



SUMMARY REPORT

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**Agenda Date:** 2/9/2021

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Doug Bush, Project Planner 707-565-5276

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

**1:30 PM** Zoning Code Modernization Phase 1 and 2

**Recommended Action:**

Adopt an Ordinance of the Board of Supervisors of the County of Sonoma, State of California, amending Sonoma County Code chapter 26 (zoning Regulations) to reformat, reorganize, consolidate and delete redundancies and make limited additional text amendments to clarify existing policy and as necessary for conformity with state law; and determine the project to be exempt from the California Environmental Quality Act.

**Executive Summary:**

The General Plan dictates overarching land-use policy and the Zoning Code (the Code) implements that policy through land use regulations. The Code has not been comprehensively updated since the 1960s; incremental changes and updates over time have created a repetitive and cumbersome document that lacks basic diagrams, contains outdated planning terminology and has a complicated document structure. These issues creates challenges for code users including Permit Sonoma staff who use the Code on a daily basis, as well as local residents, business owners, realtors, vintners and others.

Zoning Code Modernization was identified as a priority project in the Comprehensive Planning Work Plan for fiscal year 2019/2020 and 2020/2021, as approved by the Board of Supervisors on June 4, 2019. This Zoning Code Modernization project is a phased approach created to improve the Zoning Code while also providing a clearer format to support consistent implementation and future policy development.

This report focuses on the first two phases of the project: Phase 1 (reformatting and reorganization) and Phase 2 (changes for consistency with state and federal law). With the assistance of a code consultant, Permit Sonoma staff have prepared draft Articles that reformat and reorganize the land use and development standards in the Zoning Code to create a user-friendly format. No substantive changes were made to existing policy or regulations with the exception of updates necessary to maintain consistency with state law (Phase 2; see below). As described in greater detail in the Discussion section below, the proposed draft code Articles:

1. Create a more functional organization of base zoning district sections, using a tabular format.
2. Eliminate unnecessary text repetition through land use and development standards for each zone.
3. Improve navigation with cross-referencing.
4. Update regulations for consistency with state and federal law.

The Planning Commission reviewed the proposed updates at a public hearing on September 17, 2020. The Commission made a 5-0 recommendation to adopt the proposed articles as attached.

Proposed Code text is included in Attachment 2 Exhibit A to the Ordinance. A strikethrough version of Chapter 26 showing text to be removed is included in Attachment 6.

**Discussion:**

**PHASE 1: REFORMAT, REORGANIZE, AND MODERNIZE. NO POLICY CHANGES.**

Phase 1 modernizes, reformats and reorganizes existing information about allowable uses and development standards for each base-zoning district into tables without making any changes to existing standards. A tabular model is consistent with best practices and modernized code structure, and is implemented in most California jurisdictions including Santa Rosa, Windsor, Sonoma, and Petaluma. Tables create a clear, readable format and reduce redundancy.

**Article Consolidation**

The proposed tabular format organizes information on allowable uses and development standards by broad land use categories that represent all zoning districts. For instance, all commercial zoning district Articles are proposed as a consolidated “Commercial Zones” Article. The proposed code thus consolidates articles 26 articles (Articles 2 through 52) into just 15 articles (Article 4 through 30). Figure 1 provides an example of the consolidation and Attachment 4 an overview table to highlight connections between existing and proposed code sections.

*Figure 1 - Example of Article Consolidation (See Attachment 4 for full chart)*

Existing Article	Phase 1 Article
Sec. 26-02-140 Definitions	4 Glossary
4 Land Intensive Agriculture	6 Agricultural and Resource Zones
6 Land Extensive Agriculture	
8 Diverse Agriculture	
10 Resources and Rural Development	
14 Timberland Production	
16 Agriculture and Residential District	8 Residential Zones
18 Rural Residential	
20 Low Density Residential	
22 Medium Density Residential	
24 High Density Residential	14 Special Purpose Zones
26 Planned Community	
28 Administrative and Professional Office	10 Commercial Zones
30 Neighborhood Commercial	
32 Retail Business and Service	
34 General Commercial	
36 Limited Commercial	
38 Commercial Rural	
40 Agricultural Services	
42 Recreation and Visitor Servicing Commercial	12 Industrial Zones
44 Industrial Park	
46 Limited Urban Industrial	
48 Heavy Industrial	
50 Limited Rural Industrial	14 Special Purpose Zones
52 Public Facilities	
Development standards applying to 2 or more districts	16 Development Standards
Use standards, previously distributed throughout Articles 4-52, now organized into Article 18-30 by subject	18 Agricultural Use Standards
	20 Industrial Use Standards
	22 Recreation Use Standards
	24 Residential Use Standards
	26 Retail Use Regulations
	28 Service Use Regulations
	30 Transportation Use Standards

**Land Use Tables**

The County regulates land use through zoning districts. Each district includes “permitted uses” (those that are wholly consistent with the intent of the zoning district) and “conditionally permitted uses” (uses that may be compatible with the intent of the district but may need to be carefully “conditioned” to ensure compatibility). The Zoning Code is a “permissive code” so a use is considered prohibited unless it is specifically listed as permitted, conditionally permitted, or is determined to be substantially consistent with a listed use.

For example, the code contains eight commercial zones, each with a separate list of permitted uses and another list of conditional uses. To identify where a particular commercial use can be developed, a planner or

member of the public must review approximately 40 pages of lists to determine which zone allows a proposed use, and if so, whether it is permitted or conditional.

The proposed format simplifies this process by unifying all eight commercial districts into one article with a single land use table that identifies whether uses are prohibited (-), permitted (P), or conditionally permitted (C) as shown in Figure 2. Phase 1 ultimately consolidates 52 lists from 26 land use articles into six simple tables. Permit Sonoma staff has tested the tables through daily use to validate information and vet the procedure necessary for finding that information and the format has been shared with code users in the development community. The tables are the preferred method for accessing this information.

The land use tables also include references to other relevant code articles that may further regulate a listed land use. Special use regulations are unique standards or regulations that apply to specific land uses. The rules for one land use type (e.g. greenhouses) may vary significantly depending upon the zone where they are located (e.g. agricultural districts compared to residential districts). Phase 1 now collects and organizes these special use regulations in dedicated "Use Standards" Articles, organized logically by use type (e.g. Article 18 - Agricultural and Natural Resource Use Standards).

Figure 2 - Example of Land Use Table Format (Portion of Commercial Land Use Table)

Table 10-1: Allowed Land Uses in Commercial Zones									
P = Permitted Use C = Conditional Use - = Prohibited <b>Land Use</b>	Zones								Use Regulations
	CO	C1	C2	C3	LC	CR	AS	K	
Maintenance and Repair Service, Non-Vehicular	-	-	P	P	-	-	-	-	26-28-140
Medical Services									
Hospitals	C	C	-	-	-	-	-	-	26-28-150
Offices and Outpatient Care	P	-	-	-	P	C	-	-	26-28-160
Personal Services	-	P	P	-	P	P	-	C	26-28-170
Professional Office	P	P	P	-	P	-	-	P	26-28-180
Vehicle Maintenance and Repair	-	-	C	P	C	C	C	-	26-28-200
Veterinary Clinic	C	C	C	C	C	C	-	-	26-28-210
<b>Transportation, Energy, Public Facilities</b>									
Airfields and Landing Strips: Restricted Use Airfield	-	-	-	-	-	-	-	-	26-30-030
Dispatch Facility	-	-	-	C	-	-	-	-	26-30-040

(See Attachment 2 for complete land use tables.)

**Development Standards Tables**

Like land uses and special use standards - development standards (e.g., setbacks, height limits) vary by zoning district and are currently distributed throughout all 26 of the current land use articles. Phase 1 consolidates these general standards into an easy to find location, providing clear tables, grouped by land use category (Figure 3). For example, setbacks for structures in residential districts will now be found in one table in the Residential Zones Article, instead of

five different articles as they were previously.

*Figure 3 Example Development Standards Table (Residential)*

Standard	Zones					Supplemental Standards
	AR	RR	R1	R2	R3	
Residential Density						26-8-040.G; 26-20-020
Min. Acres per Dwelling Unit	1-20	1-20	N/A	N/A	N/A	
Max. Dwelling Units per Acre	N/A	N/A	1-6	6-12	12-20	
Lot Size (min. sq. ft.)	See 26-8-040.H		6,000	6,000	6,000	26-8-040.H; 26-20-030
Lot Width (min. ft.)	80	80	60	60	80	

**PHASE 2: MAINTAINING LEGAL CONSISTENCY**

State law changes regularly and these changes often affect local land use. Because the Zoning Code is the primary document for implementing land use regulations, changes at the state level often require code updates. While Permit Sonoma prepares code updates regularly to maintain consistency with State and Federal regulations, the Phase 1 review of the code revealed several opportunities to improve consistency with state and federal law. Phase 2 includes the following code amendments to reflect state law that preempts conflicting local ordinances or otherwise limits local discretion to regulate.

**1. Large Family Daycare**

Under the California Child Day Care Facilities Act (Cal. Health & Safety Code, §§1596.70 et seq.), a small family daycare home, which may provide care for up to eight children, is considered a residential use. This means that a jurisdiction may not apply standards to small family daycares that do not otherwise apply to the dwelling housing the daycare. Prior to January 1, 2020, State law allowed the County to treat large family daycare homes (up to 14 children) differently, including requiring public notice, providing a right to appeal approvals, and other standards (see code Section 26-88-080 for other standards). With the passage of Senate Bill No. 234, effective January 1, 2020, large family day care homes must also be treated as a residential use of the property. The proposed articles now categorize small and large family day care homes as residential uses and repeals the standards for large family day care homes contained in Section 26-88-080.

**2. Manufactured homes**

The existing Zoning Code imposes standards on manufactured homes that do not apply to dwellings built by other construction methods. For example, in the Diverse Agricultural Zone, a manufactured home without a permanent foundation is required to be occupied by the owner of the property or a relative of the owner. This requirement does not otherwise apply to a dwelling of conventional construction. Government Code 65852.3-65852.5 limits the

requirements that may be imposed on most manufactured homes to roof overhang, roofing material, and siding material. Phase 2 code updates eliminate excess manufactured home standards to bring them into compliance with State law.

#### **FUTURE PHASES**

Future phases will include substantive changes to the Zoning Code, which may include updates to permitting and review procedures, changes to code administration, carrying over existing standards from the current General Plan and codifying improved public noticing protocols. These potential changes have not been drafted and their content will be determined through future public processes. The first of these future phases is expected to come before the Board of Supervisors by the end of 2021.

#### **PRIOR REVIEW**

Planning staff reviewed and tested draft land use tables in daily use from July to December of 2019. Tables were updated as needed based on feedback from staff. This item was introduced as an informational item a fully noticed public hearing before the Planning Agency May 30, 2019. A dedicated webpage was created for the project and has been available since 2019. In addition, the project has been shared with local trade organizations and code users, including the North Bay Association of Realtors and representatives from the North Coast Builders Exchange.

#### **Planning Commission Discussion**

The Planning Commission reviewed the proposed updates at a public hearing on September 17, 2020. As described below, the Commission made a 5-0 recommendation to adopt the proposed articles as attached, requesting only that the proposal be modified to eliminate standards for “Occasional Cultural Events” proposed by Staff at that time.

“Occasional cultural events” are a permitted use in most zoning districts. They are defined as “periodic special events such as parades, concerts, festivals, races and gatherings which attract either by direct participation, or as spectators, a large gathering of people.” The Board of Zoning Adjustments, in its February 28, 2008 resolution clarified that a “large gathering” means 35 people or more, and defined “occasional” to mean no more than four events in any two-year period. Application for such events are reviewed by staff through a Zoning Permit process. If approved, the permits are issued with an advisory list of applicable Sonoma County Code standards concerning safety, sanitation, noise, parking and other topics. County Counsel recommended codifying the Board of Zoning Adjustments long-applied determinations and permitting standards as part of this Phase 2 effort to ensure consistent application of standards to all ministerial event permits.

The Planning Division is currently working through a public process to evaluate policies regarding special events held by local wineries. To avoid overlap between the two projects, staff recommended that the Planning Commission codify only the long-standing practices described above, without introducing new policy or interpretations. Ultimately, the Planning Commission recommends that changes to special events should occur through that separate, concurrent winery events process. As a result, the draft Articles were modified to reflect the Planning Commission’s recommendation.

In adopting the September 17, 2020 resolution, the Planning Commission found that the proposed changes to the Zoning Code would improve the usability of the document for all users and would remove barriers to effective interpretation and implementation of the code. The Commission found that, if adopted as recommended, the Ordinance would not change the substance of land use and development requirements from what is currently provided under the

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General Plan, Zoning Regulations, related permits or guidelines, and controlling state law. With respect to the amendments needed for state law conformity, the Commission found that those amendments are narrowly drafted to ensure conformity with state law that is in effect and overrides conflicting local ordinance. In their recommendation of approval to the Board of Supervisors, the Planning Commission found that the project is consistent with the General Plan and Zoning Ordinance.

**Prior Board Actions:**

N/A

**FISCAL SUMMARY**

N/A

**Narrative Explanation of Fiscal Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

1. Board of Supervisors Ordinance
2. Exhibit A to BOS Ordinance - Draft Zoning Code Text
3. Exhibit B to BOS Ordinance - Disposition Tables
4. Simplified Disposition Table
5. PC Resolution
6. Municipal Code Chapter 26 Strikeout Showing Withdrawn Text

**Related Items "On File" with the Clerk of the Board:**

N/A