



Sonoma County Planning Commission STAFF REPORT

FILE: ORD25-0006
DATE: 6 November 2025
TIME: At or after 1:20 PM
STAFF: Azine Spalding

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: County of Sonoma
Address: Countywide, excluding the Coastal Zone
Supervisory District(s): All
Description: Amendments to Chapter 26 of the Sonoma County Zoning Code, Articles 04, 64, and 88, to establish streamlined permitting requirements and development standards for fences located within residential zoning districts (AR, RR, R1, R2, R3) and the Recreation and Visitor-Serving (K) district, that meet standards for height, material, and location; and define agricultural fences and exempt those fences from existing design review requirements. These fence standards will simplify the permitting process for both staff and applicants by discontinuing the need for Use Permits for fences. These fence standards will also reduce confusion associated with the permitting process and required application materials.
CEQA Review: Categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Section 15061(b)(3) (common sense exemption) and CEQA Section 15303(e), New Construction or Conversion of Small Structures
Ordinance Reference: Sonoma County Zoning Code Section 26-88-030



RECOMMENDATION

Permit Sonoma recommends that the Planning Commission adopt the attached resolution (Attachment 1) recommending that the Board of Supervisors:

1. Find the proposed action exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and CEQA Guidelines Section 15303; and
2. Adopt an ordinance amending Sonoma County Code Chapter 26 (Zoning Code), Articles 04, 64, and 88, governing fence development standards and permit requirements (Attachment 1, Exhibit A).

EXECUTIVE SUMMARY

Permit Sonoma proposes an ordinance to amend the Sonoma County Zoning Code (County Code Chapter 26) to simplify the permitting process for certain types of fences. The ordinance proposes to establish objective standards for fences and similar structures based on location, height, materials, and fence design, and provides reduced permitting requirements in accordance with those standards. The ordinance will create a clearer and easier permit pathway for applicants to construct a fence within setback areas, reduce permitting fees and the number of public hearings, and save time and staff resources while ensuring public safety and neighborhood compatibility. The ordinance applies to fences located within the residential zoning districts (AR - Agricultural Residential, RR- Rural Residential, R1 - Low Density Residential, R2 - Medium Density Residential, and R3 - High Density Residential), and the Recreation and Visitor-Serving Commercial (K) zoning district. The ordinance further proposes to exempt agricultural fences that support agricultural production and meet specific standards from Design Review requirements applicable in the Scenic Resource (SR) combining district.

BACKGROUND

Property owners install fences on their property for myriad reasons, including but not limited to safety, security, noise reduction, and/or aesthetics. In residential zoning districts (AR, RR, R1, R2, R3) and the Recreation and Visitor-Serving Commercial (K) zoning district, the Zoning Code requires a Use Permit for fences taller than three feet in height within front yard setbacks or within 15 feet of a street corner or fences taller than six feet in height within side or rear yard setbacks (Section 26-88-030).

Current Permit Processing Cost and Time

Use Permit applications for fences are costly and time-intensive for property owners and staff. As of July 1, 2025, the initial permit fees for a fence Use Permit exceed \$5,000, and additional at-cost fees may be necessary if the initial fees are exhausted before processing is completed. While most fence Use Permits have been eligible for public hearing waivers, some have required a public hearing and consideration by the Board of Zoning Adjustments (BZA) due to opposition from neighbors. If a fence project is denied by the Board of Zoning Adjustments, the fee to appeal the decision to the Board of Supervisors costs approximately \$3,000 at the expense of the applicant. For fences that are constructed illegally without a Use Permit, property owners face code violation penalty fees in addition to the cost to obtain a Use Permit. Penalty fees can be charged daily or be up to three times the base fee for a Use Permit, which is just under \$4,000.



Processing times for fence Use Permits can take anywhere between two months to multiple years to receive approval. Factors that can impact the processing timeline for a fence Use Permit include proposed location, height, materials, sight distance, community opposition, public hearing schedules, and/or frequent and extensive application revisions. Public comments are often received during the Use Permit process wherein neighbors state concerns about the proposed fence as it relates to neighborhood compatibility (aesthetics), safety, sight distance, or property line issues. Use Permits are discretionary, which means that neighbors with the aforementioned concerns may request that the project goes to public hearing, which could increase processing time and cost for both staff and applicants.

PROJECT DESCRIPTION

The proposed ordinance is intended to prioritize public safety, ensure neighborhood compatibility and protection of scenic resources, and reduce the cost and time of fence permitting. The ordinance would eliminate Use Permit requirements for fences greater than three feet within the front yard setbacks and fences greater than six feet in height within side and rear yard setbacks by establishing objective standards based on height, location, material, and design that determine the associated permit requirement. Fences that meet objective standards will either not require a permit or require an Administrative Design Review permit. If a proposed fence would not comply with objective standards, exceptions may be granted by the Design Review Committee.

With the proposed ordinance, fences up to six feet in height will be allowed within front and street-side yard setbacks and fences up to eight feet in height will be allowed in interior side and rear yard setbacks, provided the fences comply with other objective standards for location, materials, lighting, landscaping, and design. In part, the ordinance proposes to differentiate permit requirements by the degree of transparency of the fence design, using the terms “solid fence” and “open fence.” A solid fence design is where at least 90 percent of the vertical surface area of the fence does not allow for visibility through the structure; conversely, an open fence design is where at least 90 percent of the vertical surface area allows for visibility through the structure, while the remaining 10 percent or less is opaque. This distinction in fence design was necessary to allow certain types of fences to be constructed within front yard setbacks without impeding safe sight distance. Sight distance is the length of roadway visible to a driver. Adequate sight distance at roadway and driveway intersections is critical for safe travel.

The changes to fence regulations will provide property owners with significantly more flexibility for fence design and location than current standards allow, without a permit requirement. Permit Sonoma Planning staff collaborated with Sonoma Public Infrastructure (SPI) and the Code Enforcement Section of Permit Sonoma to draft enforceable standards related to height, location, and materials that would also meet sight distance standards established for public safety.

The ordinance further proposes to exempt agricultural fences that meet certain standards and support existing or proposed agricultural production, as currently defined in the Zoning Code Glossary (Section 26-04-020(A)), from Design Review requirements that apply when a property is within in the SR (Scenic Resource) combining district. This exemption would apply to agricultural fences in the LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Rural and Resources Development), and AR (Agriculture and Residential) zoning districts.

Proposed Permit Requirements



No Permit Required

A fence with a maximum height of three feet or less, located within a front or street-side setback area, may be constructed without a permit. A fence with a maximum height exceeding three feet but no more than six feet, located within a front or street-side setback area may be constructed without a permit if the entire section or portion of the fence above three feet in height is composed of open fence. A fence located within the required setback for any interior side or rear yard with a maximum height of six feet, or a maximum height of eight feet if the top two feet is constructed with wood lattice or open fence, may be constructed without a permit.

Administrative Design Review Permit

A solid fence greater than three feet in height, located within required front or street-side setback areas, requires an Administrative Design Review Permit for review of the fence design in relation to scenic resources, to confirm that the fence is located outside of the public or private right-of-way, and that the proposed fence complies with sight distance requirements. Any fence above three feet in height, located within the Scenic Resources Combining District or Local Guidelines Combining District, requires an Administrative Design Review permit, except that agricultural fences as described in the attached Ordinance (Attachment 2) are exempt from design review.

Design Review Committee Approval

Exceptions for fence height, location, materials, and design may be made by the Design Review Committee if the following findings can be made: the fence is located outside of the public or private right-of-way; the fence meets sight distance requirements; and the proposed fence design is compatible with the neighborhood and other surrounding uses and structures as determined by the average height, setbacks, and design of existing fences in the vicinity.

PUBLIC OUTREACH

Permit Sonoma Planning staff met with representatives from the Community Alliance with Family Farmers (CAFF) and the Sonoma County Farm Bureau to discuss the draft definition and development standards for the proposed exemption from Design Review for agricultural fences. Feedback emphasized the importance of keeping a broad definition and standards because the design of agricultural fences will vary depending on the operation; for example, fences for vineyards will vary compared to fences needed for containing livestock. Participants also highlighted that amendments to County Code should align with other laws governing requirements for agricultural fences, such as the State Food and Agricultural Code (Section 17121). The feedback received during these meetings has been incorporated into the recommended ordinance.

DISCUSSION

Streamlined Permit Requirements

Requiring Administrative Design Review instead of a Use Permit for solid fences in front setback areas allows the County to ensure the fence design would not impact public safety through diminished sight distance, and reduces the financial burden on property owners. Administrative Design Review permits are reviewed and



approved by staff, instead of the Board of Zoning Adjustments, which is often less expensive and time-consuming for staff and applicants than Use Permits. Administrative Design Review permits cost roughly half the amount of a Use Permit, at around \$2,200 in permitting fees. Further exceptions to fence standards may be granted by the Design Review Committee (DRC); a fence project considered by the DRC will be more expensive than Administrative Design Review because the base permitting fee is enough for the project to go to hearing without paying an additional hearing fee.

Sight Distance

Permit Sonoma staff worked closely with staff from Sonoma Public Infrastructure to ensure road safety concerns are addressed in the ordinance, specifically sight distance standards. Sonoma Public Infrastructure bases county sight distance requirements on standards by the American Association of State Highway and Transportation Officials (AASHTO). Sight distance is defined as the length of roadway visible to a driver. Sight distance length must be sufficient to allow for the minimum stopping distance (i.e. the distance necessary for a vehicle to come to a stop, corresponding to the speed traveled along the intersecting roadway). A sight triangle is a triangular area at intersections where no structures above three feet are allowed to obstruct the sight of drivers at the intersection. To address sight distance concerns, the ordinance defines the difference between solid and open fences. An open fence is a fence where at least 90 percent of the surface area allows for visibility through the structure, while the remaining 10 percent is opaque. A solid fence is a fence where less than 90 percent of the surface area allows for visibility through the structure. A fence constructed of open fence material at or above three feet in height adequately addresses sight distance concerns without triggering the need for review by Sonoma Public Infrastructure.

Materials

The proposed ordinance outlines both allowed and prohibited construction materials for fences. The materials that are designated as allowed materials were selected based on common fencing materials that have previously been proposed and reviewed during permit processing. As the ordinance allows more flexibility in fence design without a permit, a list of allowed materials may leave less to question; for example, if a complaint about a fence's material is reported to the Code Enforcement division, staff can refer to the list of allowed or prohibited materials to more quickly determine if there are grounds for a violation. If a property owner wants to construct a fence with material that isn't provided in either the allowed or prohibited list, they could propose said unlisted material in their application for design review.

Allowed materials outlined in the ordinance include but are not limited to wood, composite wood showing naturalistic graining and wood coloring, stone and masonry, stucco or plaster, woven metal or wire fencing such as chain link or hog wire, barbed wire only as necessary for agricultural fences, non-reflective metal finishes, masonry wall surfaces with concrete masonry units covered by one of the allowed materials, or a combination of allowed materials. Exceptions to the list of allowed materials may be made through the Design Review Committee, however, the ordinance provides a list of prohibited materials that, even with an exception, would not be allowed. Prohibited fencing materials consist of bunker blocks, reflective metal finishes, razor wire, barbed wire (except as may be required by State law for agricultural fences), glass, and masonry walls consisting exclusively of concrete masonry units that are not covered by an allowed fencing material.

Code Enforcement



Between January 1, 2015 and October 31, 2025, approximately half of the fence Use Permits were to clear violations for fences constructed without a permit. Often, property owners construct fences above three feet in height within setbacks, without reviewing fence standards first. After receiving a violation, property owners have a few options to address the violation, such as reducing the height of the fence, moving the fence outside of setback areas, or applying for a Use Permit to legalize the fence. Any of these options could add to the financial burden undertaken by the property owner, in addition to code violation penalty fees incurred. Allowing property owners to construct taller fences in setback areas, subject to certain development standards, may result in fewer violations. Additionally, because penalty fees are assessed using the base permitting fee, reducing the permit requirement from a Use Permit to Administrative Design Review permit will result in lower penalty fees, and may decrease financial burden for fence legalization.

Agricultural Fences

Current fence regulation requires that fences constructed on parcels zoned Land Extensive Agriculture (LEA), Land Intensive Agriculture (LIA), Diverse Agriculture (DA), or Resources and Rural Development (RRD) require design review if the properties are also located within the Scenic Resources (SR) Combining District. The ordinance does not change the design review requirement but expressly exempts new construction or replacement in-kind of agricultural fences meeting certain standards from design review in the proposed amendments to Article 64 (Scenic Resources Combining District). To qualify for the exemption, the agricultural fence must be no greater than eight feet in height, composed of wire and post, and located within the Land Extensive Agriculture (LEA), Land Intensive Agriculture (LIA), Diverse Agriculture (DA), Resources and Rural Development (RRD), or Agriculture and Residential (AR) zoning districts. Other proposed amendments to Chapter 26 (Zoning Regulations) include adding a definition of an agricultural fence to the Zoning Code Glossary (Section 26-04-020(A)). To qualify as an agricultural fence under the proposed definition, the fence must be associated with existing or proposed agricultural production, which includes the production of food, fiber, and plant materials, including but not limited to growing, harvesting, crop storage and milking, etc., and excludes agricultural processing, support services, and visitor-serving uses.

Other Development Regulations or Guidelines

Combining Districts

Certain combining districts have different standards that may impact the location and design of a fence. Fences are subject to applicable standards within the Riparian Corridor Combining District (RC), Scenic Resources Combining District (SR), Local Guidelines Combining District (LG), and the Tree Protection Ordinance. A fence constructed within the Historic District (HD) will require review by the Landmarks Commission.

Building Code

While design review may not be required for a new fence, a fence may trigger the need for a Building Permit depending on the proposed materials and height of the fence. Building Division review of a fence of certain heights is to ensure the structural integrity of the fence meets building code requirements, especially when considering impacts of high winds.

General Plan Consistency



The proposed zoning code amendments are consistent with the goals, objectives, policies, and programs of the General Plan as discussed below:

Agricultural Resources Element

- **Goal AR-9:** *Provide agricultural permit processing procedures that are rapid and efficient.*
- **Objective AR-9.1:** *Establish permit processing procedures that will simplify and shorten the decision-making process for permits on agricultural lands.*
- **Objective AR-9.2:** *Provide and expedite permitting assistance to the agricultural industry.*
- **Objective AR-9.3:** *Promote rural character in the design of agricultural support uses on agricultural lands.*
- **Policy AR-9b:** *Consider barns and similar agricultural support structures on agricultural lands as part of the scenic environment not requiring design review approval except where local design review exists by community choice established in an adopted Specific plan, Area plan or Local Area Development Guidelines or where a State Scenic Highway designation has been approved by the Board of Supervisors and by the State of California.*
- **Policy AR-9c:** *Establish procedures and standards in the Development Code to distinguish those agricultural uses and activities which may be approved by administrative action and to expedite the processing of permits for agricultural and agriculture related uses.*

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. The ordinance proposes exempting certain agricultural fences from design review when required. Because agricultural fences must be associated with established or proposed agricultural production, the proposal to exempt agricultural fences from design review will support agricultural operations through streamlined permitting.

Open Space and Resource Conservation Element

- **Policy OSRC-1f:** *Unless there are existing design guidelines that have been adopted for the affected area, require that new structures within Community Separators meet the following criteria:*
 1. *Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen them from view from public roads.*
 2. *Minimize cuts and fills on hills and ridges.*
 3. *Minimize the removal of trees and other mature vegetation; avoid removal of specimen trees, tree groupings, and windbreaks.*
 4. *Where existing topography and vegetation would not screen structures from view from public roads, install landscaping consisting of native vegetation in natural groupings that fits with the character of the area in order to substantially screen structures from view. Screening with native, fire retardant plants may be required.*
 5. *Design structures to use building materials and color schemes that blend with the natural*



landscape and vegetation.

6. *To the extent feasible, cluster structures on each parcel within existing built areas, and near existing natural features such as tree groupings.*
7. *Utilities are underground where economically practical.*
8. *On hills and ridges, avoid structures that project above the silhouette of the hill or ridge against the sky as viewed from public roads, and substantially screen driveways from view where practical.*
9. *Minimize impervious surfaces and encourage groundwater recharge with effective design features and materials that allow stormwater infiltration and detention.*

*This policy does not apply to farmworker housing or agricultural accessory structures, such as barns, proposed on parcels in the Diverse Agriculture, Land Extensive Agriculture, Land Intensive Agriculture, and Resources and Rural Development land use categories, and on parcels in the Rural Residential land use category with Agriculture and Residential (AR) Zoning, if their use does not require a Use Permit in the Zoning Code. If compliance with these standards would make a parcel unbuildable, site structures where minimum visual impacts would result. Exempt telecommunication facilities if they meet the siting and design criteria of the Scenic Resources (SR) Zoning District. **

- **Policy OSRC-2d:** *Unless there are existing design guidelines that have been adopted for the affected area, require that new structures within Scenic Landscape Units meet the following criteria:*
 1. *Site and design structures to take maximum advantage of existing topography and vegetation in order to substantially screen them from view from public roads.*
 2. *Minimize cuts and fills on hills and ridges.*
 3. *Minimize the removal of trees and other mature vegetation. Avoid removal of specimen trees, tree groupings, and windbreaks.*
 4. *Where existing topography and vegetation would not screen structures from view from public roads, install landscaping consisting of native vegetation in natural groupings that fits with the character of the area in order to substantially screen structures from view. Screening with native, fire retardant plants may be required.*
 5. *Design structures to use building materials and color schemes that blend with the natural landscape and vegetation.*
 6. *On hills and ridges, avoid structures that project above the silhouette of the hill or ridge against the sky as viewed from public roads and substantially screen driveways from view where practical.*
 7. *To the extent feasible, cluster structures on each parcel within existing built areas and near existing natural features such as tree groupings.*

Exempt agricultural accessory structures proposed on parcels in the Diverse Agriculture, Land Extensive Agriculture, Land Intensive Agriculture, and Resources and Rural Development land use categories, and on parcels in the Rural Residential land use category with Agriculture and Residential (AR) Zoning, are exempt from this policy if their use does not require a use permit in the Development Code. If compliance

*with these standards would make a parcel unbuildable, site structures where minimum visual impacts would result. Exempt telecommunication facilities if they meet the siting and design criteria of the Scenic Resources (SR) Zoning District.**

- **Goal OSRC-3:** *Identify and preserve roadside landscapes that have a high visual quality as they contribute to the living environment of local residents and to the County's tourism economy.*
- **Objective OSRC-3.2:** *Provide guidelines so future land uses, development and roadway construction are compatible with the preservation of scenic values along designated Scenic Corridors.*
- **Policy OSRC-3c:** *Establish a rural Scenic Corridor setback of 30 percent of the depth of the lot to a maximum of 200 feet from the centerline of the road unless a different setback is provided in the Land Use Policies for the Planning Areas. Prohibit development within the setback with the following exceptions:*
 1. *New barns and similar agricultural support structures added to existing farm complexes on parcels in the Diverse Agriculture, Land Extensive Agriculture, Land Intensive Agriculture, and Resources and Rural Development land use categories, and on parcels in the Rural Residential land use category with Agriculture and Residential (AR) Zoning, 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 administrative design review.*
 2. *New barns and similar agricultural support structures that do not require a use permit in the Development Code on parcels in the Diverse Agriculture, Land Extensive Agriculture, Land Intensive Agriculture, and Resources and Rural Development land use categories, and on parcels in the Rural Residential land use category with Agriculture and Residential (AR) Zoning, 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 administrative design review.*
 3. *Maintenance, restoration, reconstruction, or minor expansion of existing structures.*
 4. *Telecommunication facilities that meet the applicable criteria established in the Development Code.*
 5. *Other new structures if they are subject to design review and*
 - (a) *they are associated with existing structures,*
 - (b) *there is no other reasonable location for the structure,*
 - (c) *the location within the setback is necessary for the use, or*
 - (d) *existing vegetation and topography screen the use.*
 6. *Compliance with the setback would render the parcel unbuildable.*
 7. *Satellite dishes that are not visible from the roadway.*

Policy OSRC-1f provides design criteria for structures within designated Community Separators. Policy OSRC-2d provides similar criteria for structures within designated Scenic Landscape Units. Both policies exempt agricultural accessory structures from design review in the LIA, LEA, DA, RRD, and AR zoning districts. Policy OSRC-3c prohibits most development within Scenic Corridor setbacks with exceptions, including exceptions for new barns and similar agricultural support structures. 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.

Environmental Review

Permit Sonoma has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), because 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 Guidelines Section 15303(e), which provides for the new construction of small accessory structures such as fences.

RECOMMENDATION

Permit Sonoma recommends that the Planning Commission adopt the attached resolution (Attachment 1) recommending that the Board of Supervisors:

1. Find the proposed action exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and CEQA Guidelines Section 15303; and
2. Adopt an ordinance amending Sonoma County Code Chapter 26 (Zoning Code), Articles 04, 64, and 88, governing fence development standards and permit requirements (Attachment 1, Exhibit A).

ATTACHMENTS

1. Attachment 1. Draft Planning Commission Resolution with Exhibit A
2. Attachment 1, Exhibit A. Proposed Code Amendments
3. Attachment 2. Legal Notice of Hearing Affidavit

