

# ORDINANCE NO. ( )

## AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING CHAPTER 40A, KINCADE FIRE DISASTER RECOVERY, TO THE SONOMA COUNTY CODE URGENCY ORDINANCE: 4/5 VOTE REQUIRED

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

Section I. Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property within the County were caused by a fast-moving wildfire, referred to as the Kincade Fire, that commenced at approximately 9:30 PM on the 23<sup>rd</sup> day of October, 2019, at which time the Board of Supervisors was not in session.
2. California Government Code section 8630 and Sonoma County Code section 10-5 empower the Director of Emergency Services to proclaim the existence of a local emergency when the county is affected or likely to be affected by conditions of extreme peril, subject to ratification by the Board of Supervisors at the earliest practicable time.
3. On October 24, 2019, the Director of Emergency Services for the County of Sonoma issued a proclamation of a local emergency for the county related to the Kincade Fire and related events that were underway and anticipated.
4. On October 25, 2019, the Governor of the State of California proclaimed a State of Emergency for Sonoma County due to the Kincade Fire and related events.
5. On October 31, 2019, the Board of Supervisors adopted Resolution No. 19-1657 ratifying the Director of Emergency Services' proclamation of the existence of a local emergency and requesting that the Governor of the State of California make additional assistance available, including but not limited to California Disaster Act assistance.
6. To date, the Kincade Fire burned over 77,500 acres and destroyed an estimated 374 structures, including approximately 175 residential structures and 11 commercial structures. An additional estimated 59 structures were damaged, including about 35 residential structures. The Kincade Fire has caused significant damage to productive agricultural lands and loss of crops that were at or near

harvest, and will cause substantial economic loss to owners and employees of affected agricultural enterprises.

7. The Board of Supervisors previously found that Sonoma County is experiencing a housing crisis. Prior to the Kincade Fire, there was a severe lack of rental housing in the county, particularly rental housing that is affordable to lower- and moderate income residents. The County is still recovering from the October 2017 Sonoma Complex Fires, which destroyed over 5,000 homes in the county and exacerbated the already acute housing shortage. As a result, the county's housing supply has little capacity to meet the immediate additional housing needs of residents displaced by the Kincade Fire.
8. It is essential that this ordinance be implemented immediately to expedite the transition of displaced residents to interim and long term shelter, and to mitigate the effects of the Kincade Fire on the county's existing housing crisis.

Section II. Chapter 40A, entitled Kincade Fire Disaster Recovery, is hereby added to the Sonoma County Code as set forth in Exhibit A attached hereto.

Section III. Adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(b)(3) and CEQA Guidelines section 15269(a), exempting projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act (Gov. Code sec. 8550 et seq.); and Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), exempting specific actions necessary to prevent or mitigate an emergency.

Section IV. 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 V. This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. A fair and accurate summary of this ordinance 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. Pursuant to Government Code section 25124, a complete copy of Exhibit "A" to this ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and passed on the 5<sup>th</sup> day of November, 2019, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Goin:                Zane:                Gore:                Hopkins:                Rabbitt:

Ayes:                Noes:                Absent:                Abstain:

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

**SO ORDERED.**

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Chair, Board of Supervisors  
County of Sonoma

ATTEST:

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Sheryl Bratton,  
Clerk of the Board of Supervisors