriate at this time, because the County's Local Coastal Plan is awaiting certification by the Coastal Commission and a comprehensive update to Chapter 26C will be undertaken following certification of the LCP; and

WHEREAS, the Board of Supervisors will consider the proposed amendments to Chapters 26 and 26C concurrently with a third ordinance amending Sonoma County Code Chapters 2 (Administration), 3 (Airports), 13 (Sonoma County Fire Safety Ordinance), 23A (Environmental Quality Act of 1970 Implementation), 25 (Subdivisions), and 25C (School Facilities Fee/Dedication Ordinance), to establish a Zoning Administrator. The amendments made by this third ordinance would establish and identify a Zoning Administrator in Sonoma County, retire the Board of Zoning Adjustments (BZA) and Project Review and Advisory Committee (PRAC) as hearing bodies, allocate certain functions currently assigned to the BZA and PRAC to the Zoning Administrator and Planning Commission, and provide the general structure for the duties and jurisdiction of the Zoning Administrator and Planning Commission. While these amendments do not require review and recommendation by the Planning Commission, the draft Code amendments for the third ordinance were provided to inform the Commission's deliberations regarding the amendments to Chapters 26 and 26C, and were considered by the Commission; and

WHEREAS, Permit Sonoma determined that adoption of the amendments to Chapters 26 and 26C, considered together with adoption of the companion third ordinance amending Chapters 2, 3, 13, 23A, 25, and 25C, is not a project under CEQA pursuant to CEQA Guidelines Section 15378(b)(5). Under Section 15378(b)(5), "organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment" are expressly not included in the definition of "project." Staff concluded that the ordinances will not result in direct or indirect physical changes in the environment because the ordinances do not change zoning, permitted uses, density or intensity, development standards, or otherwise modify requirements for physical use or development. The ordinances are "organizational or administrative activities of government" in that they are limited to organizational changes to hearing bodies and their duties and authority, and other changes and clarifications to processes and procedures for handling project applications, hearings, approved permits and appeals. Staff made a further and alternate determination that, if the ordinances are considered as a project under CEQA, they are covered by the "common sense exemption" of CEQA Guidelines, Section 15061(b)(3). For the same reasons that staff concluded that the ordinances are not a project, "it can be seen with certainty that there is no possibility" that adoption of the ordinances "may have a significant effect on the environment," and therefore adoption of the ordinances would also be CEQA exempt; and

WHEREAS, on November 7, 2024, the Planning Commission held a duly noticed public hearing on the proposed amendments to Sonoma County Code Chapters 26 and 26C, at which time all interested persons were given an opportunity to be heard. Notice of the public hearing was published in The Press Democrat on October 28, 2024, in compliance with the County Code and state law; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Commission regarding the Project;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, having considered the entire record before it, including the staff report and attachments, the staff presentation, public comments, and the proposed amendments to Sonoma County Code Chapters 26 and 26C, recommends that the Board of Supervisors:

1. Adopt the proposed amendments to Sonoma County Code Chapter 26, substantively as shown in Exhibit A and incorporated by reference;
2. Adopt the proposed amendments to Sonoma County Code Chapter 26C, substantially as shown in Exhibit B and incorporated by reference; and

3. Find that adoption of the ordinances is not a project under CEQA, consistent with CEQA Guidelines Section 15378, and that in the alternative, if adoption of the ordinances is a project under CEQA, adoption of the ordinances is exempt from CEQA Guidelines, Section 15061(b)(3).

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Commission's decision herein is based. These documents may be found at the office of Permit Sonoma, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner _____ who moved its adoption, seconded by Commissioner _____, and adopted on roll call by the following vote:

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED