

# ORDINANCE NO. \_\_\_\_\_

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING CHAPTER 40B,  
COVID-19 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:

On March 2, 2020, The County of Sonoma’s Director of Emergency Services issued a Proclamation of Local Emergency Declaring the Existence of a Local Emergency in the County Regarding Novel Coronavirus 2019 (COVID-19); and

On March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency; and

On March 4, 2020, the Board of Supervisors of the County of Sonoma adopted a resolution ratifying the declaration of local health emergency due to the potential introduction of COVID-19 in the County of Sonoma, and ratifying the proclamation of a local emergency due the potential introduction of COVID-19 in the Sonoma County Operational Area; and

On March 13, 2020 the Sonoma County Health Officer issued a Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19), pursuant to California Health and Safety Code Section 101080;

On March 17, 2020 the Sonoma County Health Officer issued Shelter In Place Order C19-03, effective March 18, 2020, directing all Sonoma County residents to shelter in place and prohibiting the operation of all but essential businesses through April 7, 2020; and

On March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20, with no expiration date, directing California residents to stay home, except as provided in the Order; and

On March 31, 2020, the Sonoma County Health Officer issued Shelter In Place Order C19-05, superseding the previous Shelter In Place Order C19-003, extending the shelter in place period through May 3, 2020, and, among other things, further limiting the types of construction that could continue during the Shelter In Place Order; and

On May 2, 2020, the Sonoma County Health Officer issued Shelter In Place Order C19-09, with no expiration date, superseding the previous Shelter In Place Order C19-05; and

On May 2, 2020, the Sonoma County Health Officer issued Shelter In Place Order C19-09, also expanded the category of allowed essential businesses that may operate to include businesses providing construction and construction support services for new or unoccupied structures, with services for occupied structures limited to only exterior work or work necessary to ensure safety, sanitation, and habitability of the structure;

Despite the partial loosening of restrictions on the construction industry under the current Shelter In Place Order, the COVID-19 crisis continues to exacerbate existing hardships to persons and businesses in Sonoma County. The County and its residents had already experienced several major natural disasters and related events that have disrupted permitted construction and businesses since autumn 2017: tragic wildfires in 2017 and 2019, floods in 2019, and the hardships of repeated and prolonged public safety power shutoff events in 2019; and

Approved but incomplete development projects, including but not limited to housing development projects, faced delays and associated cost increases due to the temporary halt to construction activity, as well as potential loss of financing due to the widespread economic uncertainty caused by the COVID-19 crisis; and

The COVID-19 pandemic has already caused substantial disruption of the local, state, and national economies, and that disruption is expected to continue far beyond the term of existing health orders or the pandemic itself;

For all of the above reasons, the Board finds that immediate adoption and implementation of this ordinance is necessary for the immediate preservation of the public peace, health, and safety, to mitigate damage to the local economy, add stability and predictability for applicants and the construction industry, and ensure that existing permits and entitlements do not expire for reasons beyond the control of the permittees.

Section II. Chapter 40B, entitled COVID-19 Recovery, is hereby added to the Sonoma County Code as set forth in Exhibit A, attached.

Section III. Adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), which provides that a project is exempt from CEQA where it can be seen with certainty that there is no possibility that the action proposed may have a significant effect on the environment. There is no possibility that extending the expiration date of specified existing permits, tentative maps, and similar land use entitlements, as provided herein, may have a significant effect on the environment. Each of the approvals that would be extended was previously analyzed under CEQA. All conditions of approval, including CEQA mitigation measures, continue to apply. Similarly, there is no possibility that tolling the termination date of a legal nonconforming use will have a significant effect on the environment; the use in question must have existed within at most the past twelve months, and the ordinance does not authorize any change in the use.

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 adequate 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, the Clerk of the Board of Supervisors shall also either post a copy of the full text of the ordinance and the names of those Supervisors voting for and against the ordinance on the County's internet web site or shall post in the office of the Clerk of the Board a certified copy of the full text of the ordinance, including Exhibit "A," along with the names of those Supervisors voting for and against the ordinance..

In regular session of the Board of Supervisors of the County of Sonoma, introduced and passed on the 19th day of May, 2020, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

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