

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SONOMA COUNTY CODE CHAPTERS 2, 3, 13, 23A, 25 AND 25C TO ESTABLISH A COUNTY ZONING ADMINISTRATOR; ALLOCATE LAND USE HEARING AUTHORITY AND RELATED DUTIES TO THE ZONING ADMINISTRATOR AND PLANNING COMMISSION, AND ELIMINATE REDUNDANT HEARING BODIES; UPDATE REFERENCES TO HEARING BODIES AND MAKE MINOR RELATED CHANGES TO LAND USE PROCEDURES; AND DETERMINING THAT CEQA DOES NOT APPLY TO THE ACTION AND IN THE ALTERNATIVE THAT THE ACTION IS CEQA EXEMPT

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

Section I. Purpose and Authority.

- A. The Board of Supervisors' five-year Strategic Plan consists of five pillars, including Organizational Excellence. The Organizational Excellence pillar commits the County to providing superior public service to Sonoma County residents. In January 2023, County consultant BerryDunn completed a formal management review of Permit Sonoma, consistent with Goal 1 of the Organizational Excellence pillar (strengthen operational effectiveness, fiscal reliability, and accountability). Initiative 1 of the BerryDunn report recommended that Permit Sonoma review conditional use permit processes and establish a Zoning Administrator.
- B. This Ordinance amending Sonoma County Code Chapters 2 (Administration), 3 (Airports), 13 (Sonoma County Fire Safety Ordinance), 23A (Environmental Quality Act of 1970 Implementation), 25 (Subdivisions) and 25C (School Facilities Fee/Dedication Ordinance) was brought forward for concurrent consideration with two related ordinances: an ordinance amending Sonoma County Code Chapter 26 (Zoning Regulations), and a separate ordinance amending Sonoma County Code Chapter 26C (Coastal Zoning). Collectively the three ordinances create and enable implementation of Zoning Administrator hearings and functions and make other changes to processes and procedures. These actions will improve efficiency and effectiveness in project review and permitting, consistent with the Board of Supervisors' Five-Year Strategic Plan, Permit Sonoma's organizational goals, and the BerryDunn report recommendations.
- C. This Ordinance is adopted pursuant to Government Code sections 65850-65863.13 (Zoning Regulations; Adoption of Regulations), 65900-65909 (Zoning Regulations; Administration), 25131, 66410 et seq., and California Code of Regulations, title 14, section 15022.

Section II. Findings.

- A. On November 7, 2024, the Planning Commission held a duly noticed public hearing to consider and make a recommendation to the Board of Supervisors regarding the Ordinances amending Chapters 26 and 26C, consistent with applicable provisions of Sonoma County Code Chapter 26 (§§ 26-96-020 and 26-96-030) and Chapter 26C (§§ 26C-361 and 26C-362), which require the Planning Commission to hold a public hearing and make a recommendation to the Board regarding any proposal to amend Chapter 26 and Chapter 26C, respectively. While this Ordinance amending Sonoma County Code Chapters 2, 3, 13, 23A, 25, and 25C is not formally within the Commission’s purview, the draft amendments to these chapters were included in the agenda materials for the Commission’s November 7 hearing to inform its consideration of the ordinances amending Chapters 26 and 26C. The Commission offered comments on the proposed amendments to Sonoma County Code Chapter 2 covered by this Ordinance, and adopted a resolution recommending that the Board of Supervisors adopt the amendments to Chapters 26 and 26C.
- B. On February 25, 2025, the Board of Supervisors held a duly noticed public hearing on this Ordinance and the related ordinances amending Chapters 26C and Chapters 2, 3, 13, 23A, 25, and 25C and continued the hearing to May 6, 2025. The Board received and considered public comments on all three ordinances, including this Ordinance amending Chapter 26. The Board reviewed and considered the Commission’s recommendations in its deliberations on this Ordinance and the two companion ordinances.
- C. This Ordinance and the companion ordinances amending Chapters 26 and 26C share the same general purpose and are intended to go into effect at the same time. However, the ordinances are adopted separately because of different requirements and considerations for adoption, and because of varying effective dates. The Board has considered the ordinances both individually and collectively.
- D. This Ordinance does not change zoning, density, intensity, development standards or permitted uses of any parcel.

Section III. Amendments to Article VI of Chapter 2 of the Sonoma County Code.

Article VI (Planning Agency) of Chapter 2 (Administration) of the Sonoma County Code is amended as provided in Exhibit A.

Section IV. Amendments to Article II of Chapter 3 of the Sonoma County Code.

Article II of Chapter 3 (Airports) of the Sonoma County Code is amended as provided in Exhibit B.

Section V. Amendments to Section 13-23 of Chapter 13 of Sonoma County Code.

Section 13-23 of Sonoma County Code Chapter 13 (Sonoma County Fire Safety Ordinance) is amended as provided below:

- A. Each appearance of the phrase “board of zoning adjustments” is deleted and replaced with “zoning administrator.”
- B. Each appearance of the phrase “project review and advisory committee” is deleted.

Section VI. Amendments to Sonoma County Code Chapter 23A. Sonoma County Code Chapter 23A is amended as provided in Exhibit C.

Section VII. Amendments to Sonoma County Code Chapter 25-Subdivisions. Sonoma County Code Chapter 25 (Environmental Quality Act Of 1970 Implementation) is amended as provided in Exhibit D.

Section VIII. Amendments to Section 25C-7 of Sonoma County Code Chapter 25C. Section 25C-7 of Chapter 25C (School Facilities Fee/Dedication Ordinance) is amended to read as follows:

Sec. 25C-7. - Decision-making body.

Decision-making body means the Board of Supervisors, Planning Commission, ~~Project Review and Advisory Committee~~ Zoning Administrator, or the ~~Planning~~ Director of Permit Sonoma.

Section IX. Resolution of references to defunct hearing bodies. After the operative date of this Ordinance, whenever an ordinance, plan, policy, adopted conditions of approval or any other document provides for action by the Board of Zoning Adjustments or Project Review and Advisory Committee, the Director of Permit Sonoma shall determine the appropriate existing hearing entity or decision maker consistent with this Ordinance, particularly Chapter 2 as amended, and with the companion ordinances amending Chapter 26 and Chapter 26C as relevant and applicable.

Section X. Environmental determination. The Board of Supervisors finds and determines that adoption of this Ordinance, considered together with Ordinance No. _____ amending Sonoma County Code Chapters 26 (Zoning) and 26C (Coastal Zoning) as the whole of the action, is not a project under the California Environmental Quality Act (CEQA), pursuant to California Code of Regulations, Title 14, § 15378(b)(5), which expressly excludes “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from the definition of “project.” The purpose and intent of the ordinances is to make “organizational changes” to hearing bodies and their duties and authority, and make other changes and clarifications to processes and procedures for hearings, certain appeals, and for handling of land use project applications and approved permits. The ordinances will not result in direct or indirect physical changes in the environment because the ordinances do not change zoning, permitted uses, density or intensity, development standards, or otherwise modify existing requirements for physical use or development. In the alternative, if adoption of this ordinance, together with the companion ordinances, is considered as a project under CEQA, the action is exempt from CEQA pursuant to the “common sense exemption,” California Code of Regulations, Title 14, § 15061(b)(3), because “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” If adoption of the ordinance is a project, the common sense exemption applies for the same reasons reasons that the action is not a project under Guidelines Section 15378(b)(5).

Section XI. Severability. 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 XII. Operative Date. This ordinance shall be operative five months after the effective date defined in Section XIII of this Ordinance, provided that Ordinance no. [companion ordinance amending Chapter 26] is also operative on that date. If Ordinance no. [companion ordinance amending Chapter 26] is not operative on that date, this Ordinance shall be operative on the date Ordinance no. [companion ordinance amending Chapter 26] is operative.

Section XIII. Effective Date. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and 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.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 25th day of February, 2025, and finally passed and adopted this ____ day of ___, 2025, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Hermosillo: Rabbitt: Coursey: Gore: Hopkins:

Ayes: Noes: Absent: Abstain:

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

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

M. Christina Rivera,
Clerk of the Board of Supervisors

EXHIBIT A TO ORDINANCE

Amendments to Sonoma County Code Chapter 2

EXHIBIT B TO ORDINANCE

Amendments to Sonoma County Code Chapter 3

EXHIBIT C TO ORDINANCE

Amendments to Sonoma County Code Chapter 23A

EXHIBIT D TO ORDINANCE

Amendments to Sonoma County Code Chapter 25