

County of Sonoma
Santa Rosa, California

November 6, 2025

ORD25-0006

Azine Spalding

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE AMENDING SONOMA COUNTY CODE CHAPTER 26 (ZONING CODE) GOVERNING FENCE DEVELOPMENT STANDARDS AND PERMIT REQUIREMENTS.

WHEREAS, on July 26, 1983, the Board of Supervisors adopted Ordinance 3180 which amended Sonoma County Code Section 26-20 General Height Regulations and Exceptions, as it existed at that time, to establish fence height limitations in the R-R, R-1, R-2, R-3, R-4, and K districts of that time to six (6) feet in the side yard and rear yard and to three (3) feet in the front yard; and

WHEREAS, since adoption of Ordinance 3180 and throughout subsequent code amendments, the County Code has maintained similar height limitations for fences within residential zoning districts and the K (Recreation and Visitor Serving Commercial) zoning districts, with exceptions allowed with a Use Permit; and

WHEREAS, Use Permits to exceed fence height limitations within setbacks are expensive, and often time-consuming for property owners and staff; and

WHEREAS, property owners desire privacy, security, noise reduction, and other benefits that a fence may provide; and

WHEREAS, Permit Sonoma recommends the elimination of the Use Permit requirement for fences and proposes an ordinance to streamline the fence permitting process to make it easier for property owners to construct fences without permits or through a simpler permitting process, and reduce the burden on staff workload; and

WHEREAS, Permit Sonoma staff worked closely with Sonoma Public Infrastructure to confirm that road safety concerns, such as sight distance, are addressed in the ordinance to ensure public safety; and

WHEREAS, the ordinance further proposes to exempt qualifying agricultural fences that support agricultural production from design review requirements applicable in the Scenic Resources Combining District; and

WHEREAS, Permit Sonoma staff engaged with representatives from the Community Alliance with Family Farmers (CAFF) and the Farm Bureau regarding the proposed changes affecting agricultural fences; and

WHEREAS, Permit Sonoma has determined that adoption of the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the project does not have potential for causing a significant effect on the environment; and CEQA Guideline Section 15303(e), which provides for the new construction of small accessory structures such as fences; and

WHEREAS, on October 17, 2025, notice of the Planning Commission's November 6, 2025 public hearing on the ordinance was published in *The Press Democrat*, in compliance with California Government Code and the County Code; and

WHEREAS, on November 6, 2025, the Planning Commission held a duly noticed public hearing on the ordinance to consider forwarding a recommendation to the Board of Supervisors, at which all interested persons were given an opportunity to be heard and the Planning Commission considered all relevant testimony and evidence presented orally or in writing; and

NOW, THEREFORE, the Planning Commission finds and resolves as follows:

- A. The foregoing recitals are true and correct and incorporated fully into these findings.
- B. The Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because the project does not have potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment; and CEQA Guideline Section 15303(e), which provides for the new construction of small accessory structures such as fences.
- C. The Project is consistent with the Agricultural Resources and Open Space and Resource Conservation Elements of the Sonoma County General Plan. Goal AR-9, Objectives AR-9.1, 9.2, and 9.3, and Policies AR-9b and 9c all encourage easing restrictions for agricultural development and implementation of expedited permit processing procedures. The proposed ordinance exempts qualifying agricultural fences associated with agricultural production from design review consistent with that intent. The proposed ordinance is consistent with Policies OSRC-1f, OSRC-2d, and OSRC-3c because it proposes to exempt qualifying fences associated with agricultural production from design review. The criteria for this exemption address height and material to the extent necessary for consistency with those policies while accommodating typical agricultural fence designs for various types of agricultural production. The ordinance still requires Administrative Design Review for residential fences within designated scenic resources, which is consistent with the various goals and policies for designated scenic areas in the Open Space and Resource Conservation Element.

BE IT FURTHER RESOLVED, that the Planning Commission has had an opportunity to review this Resolution and its Exhibit A, and finds that it accurately sets forth the intentions of the Commission regarding the Project.

BE IT FURTHER RESOLVED that the Planning Commission recommended modifications to staff's recommendation to require a Minor Use Permit for solid fences above 3 feet in height in the front and street-side yards in the AR and RR zoning districts and to include split-rail and pipe fences in the agricultural fence design review exemption.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed amendments to the Sonoma County Zoning Code, Articles 04, 64, and 88, governing fence development standards and permit requirements, including the Commission's recommended modifications, as set forth in Exhibit A and incorporated herein.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the 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 Koenigshofer**, who moved its adoption, seconded by **Commissioner Reed**, and adopted on roll call by the Sonoma County Planning Commission on November 6, 2025, by the following vote:

Commissioner McCaffery	Aye
Commissioner Bahning	Aye
Commissioner Reed	Aye
Commissioner Kapolchok	Aye
Commissioner Koenigshofer	Aye

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

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

SO ORDERED.

EXHIBIT A

AMENDMENTS TO SONOMA COUNTY CODE CHAPTER 26

The following sections of Sonoma County Code Chapter 26 are amended, as provided below.

Section I. Sonoma County Code Section 26-04-020 (A) is amended to add the following definition, to be inserted in alphabetical order:

Agricultural Fence. A fence associated with established or proposed agricultural production.

Section II. Sonoma County Code Section 26-04-020 (F) is amended to add the following definitions, to be inserted in alphabetical order:

Fence. A fence, wall, or similar enclosing or partitioning structure with a height and length greater than its thickness.

Section III. Sonoma County Code Section 26-04-020 (R) is amended to add the following definitions, to be inserted in alphabetical order:

Retaining Wall. A structure that holds or retains a mass of earth behind it, allowing different surface levels on either side.

Section VI. Sonoma County Code Section 26-64-030. - Scenic corridors is amended as shown in strikeout and underline below:

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. New construction or replacement in-kind of agricultural fences with a maximum height of eight feet (8'), consisting of either post and wire, split rail fencing, or pipe fencing, and proposed within the Agriculture and Residential (AR), Land Extensive Agriculture (LEA), Land Intensive Agriculture (LIA), Diverse Agriculture (DA), or Resources and Rural Development (RRD) zoning districts;
 4. Maintenance, restoration, reconstruction or minor expansion of existing structures;
 5. Certain telecommunication facilities as provided in Section 26-64-040;
 6. 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;
 7. Compliance with the setback would render the parcel unbuildable;
 8. 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~~ permit applications for construction 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.

Section V. Sonoma County Code Section 26-64-050 is amended as shown in strikeout and underline below:

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 zoning administrator or planning commission, as applicable. 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, and new construction or replacement in-kind of agricultural fences with a maximum height of eight feet (8'), consisting of either post and wire, split rail fencing, or pipe fencing, and proposed within the Agriculture and Residential (AR), Land Extensive Agriculture (LEA), Land Intensive Agriculture (LIA), Diverse Agriculture (DA), or Resources and Rural Development (RRD) zoning districts,~~ 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.

Section VI. Subsection 26-88-030 is amended as shown below:

~~Sec. 26-88-030. General height regulations and exceptions.~~

- ~~(a) In an AR, RR, R1, R2, R3 or K district, no fence shall hereinafter be constructed to exceed six feet (6') in height within any required side yard to the rear of the front line of any dwelling, or along any rear property line, nor to exceed three feet (3') in height within any required front yard nor within fifteen feet (15') of the street corner nor within any required exterior side yard on any corner lot, without first securing a use permit in each case.~~

Sec. 26-88-030. - Fences

- (a) **Purpose.** This section provides requirements and standards for fences and similar structures to ensure compatibility with the County's scenic character and public safety along roadways, and allow for privacy, security, noise reduction, and similar goals.
- (b) **Applicability.** This section applies to all fences and similar structures in the following districts:
 1. Agriculture and Residential (AR)
 2. Rural Residential (RR)
 3. Low Density Residential (R1)
 4. Medium Density Residential (R2)
 5. High Density Residential (R3)
 6. Recreation and Visitor-Serving Commercial (K)
- (c) **Definitions.** As used in this section:

1. “Gate” means a movable part of a fence or similar enclosing or partitioning structure that is used as a means of entrance or exit.
 2. “Height” means the measurement from the lowest existing grade to the topmost point of the fence or similar structure and includes lattice, posts, arbors, or similar features. If a fence is built on top of another fence, similar structure, or retaining wall, the combined height must not exceed the allowable fence height. The height of all gates shall be included in the calculation of the height of a fence.
 3. “Open fence” means a fence or similar structure design where at least 90% of the vertical surface area allows for visibility through the structure, while the remaining 10% or less is opaque.
 4. “Sight distance” is the length of roadway visible to a driver, as calculated in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Guidelines.
 5. “Solid fence” means a fence or similar structure design where less than 90% of the vertical surface area allows for visibility through the structure.
- (d) **Development Standards for Fences.** Fences must comply with the following development standards.
1. **Location.**
 - (i) **Right-of-Way.** Fences must be located at least six inches outside of public rights-of-way and easements.
 - (ii) **Gates.** Gate locations must comply with:
 - (A) Sonoma County Code Section 13-38, unless otherwise approved by the Fire Marshal; and
 - (B) County Road Construction Standards maintained by Sonoma Public Infrastructure, if applicable.
 - (iii) **Sight Distance.** Fences must not impede minimum required sight distance in accordance with current AASHTO standards and County Road Construction Standards maintained by Sonoma Public Infrastructure.
 2. **Height.** Fences located within the front yard or street-side yard setbacks may not exceed 6 feet in height. Fences located within the interior side yard or rear yard setbacks may not exceed 8 feet in height. Exceptions may be granted as provided in Section 26-88-030(e)(3).
 3. **Materials.**
 - (i) **The following are allowed materials for fences:**
 - (A) Wood;
 - (B) Composite wood showing naturalistic graining and wood coloring;
 - (C) Stone and masonry;
 - (D) Stucco or plaster;
 - (E) Woven metal or wire fencing such as chain link or hog wire;
 - (F) Barbed wire, only as may be necessary for an agricultural fence in the Agriculture and Residential (AR) zoning district;
 - (G) Non-reflective metal finishes;

- (H) Concrete masonry units (CMUs) covered by an allowed material listed above; or
 - (I) Any combination of the above.
 - (ii) Notwithstanding exceptions to allowed materials that may be granted as provided in Section 26-88-030(e)(3), the following are prohibited materials for fences:
 - (A) Razor wire;
 - (B) Barbed wire, except as may be necessary for an agricultural fence in the Agriculture and Residential (AR) zoning district;
 - (C) Glass;
 - (D) Bunker blocks;
 - (E) Reflective metal finishes; and
 - (F) Masonry walls consisting exclusively of exposed concrete masonry units (CMUs) not covered by an allowed material as listed in Section 26-88-030(d)(3)(i).
 - 4. **Landscaping.** Landscaping on the street-side of a fence or similar structure must be located outside of the public right-of-way.
- (e) **Permit Requirements for Fences.**
- 1. A Permit is not required for a fence, provided it meets all applicable development standards in this section and is one or more of the following:
 - (i) A fence outside of required setback areas.
 - (ii) A fence with a maximum height of 3 feet or less located within the required setback for a front yard or street side yard.
 - (iii) A fence with a height exceeding 3 feet but no more than 6 feet, located within the required setback for a front yard or street side yard if the entire section or portion of the fence above 3 feet in height is open fence and maintained to prevent visual obstruction.
 - (iv) A fence with a maximum height of 6 feet located within the required setback for any interior side or rear yard, or a maximum height of 8 feet if the top 2 feet is constructed with wooden lattice or open fence.
 - (v) New construction or replacement in-kind of an agricultural fence with a maximum height of 8 feet, consisting of either post and wire, split rail fencing, or pipe fencing, and proposed within the Agriculture and Residential (AR) zoning district.
 - 2. Notwithstanding any provision to the contrary, Administrative Design Review is required for:
 - (i) A fence greater than 3 feet in height within required setback areas and located within the Scenic Resources (SR) Combining District or Local Guidelines (LG) Combining District.
 - (ii) A solid fence with a height exceeding 3 feet but no more than 6 feet located within a required front yard or street side yard in the R1, R2, R3, or K zoning districts. Administrative Design Review is required to verify the fence is located outside of the right-of-way and in compliance with sight distance standards.

- (iii) An agricultural fence with a height exceeding 8 feet or consisting of materials other than post and wire, split rail fencing, or pipe fencing, proposed within the Agriculture and Residential (AR) zoning district.
- 3. Notwithstanding any provision to the contrary, a Minor Use Permit is required for:
 - (i) A solid fence greater than 3 feet in height but no more than 6 feet in height located within a required front yard or street side yard in the AR or RR zoning districts.
- 4. A fence not described in Sections 26-88-030(e)(1) through (e)(3) may be approved by the Design Review Committee to allow exceptions for fence height, materials, or design, where the following findings are made:
 - (i) The proposed fence is located outside of public rights-of-way and easements;
 - (ii) The proposed fence design meets sight distance requirements under Section 26-88-030(d)(1)(iii); and
 - (iii) The proposed fence design is compatible with the neighborhood and other surrounding uses and structures as determined by the average height and setbacks, and the design of existing fences in the vicinity.