

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SONOMA COUNTY CODE CHAPTER 26 (ZONING REGULATIONS) TO IMPLEMENT ZONING ADMINISTRATOR HEARINGS AND PROCESSES; ALLOCATE HEARING DUTIES BETWEEN THE PLANNING COMMISSION AND ZONING ADMINISTRATOR; MODIFY PROVISIONS GOVERNING EXPIRATION OF APPROVED USE PERMITS; ADD A PROCEDURE TO EXPIRE INACTIVE PERMIT APPLICATIONS; AND CLARIFY AND MODIFY APPEALS PROCESSES AND OTHER LAND USE PROCESSES AND PROCEDURES; AND FINDING THAT THE ACTION IS NOT A CEQA PROJECT AND IN THE ALTERNATIVE THAT THE ACTION IS EXEMPT FROM CEQA

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

SECTION I. Purpose.

- A. The Board of Supervisors' five-year Strategic Plan consists of five pillars, including Organizational Excellence. The Organizational Excellence pillar commits the County to providing superior public service to Sonoma County residents. In January 2023, County consultant BerryDunn completed a formal management review of Permit Sonoma, consistent with Goal 1 of the Organizational Excellence pillar (strengthen operational effectiveness, fiscal reliability, and accountability). Initiative 1 of the BerryDunn report recommended that Permit Sonoma review conditional use permit processes and establish a Zoning Administrator.
- B. This Ordinance amending Sonoma County Code Chapter 26 (Zoning Regulations) was brought forward for concurrent consideration with two related ordinances: an 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); and a separate ordinance amending Sonoma County Code Chapter 26C (Coastal Zoning). Collectively the ordinances create and enable implementation of Zoning Administrator hearings and functions and make other changes to processes and procedures. These actions will improve Permit Sonoma's efficiency and effectiveness, consistent with the Board of Supervisors' Five-Year Strategic Plan, Permit Sonoma's organizational goals, and the BerryDunn report recommendations.
- C. This Ordinance is adopted pursuant to Government Code sections 65850-65863.13 (Zoning Regulations; Adoption of Regulations), 65900-65909 (Zoning Regulations; Administration), and 25131.

SECTION II. Findings.

- A. On November 7, 2024, the Planning Commission held a duly noticed public hearing to consider and make a recommendation to the Board of Supervisors regarding this Ordinance amending Chapter 26 and the companion ordinance amending Chapter 26C. The Commission's hearing was conducted consistent with applicable provisions of Sonoma County Code Chapter 26 (sections 26-96-020 and 26-96-030) and Chapter 26C (sections 26C-361 and 26C-362), which require the Planning Commission to hold a public hearing and make a recommendation to the Board regarding any proposal to amend Chapter 26 and Chapter 26C. While the third related ordinance amending Sonoma County Code Chapters 2, 3, 13, 23A, 25, and 25C is not formally within the Commission's purview, a preliminary draft of the amendments to Chapters 2, 3, 13, 23A, 25, and 25C was included in the agenda materials for the Commission's November 7 hearing to inform its consideration of this Ordinance and the companion ordinance amending Chapter 26C. After the public hearing was closed, the Commission adopted a resolution recommending that the Board of Supervisors adopt the proposed amendments to Chapters 26 and 26C.
- B. On February 25, 2025 the Board of Supervisors held a duly noticed public hearing on this Ordinance and the related proposed ordinances amending Chapters 26C and Chapters 2, 3, 13, 23A, 25, and 25C and continued the hearing to May 6, 2025. The Board received and considered public comments on all three ordinances, including this Ordinance amending Chapter 26. The Board reviewed and considered the Commission's recommendations in its deliberations on this Ordinance and the two companion ordinances.
- C. This Ordinance and the related ordinances amending Chapter 26C and Chapters 2, 3, 13, 23A, 25 and 25C share the same general purpose and are intended to go into effect at the same time. However, the ordinances are adopted separately because of different requirements and considerations for adoption, and because of varying effective dates. The Board has considered the ordinances both individually and collectively.
- D. This Ordinance does not change zoning, density, intensity, development standards or permitted uses of any parcel.

SECTION III. Amendments to Chapter 26 of the Sonoma County Code. Sonoma County Code Chapter 26 is amended as provided in Exhibit A, attached and incorporated in this ordinance by reference.

SECTION IV. Environmental determination. The Board finds and determines that adoption of this Ordinance, considered individually and collectively with the companion ordinances amending Chapter 26C and amending Chapters 2, 3, 13, 23A, 25, and 25C (collectively, "the action"), is not a project subject to the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378(b)(5) (CEQA Guidelines, § 15378(b)(5)). Under CEQA, a "project" is "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Resources Code, § 21065). The CEQA Guidelines expressly defined "organizational or administrative activities of governments that will not result in direct or

indirect physical changes in the environment” as “not a project.” (CEQA Guidelines, § 15378 (b)(5).) The action adopts amendments to the County Code to make a variety of changes to processes and procedures related to land use, which are entirely “organizational or administrative activities of government,” including changes to hearing bodies and duties, including creating a County Zoning Administrator, eliminating the Board of Zoning Adjustments and Project Review and Advisory Committee, and reallocating hearing duties between the Zoning Administrator and Planning Commission; and further changes to administrative procedures related to appeals, handling land use applications and approved permits, and similar. The Ordinance does not change zoning, density, intensity, development standards, or permitted uses of any parcel, and therefore will not cause any direct or indirect physical change in the environment. Additionally and in the alternative, the Board finds and determines that if the action is considered a project subject to CEQA, it is exempt from CEQA pursuant to the “common sense exemption,” which provides that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment,” a project is exempt from CEQA. (Cal. Code Regs., tit. 14, § 15061(b)(3).) For the same reasons that the action is not a project under CEQA Guidelines Section 15378(b)(5), the action alternatively qualifies as exempt under the common sense exemption because it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment.

SECTION V. Resolution of references to defunct hearing bodies. After the operative date of this Ordinance, whenever an ordinance, plan, policy, adopted conditions of approval or any other document provides for action by the Board of Zoning Adjustments or Project Review and Advisory Committee in relation to Chapter 26, the Director of Permit Sonoma shall determine the appropriate decision maker consistent with this Ordinance and Ordinance No. _____ amending Chapters 2, 3, 13, 23A, 25, and 25C, particularly Chapter 2 as amended.

SECTION VI. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION VII. Operative Date. This Ordinance shall be operative five calendar months after the effective date of Ordinance No. _____ amending Sonoma County Code Chapters 2, 3, 13, 23A, 25, and 25C, provided that Ordinance No. [Ord. amending Chs. 2, 3, 13, 23A, 25 and 25C] is operative on that date. If Ordinance No. [companion ordinance amending Chapters 2,3,13,23A,25,25C] is not operative on that date, this Ordinance shall be operative on the date Ordinance no. [Chapters 2,3,13,23A,25,25C] is operative.

SECTION VIII. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press*

Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 25th day of February, 2025, and finally passed and adopted this 6th day of May, 2025, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Hermosillo: Rabbitt: Coursey: Gore: Hopkins:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

Attest:

M. Christina Rivera,
Clerk of the Board of Supervisors

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

M. Christina Rivera,
Clerk of the Board of Supervisors

EXHIBIT A