

EXHIBIT A

AMENDMENTS TO SONOMA COUNTY CODE CHAPTER 26

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

A. Sec. 26-04-020. Definitions.

1. The following definitions in Subsection D of Sec. 26-04-020 are amended to read as shown below:

Decision Maker. The ~~planning~~ director, the design review committee, the ~~board of zoning adjustments~~ zoning administrator, the planning commission, or the board of supervisors, as appropriate.

Development Permit. A discretionary permit or approval including, but not limited to; subdivisions, use permits, precise development plans, lot line adjustments, variances, design review and zoning permits. Ministerial ~~building~~ permits not accompanied by any other type of discretionary review or approval are exempt from this definition.

2. The following definition is added to Sec. 26-04-020, in its alphabetical order:

Zoning Administrator. The zoning administrator or acting zoning administrator, as provided in Sec. 2-79 of this code.

B. Sec. 26-18-260. Winery definitions and standards.

1. Subsection C of Sec. 26-18-260 is amended to read as shown below:

C. Local Advisory Guidelines. Citizen advisory councils/commissions established by the Board of Supervisors review projects subject to this section in accordance with their adopted local advisory guidelines, and make advisory recommendations to the ~~Permit and Resource Management Department, Board of Zoning Adjustments, Planning Commission, and Board of Supervisors.~~ applicable decision maker.

- C. **Sec. 26-64-050. Design review approval.** Subsection (a) of Sec. 26-64-050 is amended to read as shown below:

(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 ~~board of zoning adjustments/~~ 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.

D. Sec. 26-84-010. General sign provisions. Subsection (a) of Sec. 26-84-010 is amended to delete each appearance of “board of zoning adjustments” and replace with “zoning administrator”.

E. Sec. 26-86-010. Required parking. Subsection (g) of Sec. 26-86-010 is amended to delete “board of zoning adjustments” and replace with “zoning administrator”.

F. Sec. 26-88-010. General use provisions and exceptions.

1. Subsection (e) of Sec. 26-88-010 is amended as shown below.

(e) Landfill Operations. Zoning permits may be issued for landfill operations utilizing imported material in any district only when the ~~project review and advisory committee director~~ is satisfied that there has been prior compliance with ~~Article 1, Chapter 22; Chapter 7; Article 7, Chapter 11~~ all other applicable provisions of the Sonoma County Code and Chapter 70 of the Uniform Building Code, or similar superseding agency this code and governing law, and that the filling will not be detrimental to neighboring property.

2. Subsection (h) is amended to replace each instance of “board of zoning adjustments” with “planning commission”.

3. Subsection (i) is amended to replace each instance of “board of zoning adjustments” with “zoning administrator”.

4. Subsection (j) is amended to delete “board of zoning adjustments”.

5. Subsection (n) is amended as shown below.

(n) Area Design Review Committees. Where development is proposed on parcels which are subject to area design review committees which have been created by resolution of the board of supervisors, the following shall apply.

- (1) Prior to issuance of a building permit, the development plan will be reviewed and approved, conditionally approved, or denied by the planning director on the basis of site planning as it relates to designated open space or design policies of adopted general, specific or area plans or other such design criteria as may have been adopted by the board of supervisors.
- (2) Concurrent with the submittal of the development plan to the planning director, the owner shall submit the advisory recommendation of approval, conditional approval or denial of the local design review committee with jurisdiction over the parcel.
- (3) The planning director shall consider the advisory recommendation of the local design review committee but shall not be bound by it.
- (4) Discretionary Decisions of the planning director approving, conditionally approving or denying a building permit pursuant to this section are appealable in accordance with Section 26-92-040.

G. Sec. 26-92-040. Hearings—Appeals of administrative decisions—Questions on permitted uses. Section 26-92-040 is amended to read as shown below.

- (a) Except as provided in Section 1-7.3 of this code ~~and subsection (d) of this section 26-92-040,~~ the ~~board of zoning adjustments~~zoning administrator or the planning commission, as appropriate, after notice ~~as provided in~~ compliance with this chapter ~~and state law,~~ shall hear and decide on applications for use permits, applications for variances, and ~~appeals from any order, requirement, permit, decision or determination made by any administrative official of the county in connection with the administration of any other discretionary development permit under~~ this chapter for which a public hearing is required by law.
- (b) Except as otherwise provided in this chapter, Any any interested person may appeal any ~~discretionary administrative~~ order, requirement, permit, or determination made pursuant to this chapter by the ~~planning director~~ or any other administrative official of the county pursuant to this chapter. For purposes of this subsection, the zoning administrator is not an administrative official of the county. Appeals pursuant to this subsection shall be to the board of zoning adjustments or the planning commission, as appropriate. An appeal shall be filed in writing with the planning director 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-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 under other applicable state law or this code.
- (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~~zoning administrator or planning commission, as appropriate, for decision.

(d) Notwithstanding subsection (b), an appeal pursuant to Government Code § 65943(c) shall be filed with the director, in writing, within 10 calendar days after the date of the application was determined to be incomplete. The appeal shall state each specific basis for the appeal and be accompanied by the required appeals fee. Appeals under this subsection shall be to the planning commission, which shall make its written determination no later than 60 calendar days after the director receives a timely appeal. The planning commission's determination shall be final and not subject to further appeal.

~~(d) The planning director may waive the requirement for a public hearing and approve, conditionally approve, or deny use permit applications that meet one or more of the following criteria, provided, that subsequent to public noticing procedures pursuant to section 26-92-050, no timely, written, and signed requests for public hearing are received. If the application does not meet any of the following criteria, or if a timely, written, and signed request for public hearing is received, the item shall be noticed for a hearing before the board of zoning adjustments and the board of zoning adjustments may approve, conditionally approve, or deny the application as otherwise provided in this section:~~

~~(i) Off-site impacts to adjacent properties would be insignificant because of the location of the site, large parcel sizes in the vicinity, or proposed siting of the use relative to neighboring residences.~~

~~(ii) The project either qualifies for a CEQA exemption or Negative Declaration/Mitigated Negative Declaration.~~

~~(iii) Due to the site's location, the provision of water and wastewater disposal can be accommodated with no significant impact to the environment or surrounding properties.~~

~~(iv) The project involves a minor expansion on a site that has no active enforcement action.~~

~~(v) There is no evidence that the project would be controversial, detrimental to properties or residents in the vicinity, or contribute incrementally to any significant environmental impact in the local region.~~

H. Sec. 26-92-050. Same—Notice. Section 26-92-050 is amended to read as shown below.

(a) At least ten (10) days' notice of all hearings required by Sections 26-92-040 and 26-92-160 shall be given by the planning director through the United States mails with postage prepaid to all persons shown on the last equalized assessment roll as assessed of parcels of real property within three hundred feet (300') of the parcel wherein the subject use is located or is to be located or by publication in a newspaper of general circulation and posting in at least three (3) places on or near the property which is the subject of the hearing; ~~provided, however, that in the event of an appeal from an administrative determination by any official of the county of Sonoma in connection with the administration of this chapter, the planning director need only notice the time and place of the hearing to the appellant and applicant in manner he deems just and equitable.~~

(b) At least ten (10) days notice of all hearings required by Section 26-96-020 shall be given by the planning director in accordance with all applicable laws.

I. Sec. 26-92-060. Concurrent processing of related applications. Section 26-92-060 is amended to read as shown below.

Where a development project requires multiple approvals from different decision making bodies authorized to act under this chapter and Chapter 25 or 26C of the Sonoma County Code, notwithstanding anything else contained in this chapter and Chapter 25 or 26C to the contrary, the following administrative rules shall be applied to achieve concurrent processing of related applications:

(a) The Sonoma County planning commission ~~shall~~may, at the same meeting that it acts upon an application within its jurisdiction, act on a related application which would otherwise be decided by the ~~board of zoning adjustments~~zoning administrator, provided that all required public notice was given and the proposed action is stated on the meeting agenda.

(b) All applications made pursuant to Chapter 25 of ~~the Sonoma County this Code code~~ which are accompanied by an application for a rezoning, specific plan amendment, ~~or~~ general plan amendment, development agreement or any other legislative action under this chapter, shall be heard by the planning commission together with any additional related actions governed by this chapter; ~~T~~the planning commission shall make its recommendations s to the board of supervisors regarding the legislative actions in connection with such rezoning or plan amendment and shall also provide recommendations to the board regarding all related applications heard by the commission and, after considering such recommendation, the board of supervisors shall be the decision-making body for all such related applications.

(c) Where the board of supervisors takes original jurisdiction over an application made pursuant to Chapter 25 it may, at the same time, assume direct jurisdiction over a related approval required pursuant to this chapter, except in those cases where state law requires the planning commission to hear and make a recommendation on such related approval.

(d) Applications for extensions or modifications of development projects originally approved pursuant to this section may be acted upon by any decision making body which would otherwise have jurisdiction over the type of extension or modification which is sought.

J. New Sec. 26-92-065. A new Section 26-92-065, Joint Meetings, is added in its numeric order, to read as follows:

Sec. 26-92-065. Joint meetings.

For any project subject to a hearing limit under Government Code § 65905.5, the director is authorized to schedule joint meetings of the design review committee or the county

landmarks commission, with the zoning administrator or the planning commission as applicable, when the director determines that doing so is feasible and best serves the public interest. Each entity shall provide notice of any joint meeting, and all applicable notice and hearing requirements shall be met. An action of the director to facilitate a joint meeting, consistent with this section, is not subject to appeal under section 26-92-040. For purposes of this section, "hearing" is defined as provided in Government Code § 65905.5.

K. Sec. 26-92-070. Use permits—Issuance generally. Section 26-92-070 is amended as shown below.

Use permits may be issued by the ~~board of zoning adjustments~~ zoning administrator or planning commission for any of the uses for which such permits are required by this chapter, except that only the planning commission has jurisdiction in the PC district.

L. Sec. 26-92-080. Same—Findings—Conditions. Section 26-92-080 is amended as shown below.

Sec. 26-92-080. Same—Findings—~~of the board of zoning adjustments~~—Conditions.

(a) In order to grant any use permit, the written findings of the ~~board of zoning adjustments~~ zoning administrator or planning commission as decision maker 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, and any additional findings as may be required by this code for the particular use.

The ~~board of zoning adjustments~~ decision maker 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~~ decision maker shall be final ten (10) days after the ~~board of zoning adjustments~~ decision maker renders its decision.

~~(c) Written findings shall be made in connection with applications for minimarts 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. 26-92-090. Mobile home park conversion, closure or cessation of use. Sec. 26-92-090 is amended to delete "board of zoning adjustments/" and replace with "zoning administrator or".

N. **Sec. 26-92-100. Variances generally.** Subsection (b) of Section 26-92-100 is amended to read as shown below.

(b) The decision maker for a variance shall be the zoning administrator, or the planning commission upon referral by the zoning administrator. At the conclusion of the public hearing, the ~~board of zoning adjustments~~decision maker 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~~decision maker shall make its determination on the matter within sixty (60) days after the hearing is closed. Failure of the ~~board of zoning adjustments~~decision maker to ~~reach a decision~~decide on the matter within sixty (60) days after the hearing is closed shall constitute a denial of the request ~~by the Board.~~

O. **Sec. 26-92-110. When decision is final.** Section 26-92-110 is amended to read as shown below.

Sec. 26-92-110. When decision ~~of board of zoning adjustments to be~~ final.

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

P. **Sec. 26-92-120. Revocation generally.** Section 26-92-120 is amended to read as shown below.

(a) Whenever, in the opinion of the ~~planning~~ director or of the ~~board of zoning adjustments~~zoning administrator a condition of any permit issued pursuant to this chapter has been violated, or ~~that the a~~ use constitutes a nuisance, the ~~planning~~ director 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.

(b) 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 or more of the conditions of the permit or that exercise of the use constitutes a nuisance, the board may either revoke the permit or modify it in such a manner as to secure the goals of Section 26-92-080.

- Q. Sec. 26-92-130. Expiration when tentative map expires.** The existing text of Section 26-92-130 is repealed and replaced with the following text.

Sec. 26-92-130. Expiration when tentative map expires.

(a) A use permit that is approved in conjunction with approval of a tentative subdivision map shall expire if the tentative map, or any extension of the tentative map, expires.

(b) A public hearing must be held before the zoning administrator or planning commission, as applicable, to determine that a permit or other approval is expired, revoked and void under this section.

- R. New Sec. 26-92-135.** A new Section 26-92-135 is added to read as shown below.

Sec. 26-92-135. Application expiration due to inactivity.

An application under this chapter expires if it remains inactive for a continuous period of one year or incomplete for a period of six months from the date it was last determined to be incomplete. Inactive means the applicant has not submitted information requested by the department or that fees due on the application remain unpaid. An incomplete application includes one that has unpaid invoices. The director must send notice that the application will expire to the address on file for the applicant. The applicant has 30 days from the notice date to submit all requested information and past due fees to reactivate the application. The application automatically expires 30 days after the notification if the requested information and past due fees are not submitted in full. The planning director may extend this 30-day time period when warranted, including but not limited to (1) to correct an error by the department, (2) when a legal action prevents the project from being completed within the allowed year time frame, or (3) in the interest of public health and safety. The planning director's decision regarding the limitation period is final. An expired permit application may be resubmitted as a new application, subject to payment of new application fees and any outstanding balance on the expired permit application.

- S. Sec. 26-92-140. Revocation—Notice.** Section 26-92-140 is amended to read as shown below.

Notice of hearings held under Sections 26-92-120 and 26-92-130 must comply with the following:

(a) At least ten (10) days' written notice ~~must be given by the~~ of all hearings required by Sections 26-92-120 and 26-92-130 shall be given by the planning director through the United States mails to the owners of the property that is the subject of the permit; ~~and-~~

(b) Notice must be given in accordance with Section 26-92-050(a).

(c) The ~~planning~~ director may give such additional notice as he deems necessary to secure a fair hearing.

T. Sec. 26-92-160. Appeals to the board of supervisors.

(a) Except as otherwise provided in this chapter, aAny interested person may appeal any decision made by the zoning administrator ~~board of zoning adjustments~~ or the planning commission pursuant to this chapter to the board of supervisors. An appeal shall be filed in writing with the planning director 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 shall set a date for public hearing and cause notice to be given as provided in this chapter. The board of supervisors shall render its decision within ninety (90) days after the public hearing is first opened. In the event that the board of supervisors fails to act within the ninety (90)-day period, the decision of the ~~board of zoning adjustments~~zoning administrator or planning commission 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, by any individual or entity having a fee or leasehold interest in the property subject to the appeal.

U. Sec. 26-92-170. Application for zoning permits, use permits, variances and appeals.

Section 26-92-170 is amended to read as shown below.

Applications for zoning permits, use permits, variances and appeals for use permits and variances shall be in writing on forms prescribed by the ~~board of zoning adjustments~~director and shall be accompanied by such plans and data as are necessary to determine compliance with this chapter. If a use permit application, variance permit application, or mobile home zoning permit application is denied by the ~~board of zoning adjustments~~zoning administrator, planning commission or board of supervisors, reapplication for the same use cannot be made within one (1) year of the denial unless the application is denied "without prejudice."

V. Sec. 26-92-180. Fees for zoning permits, use permits, variances, appeals and design review. Section 26-92-180 is amended to replace each instance of "board of zoning adjustments" with "zoning administrator".

W. Sec. 26-92-230. Same—Abatement of outdoor advertising structures and signs. Section 26-92-230 is amended to replace each instance of "board of zoning adjustments" with "zoning administrator".

X. Sec. 26-94-080. Outdoor advertising structures and signs. Section 26-94-080 is amended to replace "board of zoning adjustments" with "zoning administrator".

