

EXHIBIT A

Amendments to Sonoma County Code Chapter 26C

Sonoma County Code Chapter 26C, Coastal Zoning Resource Districts, is amended as provided below.

A. Section 26C-12 Definitions. Sec. 26C-12 is amended as follows:

1. The following definitions in Sec. 26C-12 are amended to read as follows:

"Lower level decision maker" means the director of the permit and resource managing department, the ~~project review and advisory committee, the~~ design review committee, the ~~zoning administrator~~board of zoning adjustments, or the planning commission, as appropriate.

"Permit, use" means a permit issued after public hearing by the ~~zoning administrator~~board of zoning adjustments or planning commission, as the case may be, that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

2. The following new definition is added to Sec. 26C-12, in its alphabetical order:

"Zoning administrator" means the director in the director's capacity as zoning administrator or acting zoning administrator, as provided in Sec. 2-79 of this code.

B. Sec. 26C-293. Approval of building permits, zoning permits, and land use; status of approved preliminary and final development plan(s), and improvement agreements.

Subsection (b) of Sec. 26C-293 is amended to read as follows:

- (b) Expiration. The preliminary development plan shall expire ~~two~~two~~four~~four (4) years from the date of approval or for such additional period as may be specified at the time of such approval unless design review approval of final development plans for all or part of the preliminary development plan area is obtained. In order to obtain final development plan approval, the preliminary development plan may be extended for one additional year upon written request and approval by the director of the permit and resource management department.

The final development plan shall expire ~~two~~two~~four~~four years after approval unless project construction has commenced within said two (2) year period. The final development plan may be extended for one additional year upon written request and approval by the authority which granted the original approval.

- C. **Sec. 26C-300. General sign provisions.** Sec. 26C-293 is amended to delete the term “board of zoning adjustments” and replace it with “zoning administrator”.
- D. **Sec. 26C-310. Required parking.** Sec. 26C-310 is amended to delete the term “board of zoning adjustments” and replace it with “zoning administrator.”
- E. **Sec. 26C-320. General use provisions and exceptions.** Sec. 26C-320 is amended to replace each instance of the term “project review and advisory committee” and “board of zoning adjustments” with “zoning administrator”.
- F. **Sec. 26C-325.3. Large family day care.** Sec. 26C-325.5 is amended to delete each instance of the term “board of zoning adjustments” and replace it with “zoning administrator.”
- G. **Sec. 26C-325.5. Mobile home park standards.** Sec. 26C-325.5 is amended to delete each instance of the term “board of zoning adjustments” and replace it with “zoning administrator.”
- H. **Sec. 26C-326. Affordable housing; requirements for long-term affordability and design and construction.** Sec. 26C-326 is amended to delete “project review and advisory committee.”
- I. **Sec. 26C-331. Hearings—Appeals of administrative decisions—Questions on permitted uses.** Sec. 26C-331 is amended to read as shown below:

- (a) Except as provided in Section 1-7.3 of this code, the ~~board of zoning adjustments~~ administrator or the planning commission, as appropriate, after notice as provided in this chapter, shall hear and decide on applications for use permits, applications for variances, and ~~-, unless otherwise limited by this chapter or the Coastal Act, shall -also hear applications for any other discretionary development permit under this chapter for which a public hearing is required by law. -appeals from any order, requirement, permit, decision, or determination made by any administrative official of the county in connection with the administration of this chapter.~~
- (b) Any interested person may appeal any discretionary administrative order, requirement, permit, or determination made by the director of the permit and resource management department or other administrative official of the county under ~~pursuant to~~ this chapter to the ~~board of zoning adjustments~~ administrator or the planning commission, as appropriate. An appeal shall be filed in writing with the director of the permit and resource management department within ten (10) days after the decision that is the subject of the appeal; provided, however, that the county may still revoke any erroneously issued permit or entitlement even after the expiration of the ten (10)-day appeal period. The appeal shall specifically state the basis for the appeal and shall be accompanied by the required filing fee. Nothing in this section shall be construed to limit appeal rights under Public Resources Code section 21151, or to

limit appeal rights specified in this code or under the Coastal Act or other applicable state law.

- (c) In case of uncertainties by the permit and resource management department as to whether certain uses are permitted in certain districts, the department may refer such questions to the ~~board of zoning adjustments~~administrator or planning commission, as appropriate, for decision.

J. Sec. 26C-331.2. Concurrent processing of related applications. Subsection (a) of Sec. 26C-331 is amended to delete the term “board of zoning adjustments” and replace it with “zoning administrator.”

K. Sec. 26C-332. Use permits—Issuance generally. Sec. 26C-332 is amended to read as shown below:

Use permits may be issued by the ~~board of zoning adjustments~~administrator or the planning commission for any of the uses for which such permits are required by this chapter, except that the zoning administrator may not issue use permits in the PC district.

L. Sec. 26C-332.1. Same—Findings of the board of zoning adjustments—Conditions. Sec. 26C-332.1 is amended to read as follows:

Sec. 26C-332.1. Same—Findings ~~of the board of zoning adjustments~~—Conditions.

- (a) In order to grant any use permit, the findings of the ~~board of zoning adjustments~~administrator or the planning commission shall be that the establishment, maintenance or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood or to the general welfare of the area.

The ~~board of zoning adjustments~~administrator or planning commission may designate such conditions in accordance with the use permit, as it deems necessary to secure the purposes of this chapter and may require such guarantees and evidence that such conditions are being or will be complied with.

- (b) Subject to the right of appeal as provided in this chapter, the decision of the ~~board of zoning adjustments~~administrator or planning commission shall be final ten (10) days after the ~~board of zoning adjustments~~administrator or planning commission renders its decision.
- (c) Written findings shall be made in connection with applications for mini-marts in which beer or wine is proposed to be sold. The findings shall be based on substantial evidence in view of the whole record to justify the decision ~~of the board~~.

M. Sec. 26C-332.2. Mobile home park conversion, closure, or cessation of use. Sec. 26C-332.2 is amended to delete the term “board of zoning adjustments” and replace it with “zoning administrator.”

N. Sec. 26C-333. Variances generally. Sec. 26C-333 is amended to read as shown below.

- (a) Whenever, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings which are unique to the subject property alone, where the strict application of this chapter is bound to deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification, a variance may be granted. Justification for such a variance shall be based solely on comparative information describing the disparities between the subject property and surrounding properties and the burden of demonstrating that the above requirements are met shall be the responsibility of the applicant.
- (b) At the conclusion of the public hearing, the ~~board of zoning~~ adjustments administrator or planning commission, as applicable, shall make written findings of fact showing whether or not the requirements of subsection (a) of this section apply to the variance sought. As a part of such findings, the ~~board decision maker~~ shall set forth such conditions, if any, as are necessary to obtain compliance with the provision of such subsection. Following the aforesaid hearings, the ~~board of zoning~~ adjustments administrator or planning commission shall make its determination on the matter within sixty (60) days after the hearing is closed. Failure of the ~~board of zoning~~ adjustments administrator or planning commission to reach a decision on the matter within sixty (60) days after the hearing is closed shall constitute a denial of the request ~~by the board~~.

O. Sec. 26C-334. When decision of board of zoning adjustments to be final. Sec. 26C-334 is amended to read as shown below:

Sec. 26C-334. When decision ~~of board of zoning adjustments~~ to be final.

Subject to the right of appeal as provided in this chapter, the decision of the ~~board of zoning~~ adjustments administrator or planning commission shall be final ten (10) days after the ~~board of zoning~~ adjustments administrator or planning commission renders its decision.

P. Sec. 26C-335. Revocation generally. Sec. 26C-335 is amended to read as shown below:

Whenever in the opinion of the director of the permit and resource management department or of the ~~board of zoning~~ adjustments administrator a condition of any permit issued pursuant to this chapter has been violated, or that the use constitutes a nuisance, the director of the permit and resource management department shall cause a hearing to be held before the ~~board of zoning adjustments~~ planning commission on the matter of the revocation or modification of such permit. The hearing shall be noticed in accordance with this chapter and shall require the owner to appear at the noticed time and place and show cause why such permit should not be revoked or modified.

If, after the hearing, the ~~board of zoning adjustments~~planning commission finds that there has been or will be a substantial failure to fulfill one (1) or more of the conditions of the permit or that exercise of the use constitutes a nuisance, the ~~board~~planning commission may either revoke the permit or modify it in such a manner as to secure the goals of Section 26C-332.1.

Q. Sec. 26C-335.1. Revocation for failure to use or for abandonment of use. Sec. 26C-335.1 is amended to read as shown below:

In any case where a zoning permit, use permit, design review approval or variance permit has not been used within ~~two (2) four~~ years after the date of the granting thereof or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided, however, that upon written request by the applicant and payment of applicable fees prior to the expiration of the ~~two (2) four~~-year period, the permit approval may be extended for not more than ~~two~~ one (1)-year extensions by the authority which granted the original permit-, unless the original permit was approved by the Board of Supervisors on appeal, in which case the request for extension shall be heard and decided by the lower level decisionmaker.

R. Sec. 26C-336. Appeals. Sec. 26C-336 is amended to read as shown below:

Appeal procedures related to decisions on coastal permits are set forth in Article XXXIV. Appeal procedures on all other permits are as follows:

- (a) Any interested person may appeal any discretionary decision made pursuant to this chapter by the ~~board of zoning adjustments or administrator to~~ the planning commission-~~pursuant to this chapter, or by the planning commission~~ to the board of supervisors. An appeal shall be filed in writing with the director of the permit and resource management department within ten (10) days after the decision that is the subject of the appeal. The appeal shall specifically state the basis for the appeal and shall be accompanied by the required filing fee. The ~~board of supervisors~~director shall set a date for public hearing and cause notice to be given as provided in this chapter. The ~~board of supervisors~~applicable hearing body shall render its decisions within ninety (90) days after the public hearing on the appeal is first opened. In the event that the ~~board of supervisors~~applicable hearing body fails to act within the ninety (90)-day period, the decision of the ~~board of zoning adjustments~~lower level decisionmaker shall be deemed to be upheld. The ninety (90)-day time limit established by this subsection may be extended, with the consent of the ~~board of supervisors~~appellate hearing body, upon request by an individual or entity having a fee or leasehold interest in the property subject to the appeal.
- (b) The filing of an appeal pursuant to this section shall operate as a stay on issuance, modification, or revocation, as the case may be, of any permit with respect to which the appeal is taken. The action shall be stayed until the ~~board of supervisors has entered its decision~~ on the appeal is final.

- (c) Any appeal filed pursuant to this section may be withdrawn where the appellant requests such withdrawal and the ~~board of supervisors~~hearing body with jurisdiction over the appeal consents.

S. Sec. 26C-337. Application for coastal permits, zoning permits, use permits, variances, appeals, etc. Sec. 26C-337 is amended to delete the term “board of zoning adjustments” and replace it with “zoning administrator.”

T. Sec. 26C-337.1. Fees for zoning permits, use permits, variances, appeals, design review, etc. Sec. 26C-337.1 is amended to delete the term “board of zoning adjustments”.

U. Sec. 26C-338.4. Same—Abatement of outdoor advertising structures, signs, etc. Sec. 26C-338.4 is amended to delete the term “board of zoning adjustments” and replace it with “zoning administrator.”

V. Sec. 26C-340.2. Action on coastal permit. Sec. 26C-340.2 is amended to read as shown below:

- (a) If action on other permits or approvals is to be taken by the director of the permit and resource management department, the ~~board of zoning adjustments~~administrator, the planning commission, ~~project review and advisory committee~~, design review committee, or the board of supervisors, then that person, commission or board may also act on the coastal permit.
- (b) If the project requires no discretionary county permit or approval other than a coastal permit, then the director of the permit and resource management department shall act on the coastal permit.
- (c) If, in accordance with paragraphs (a) and (b) above, action on a coastal permit would be taken by the director of the permit and resource management department but Section 26C-343 requires a public hearing, then the ~~board of zoning~~ Adjustments administrator shall act in place of the director of the permit and resource management department.
- (d) If final action on other permits or approvals requires the recommendation of one (1) person or body to another, as in the case where the planning commission makes recommendations to the board of supervisors, then that person or body shall make a concurrent recommendation on the coastal permit.

W. Sec. 26C-347. Appeals. Sec. 26C-347 is amended to read as shown below:

Development pursuant to an approved coastal permit shall not commence until all applicable appeal periods expire, or, if appealed, until all appeals, including the coastal commission, have been exhausted.

Two (2) concurrent appeal periods and procedures are required due to coastal act requirements as follows:

- (a) Local appeals.

Action by the director of the permit and resource management department, ~~board of zoning~~ adjustments administrator, planning commission, or design review

committee, ~~or project review committee, or project review and advisory committee~~ to approve, condition or deny any coastal permit may be appealed on or before the tenth calendar day following such action. Action by the director ~~of the permit and resource management department~~ zoning administrator shall be appealed to the ~~board of zoning adjustments~~ planning commission. Action by ~~the project review and advisory committee or~~ the design review committee may be appealed only to the board of supervisors.

Unless the appellant can demonstrate that appeal is made in accordance with Public Resources Code Section 30603 (as described below), local regulations and fees will apply.

(b) Coastal act appeals.

Action by the director of the permit and resource management department, ~~board of zoning adjustments~~ administrator, planning commission, or design review committee ~~or project review and advisory committee~~ may be appealed without fee only for the following reasons (#1-4) on or before the tenth working day following such action. Action by the director of the permit and resource management department ~~shall be appealed to the board of zoning adjustments. Action by the project review and advisory committee or the~~ design review committee shall be appealed to the planning commission. Action by ~~the board of zoning adjustments~~ administrator or the planning commission may be appealed only to the board of supervisors.

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within three hundred feet (300') of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) of this section located on tidelands, submerged lands, public trust lands, within one hundred feet (100') of any wetland, estuary, stream or within three hundred feet (300') of the top of the seaward face of any coastal bluff.
- (3) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinances as defined in coastal combining district.
- (4) Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" shall mean any proposed public works project or energy facility as defined by the coastal act, exceeding one hundred thousand dollars (\$100,000.00) in estimated cost of construction.

(c) Coastal commission appeals.

Action by the board of supervisors on a coastal permit may be appealed for the following reasons (1-4) to the coastal commission in accordance with coastal commission regulations on or before the tenth working day following receipt by the California Coastal Commission of the notice of final action.

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within three hundred feet (300') of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government not included within paragraph (1) of this section located on tidelands, submerged lands, public trust lands, within one hundred feet (100') of any wetland, estuary, stream or within three hundred feet (300') of the top of the seaward face of any coastal bluff.
- (3) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinances as defined in coastal combining district.
- (4) Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" shall mean any proposed public works project or energy facility as defined by the coastal act, exceeding one hundred thousand dollars (\$100,000.00) in estimated cost of construction.
- (d) An appeal pursuant to Section 26C-347(b) may only be filed by the applicant for the coastal permit in question, an aggrieved person, or any two members of the coastal commission. An appeal pursuant to Section 26C-347(c) may only be filed by the applicant for the coastal permit in question, an aggrieved person who has exhausted local appeals, or any two (2) members of the coastal commission.

Where a project is appealed by any two (2) members of the coastal commission, notice of commissioner appeals shall be transmitted to the director of the permit and resource management department and the appeal to the commission shall be suspended pending a decision on the merits by the board of supervisors. If the decision of the board of supervisors modifies or reverses the previous decision, the commissioners shall be required to file a new appeal from that decision.

- (e) An appeal pursuant to Section 26C-347(c) shall be filed with the coastal commission.

X. Sec. 26C-348. Expiration of permits. Sec. 26C-348 is amended to read as shown below:

A coastal permit shall expire within ~~two (2)~~four (4) years from its date of approval unless the permit has been used; provided however, that upon written request by the applicant prior to the expiration of the ~~two (2)~~four-year period, the permit approval may be extended for not more than two ~~one (1)~~-year extensions by the authority which granted the original permit, unless the original permit was approved by the Board of Supervisors on appeal, in which case the request for and action on an amendment extension shall be accomplished in the same manner specified in this chapter for initial approval of a coastal permit. All sections of this chapter shall apply to permit amendments heard and decided by the lower level decisionmaker.

Y. Sec. 26C-357. Outdoor advertising structures, signs, etc. Sec. 26C-357 is amended to delete the term "board of zoning adjustments" and replace it with "zoning administrator".