

Code Updates for Land Use Public Hearings and Procedures



File No. ORD23-0005

Board of Supervisors

February 25, 2025



Background

- January 2023, Management Review completed for Permit Sonoma
- June 2023, 18-month implementation plan approved by the Board of Supervisors
- Recommendations included the creation of a Zoning Administrator





Proposed Code Changes

- Establish the Zoning Administrator decision-making body
- Shift authority to Planning Commission and dissolve the Board of Zoning Adjustments
- Shift authority to Zoning Administrator and dissolve the Project Review & Advisory Committee
- Eliminate Hearing Waivers
- Clarify appealable actions
- Eliminate entitlement expiration
- Codify a procedure to expire inactive permit applications





Proposed Code Changes

- Chapter 2: Administration
- Chapter 3: Airport
- Chapter 13: Fire Safety Ordinance
- Chapter 23A: Environmental Quality Act of 1970 Implementation
- Chapter 25: Subdivisions
- Chapter 25C: School Facilities Fee/Dedication Ordinance
- Chapter 26: Zoning Regulations
- Chapter 26C: Coastal Zoning Regulations





Zoning Administrator

What is a Zoning Administrator?

- Authorized by state law (Government Code § 65900-65901) to hear and decide applications for use permits, variances and other permits, as provided in local ordinance
- Regional Examples
 - City of Santa Rosa
 - County of Marin
 - County of Contra Costa
- Permit Type
 - Minor Use Permit vs. Conditional Use Permit
- Threshold
 - Average Daily Trips, tree removal, groundwater availability, etc.





Zoning Administrator

As proposed for Sonoma County

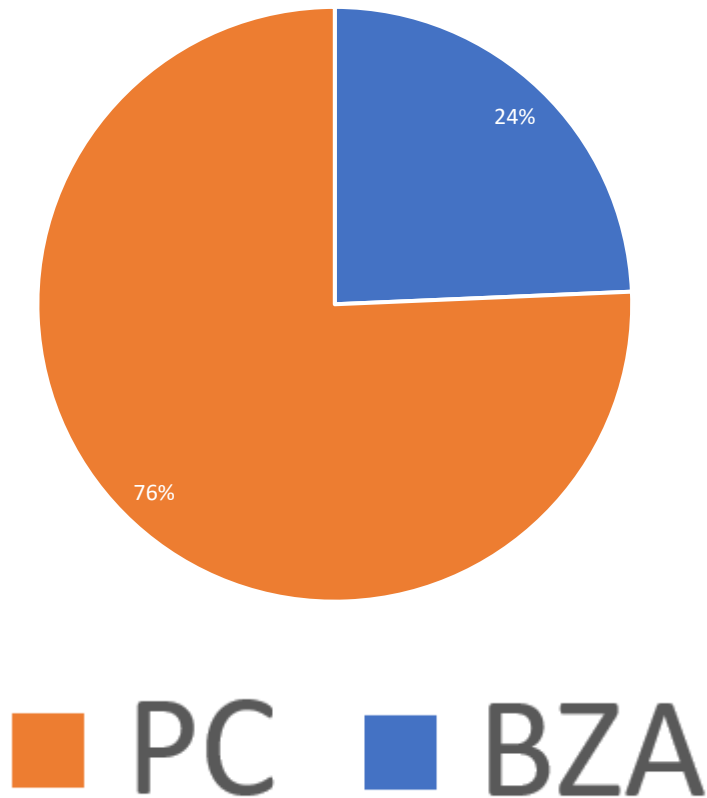
- Subordinate to Planning Commission
- Functions as Board of Zoning Adjustments + Project Review & Advisory Committee
- Hearings will replace the hearing waiver process
- Thresholds for automatic Planning Commission review
 - Conversion of 3 or more acres of timberland
 - Subdivision creating 5 or more lots
 - Four or more periodic special events in any 12-month period
 - Generation of 25 or more average daily trips





Zoning Administrator

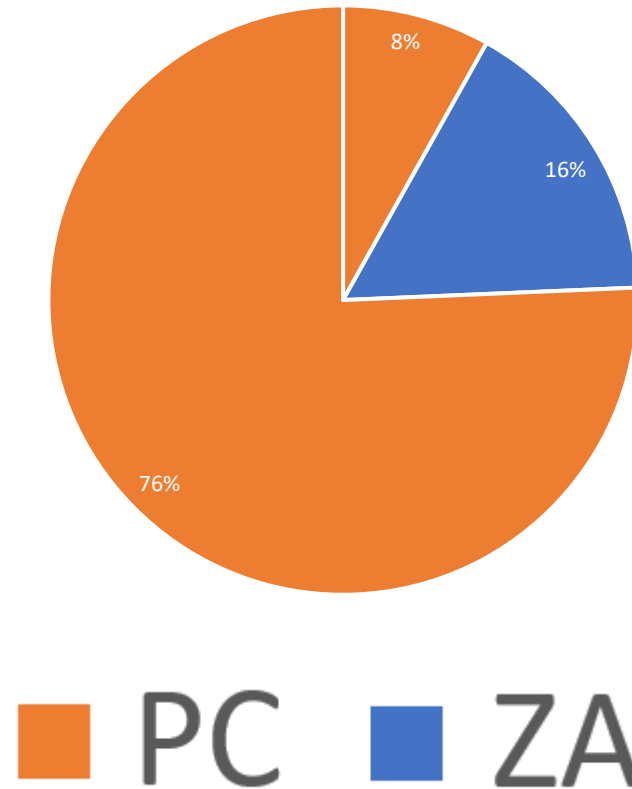
PC/BZA Hearing Items in 2023





Zoning Administrator

Example of PC/BZA Hearing Items in 2023 as proposed





Procedural Updates

Article 92. - Administrative and Public Hearing Procedures

- Clarify appealable actions
 - Sec. 26-92-040
 - Discretionary vs. administrative or ministerial decisions
- Entitlement timelines
 - Sec. 26-92-130 Inland remove the 3-year maximum
 - Sec. 26C-293 Coastal extend from 2 years to 4.
- Codify a procedure to expire inactive permit applications
 - Sec. 26-92-135



Planning Commission Recommendation



- Recommended that the Board of Supervisors adopt the proposed amendments to Chapters 26 and 26C
- Advisory comments for other chapters
 - Telecom - Intermediate (40 feet and up) to PC
 - Cannabis over 10,000 sq/ft to PC
 - Cumulative Events, not incremental
 - Peak hour traffic rather than Average Daily Trips

Staff Recommendation



- 1) Adopt a resolution to introduce an ordinance and waive further readings of:
 - Chapter 2 (Administration)
 - Chapter 3 (Airport)
 - Chapter 13 (Fire Safety Ordinance)
 - Chapter 23A (Environmental Quality Act of 1970 Implementation)
 - Chapter 25 (Subdivisions)
 - Chapter 25C (School Facilities Fee/Dedication Ordinance)
- Find the proposed actions exempt from the California Environmental Quality Act (CEQA)

Staff Recommendation



- 2) Adopt an ordinance amending Sonoma County Code Chapter 26 (Zoning Code)
- 3) Adopt an ordinance amending Sonoma County Code Chapter 26C (Coastal Zoning Code)
- 4) Adopt a Resolution authorizing submittal of amendments to the Local Coastal Program Implementation Plan to the California Coastal Commission
- Find the proposed actions exempt from the California Environmental Quality Act (CEQA)

What's Next?



- Coastal Commission certification required for 26C
- Updates to Planning Agency
 - Bylaws
- Creation of Zoning Administrator
 - Bylaws
 - Administrative Procedures
 - Website Updates
 - FY25-26 Budget Item

Questions?



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Board of Supervisors

May 6, 2025

Continued from February 25, 2025

Other Counties



ZA - 32 Counties		No ZA - 26 Counties	
Butte	Riverside	Alameda	San Benito
Colusa	Sacramento	Alpine	Shasta
Contra Costa	San Bernadino	Amador	Sonoma
El Dorado	San Diego	Calaveras	Siskiyou
Humboldt	San Francisco	Del Norte	Stanislaus
Kings	San Joaquin	Fresno	Sutter
Lake	San Luis Obispo	Glenn	Tehama
Madera	San Mateo	Imperial	Trinity
Marin	Santa Barbara	Inyo	Tulare
Mendocino	Santa Clara	Kern	Yuba
Monterey	Santa Cruz	Lassen	
Napa	Sierra	Los Angeles	
Nevada	Solano	Mariposa	
Orange	Tuolomne	Merced	
Placer	Ventura	Modoc	
Plumas	Yolo	Mono	

Planning Agency Discussion - Concerns



- Shifting from a public process involving 5 appointed officials to a single staff person. Appears less transparent and less independent.
- Other staff duties could detract from thorough Zoning Administrator responsibilities.
- No current cost to public for items going to commission.
- Fear of a chilling effect if public engagement is reduced.
- More consideration for what is minor depending on what part of the county it is in including attention to rural character, community character, separators. Each community needs to be considered differently as recognized by General Plan, groundwater availability zones, negative impacts to ag land operations, or commercial context.

Planning Agency Discussion - Positives



- Appreciation that the waiver process is going away.
- Acknowledgment that this would be a major change for Sonoma County, but that it has worked for many other jurisdictions.
- The existing distinction between BZA and PC has felt artificial all along.
- Acknowledgment of countywide issues with recruiting community members to serve on boards and commissions.
- It's very difficult to determine what you can do with property in California.

Planning Agency Discussion - Comments



- Unclear if Chapter 26 (zoning) appeals should go to the Planning Commission (PC) or Board of Supervisors (BOS). Under the current proposal, appeals of ZA decisions under Chapter 26 would go directly to the BOS.
- Proposal to limit ZA to hearing waivers only—acknowledges perception issues and potential for streamlining.
- Request for early notification to commissioners and the ability for commissioners to make the decision to elevate items from the ZA to PC.

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