



# COUNTY OF SONOMA

575 ADMINISTRATION  
DRIVE, ROOM 102A  
SANTA ROSA, CA 95403

## SUMMARY REPORT

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**Agenda Date:** 12/16/2025

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**To:** Board of Supervisors

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

**Staff Name and Phone Number:** Scott Orr and Azine Spalding, (707) 565-1900

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

1:35 P.M. Fence Ordinance Update

**Recommended Action:**

Hold a public hearing and adopt an ordinance finding the action categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption) and 15303 (new construction of small accessory structures) and amending Sonoma County Code Chapter 26 (Zoning Regulations), Articles 04, 64, and 88, to establish streamlined permitting requirements and development standards for fences located within residential zoning districts (AR, RR, R1, R2, and R3) and the Recreation and Visitor-Serving (K) district, that meet standards for location, height, materials, and design, and exempt certain types of agricultural fences from existing design review requirements.

**Executive Summary:**

Property owners construct fences on their properties for reasons not limited to security, noise reduction, privacy, or aesthetics. Current standards require a Use Permit for residential fences that exceed height limitations within established building setbacks. Use Permits can be financially burdensome and have lengthy application processing times with no certainty for approval.

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 by establishing objective standards for fences and similar structures based on location, height, materials, and fence design, and provide reduced permitting requirements in accordance with those standards. The goal of the ordinance is to create a clearer and easier permit pathway for fence construction in setback areas that will reduce permitting timelines and costs, while ensuring public safety and neighborhood compatibility. The ordinance will apply 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. Consistent with the Sonoma County General Plan, the ordinance also proposes to exempt qualifying agricultural fences from design review requirements when applicable.

**Discussion:**

**Background**

Use Permits are expensive and time-consuming. The initial fees for a fence Use Permit exceed \$5,000, and the total cost for processing can vary if additional at-cost fees are charged once the initial fee deposit has run out. 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. Due to a restructuring of the County Planning Agency, starting in December 2025 the Zoning Administrator (ZA) will replace BZA and consider a decision upon Use Permit Applications. If a fence Use Permit is denied by the ZA or approved and subsequently appealed, the fee to appeal the decision to the Board of Supervisors costs approximately \$3,000, at the expense of the appellant, and the applicant may incur additional fees for staff time spent. For fences that are constructed illegally without a Use Permit, property owners face code enforcement 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 and multiple years to receive approval. Factors that can impact the processing timeline for a fence Use Permit include proposed location, height, materials, sight distance, neighborhood 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 (i.e. aesthetics) or property line dispute issues. With a Use Permit, neighbors with concerns may request that the project goes to public hearing, which increases processing time and cost to applicants.

**Proposed Ordinance**

The proposed ordinance (Attachment 1) is intended to prioritize public safety, ensure neighborhood compatibility and protection of scenic resources, and reduce the cost and time of fence permitting in certain zoning districts. The ordinance would establish objective standards for height, location, material, and design for which compliance with those standards determines the associated permit. The proposed ordinance includes permit tiers, outlined in Table 1, that correspond to the level of review necessary based on compliance with standards. The standards and permitting tiers address issues such as appropriate materials for rural Sonoma County, location outside of rights-of-way, and compliance with sight distance standards for safe driver visibility at intersections. Additional permitting may be required if the proposed fence is on a parcel where certain combining districts apply, such as the Historic District Combining District, or if the proposed design and height of the fence triggers the need for a building permit.

**Table 1.** Proposed Permitting Tiers for Fences in the AR, RR, R1, R2, R3, and K Zoning Districts

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FENCE TYPES	NO PERMIT	ADMINISTRATIVE DESIGN REVIEW (STAFF)	USE PERMIT (ZONING ADMINISTRATOR)	DESIGN REVIEW COMMITTEE (DRC)
<b>Within Front or Street Side Yard Setbacks</b>	Fences ≤ 3 feet in height <b>AND</b> Fences ≤ 6 feet in height provided the fence above 3 feet is open fence	Solid fences between 3 to 6 feet in height in the R1, R2, R3, and K zoning districts	Solid fences > 3 feet in height in the AR and RR zoning districts	
<b>Within Side or Rear Yard Setbacks</b>	Fences that are ≤ 6 feet in height, or a maximum height of 8 feet if the top 2 feet are wooden lattice or open fence			
<b>Agricultural Fences</b>	In the AR zoning district, agricultural fences that are: - ≤ 8 feet in height - Composed of wire and post, split rail, or pipe <b>AND</b> Agricultural fences in all other zoning districts	In the AR zoning district, agricultural fences that are: - > 8 feet in height - Composed of materials other than wire and post, split rail, or pipe rail		
<b>Other Fence Types</b>	Fences outside of required setbacks	Any fence in the Scenic Resources (SR) or Local Guidelines (LG) Combining Districts > 3 feet in height		Any fence not described under the <i>No Permit, Administrative Design Review, or Use Permit</i> allowances.

*Streamlined Permitting*

The ordinance would streamline permitting by providing a tiered permitting structure based on compliance with standards that address the most common issues with fences - neighborhood compatibility and sight distance. Because these issues most often relate to the design and location of the fence, not the use of a fence in and of itself, the proposed permit tiers largely rely on the design review process to address those concerns. Design Review permits are less time-consuming and costly compared with Use Permits.

To address the issue of safe visibility at intersections (i.e. sight distance), the ordinance uses the terms “solid fence” and “open fence” to differentiate the degree of transparency of the fence design to ensure sight distance standards are met when a permit is not required. A fence constructed of open fence material above three feet in height addresses sight distance concerns without triggering the need for a permit and subsequent review by Sonoma Public Infrastructure. Solid fences above three feet in height would require Administrative Design Review or a Minor Use Permit which provides the opportunity to evaluate sight distance compliance.

To address neighborhood compatibility, Administrative Design Review would continue to be required for fences proposed within scenic resource areas designated by the General Plan and Zoning Code. The ordinance also outlines both allowed and prohibited construction materials for all fences to ensure neighborhood compatibility and maintain rural character. Exceptions to the list of allowed materials may be made through the Design Review Committee (DRC), but in no case would a prohibited material (e.g. razor wire) be permitted.

On the Planning Commission’s recommendation, the proposed ordinance doesn’t eliminate the Use Permit requirement for all zoning districts. A Use Permit would still be required for solid fences above three feet in height in the front or side yard setbacks in the AR and RR zoning districts to address concerns about neighborhood compatibility and rural character. However, property owners in the R1, R2, R3, and K zoning districts would face fewer financial and time burdens when building taller fences through the proposed permitting tiers.

Permit Sonoma Planning staff collaborated with Sonoma Public Infrastructure (SPI) and the Code Enforcement Section of Permit Sonoma in the development of the proposed ordinance to draft enforceable standards related to height, location, and materials that would also meet sight distance standards established for public safety.

### *Agricultural Fences*

Current regulations require that fences constructed on parcels within the Scenic Resources (SR) Combining District require design review, including fences in agricultural zoning districts that support agricultural production. In proposed amendments to the Zoning Code Glossary (Article 4) and the Scenic Resources Combining District (Article 64), the ordinance would exempt new construction or replacement in-kind of agricultural fences from design review if the agricultural fence is associated with agricultural production, is no greater than eight feet in height, consisting of post and wire, split rail fencing, or pipe fencing, and located within the LEA (Land Extensive Agriculture), LIA (Land Intensive Agriculture), DA (Diverse Agriculture), RRD (Resources and Rural Development), and AR (Agriculture and Residential) zoning districts.

### **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. Feedback 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). In later conversations with the same agencies and as discussed during the Planning Commission hearing on November

6, staff has modified the agricultural fence standards for exemption from design review for improved consistency with state law and to allow more flexibility in design and material of agricultural fences. The ordinance proposes that an agricultural fence may consist of post and wire, split rail fencing, or rail fencing. Permit Sonoma intends to conduct additional outreach with fence contractors and the general public to publicize the code changes and streamlined requirements after adoption.

### **Planning Commission Review**

On November 6, 2025, the Planning Commission considered the proposed amendments to Sonoma County Code Chapter 26 (Zoning Regulations) related to updates to fence standards and permit requirements. The Planning Commission's final vote recommended modifications to staff's original recommendation, which was to allow fences exceeding height requirements within front yard setbacks in the RR, AR, R1, R2, R3, and K zoning districts either without a permit or through the design review process. The Commission ultimately voted 5-0-0 to recommend that the Board of Supervisors adopt the proposed ordinance with the modification that a solid fence exceeding three feet in height in the front or street-side yard in the Rural Residential (RR) and Agriculture and Residential (AR) zoning districts will require a Minor Use Permit with Zoning Administrator review. Based on the size of parcels in the RR and AR zoning districts compared to those in the denser residential districts (R1, R2, and R3), Commissioners discussed potential negative impacts of long sections of solid fences in the rural landscape, concerned that fences within the front or street-side setback, greater than three feet in height without discretionary approval could obstruct views and degrade the rural character of the county. The Commission's recommendation also requested modifications to the design review exemption for agricultural fences to ensure that the exemption captured the most typical types of agricultural fences that support agricultural production. The Commission's recommendations are reflected in the proposed ordinance (Attachment 1).

### **General Plan Consistency**

The Open Space and Resource Conservation Element Policy OSRC-1f and Policy OSRC-2d provide design criteria for structures within Community Separators and Scenic Landscape Units, and exempt agricultural accessory structures from design review in the LIA, LEA, DA, RRD, and AR zoning districts. Policy OSRC-3c limits development within Scenic Corridor setbacks, with exceptions for new barns and similar agricultural support structures. The 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. The proposed ordinance is also consistent with the overall goals and policies in the OSRC Element related to rural character, including Goal OSRC-6, Objectives OSRC-6.1 and 6.2, and Policy OSRC-6a, because the proposed fence standards and permitting tiers related to height, material, and design ensure that fences are compatible with and blend in with the surrounding rural landscape.

The Agricultural Resources Element, including Goal AR-9, Objective AR-9.1, Objective AR-9.2, Objective AR-9.3, Policy AR-9b, and Policy AR-9c, encourages easing permitting for agricultural development. The ordinance is consistent with the Agricultural Resources Element because it proposes exempting certain agricultural fences from design review when applicable. 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.

**Environmental Review**

Permit Sonoma has determined that the proposed ordinance is exempt from 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**

Staff recommends the adoption of the proposed ordinance finding the action categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (common sense exemption) and 15303 (new construction of small accessory structures) and amending Sonoma County Code Chapter 26 (Zoning Regulations), Articles 04, 64, and 88, to establish streamlined permitting requirements and development standards for fences located within residential zoning districts (AR, RR, R1, R2, and R3) and the Recreation and Visitor-Serving (K) district, that meet standards for location, height, materials, and design, and exempt certain types of agricultural fences from existing design review requirements.

**Strategic Plan:**

Not Applicable

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

This item was not identified as an opportunity for a Racial Equity Toolkit analysis. The proposed code changes will benefit all property owners in affected zoning districts by reducing the cost and time burdens for permitting of a common residential accessory structure. The code changes will not result in disproportionate burdens on a specific population and will alleviate inequities in access by reducing or eliminating permit costs.

**Prior Board Actions:**

Not Applicable

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

Not Applicable

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

Not Applicable

**Attachments:**

- Attachment 1: Proposed Ordinance with Exhibit A
- Attachment 2: Planning Commission Resolution No. 25-14, November 6, 2025
- Attachment 3: Planning Commission Staff Report, November 6, 2025
- Attachment 4: Notice and Pre-Adoption Summary, December 5, 2025
- Attachment 5: PowerPoint Presentation

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**Agenda Date:** 12/16/2025

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

Not Applicable