

Ordinance No. ()

An Ordinance of the Board of Supervisors, County of Sonoma, State of California, Amending Chapter 7 (Building Regulations), specifically section 7-12 to clarify the deciding factor on water sharing easement is the location of the well supplying the water being shared, whereas the current language focuses on the location of the parcel; amending Chapter 7A (Limited Density Owner-Built Rural Dwellings) to address a change in paragraph numbering; and Chapter 24 (Sewers and Sewage Disposal) seeking delegate authority to the Permit Sonoma Director to implement septic permitting policy and to re-instate vesting certificate language for septic systems.

The Board of Supervisors of the County of Sonoma ordains as follows:

SECTION I. Chapter 7, Building Regulations, of the Sonoma County Code is hereby amended as follows:

(a) Section 7-12(2), Codes adopted and modifications, is revised to read:

Sec. 7-12. - Building permits in water scarce areas and second dwelling units in marginal water areas.

2. Water Supply Easements.

- (a) Within the Water Scarce Area 4, a building permit for new or replacement primary residential dwelling units may be issued if the permittee obtains a water supply easement for a water supply that is within a Groundwater Availability Area 1, major groundwater basin (Zone 1), or for a water supply that is within Groundwater Availability Area 2, major natural recharge area (Zone 2).
- (b) Within the Water Scarce Areas 3 or 4, a building permit for new or replacement second or accessory dwelling unit may be issued if the permittee obtains a water supply easement for a water supply that is within a Groundwater Availability Area 1, major groundwater basin (Zone 1), or for a water supply that is within Groundwater Availability Area 2, major natural recharge area (Zone 2).
- (c) Water supply easements for primary or secondary dwelling units shall not be allowed from parcels within the water scarce Areas 3 or 4.

SECTION II. Chapter 7A, Regulations for Limited Density Owner-Built Rural Dwellings, of the Sonoma County Code is hereby amended as follows:

(a) Section 7A-34(3), Domestic water supply, is revised to read:

Sec. 7A-34. - Domestic water supply.

3. Where pressurized water delivery system is incorporated into a structure greater than six hundred forty (640) square feet, and are located a minimum of one hundred (100) feet from all other buildings, fire sprinklers shall be installed. An automatic fire sprinkler system shall be also be required when additions or alterations are made to existing limited density owner-built rural dwellings in accordance with Sonoma County Code Section 7-13(B)(30)Table 903.6.

SECTION III. Chapter 24, Sewers and Sewage Disposal

(a) Section 24-31.5(a), Standards for on-site wastewater disposal systems, is revised to read:

Sec. 24-31.5. - Standards for on-site wastewater disposal systems.

- (a) The director of the permit and resource management department may from time to time adopt and promulgate standards for on-site septic disposal systems. Every proposed standard, proposed revised standard, or standard proposed to be rescinded shall be posted in the office of the Sonoma county clerk and in a public area of the Permit Sonoma's offices for at least fifteen (15) days, together with a notice that the public may submit written comments for the director's consideration not later than the thirtieth day following posting of notice. The director of Permit Sonoma shall consider comments submitted and may withdraw, adopt or rescind the standard or revised standard as proposed or as revised following the comment period. Adoption or rescission shall take place not less than fifteen (15) nor more than one hundred eighty (180) days following the close of the comment period, and each standard or revised standard adopted or rescinded shall be effective upon such posting. Such standards shall be periodically compiled and a copy thereof made available to the public at cost. Copies of such standards shall be available for review free of charge at Permit Sonoma's office or online. This section shall not be construed to impose any new or additional notice requirements for standards adopted by the director of Permit Sonoma by any other procedure prior to the effective date of the ordinance codified in this section.

(b) Article V – Vesting Certificates is added to read:

Article V. - Vesting Certificates.

Sec. 24-56. - General provisions.

Upon application by the owner of record, and upon payment of such fees as set by resolution of the board of supervisors, the director of permit and resource management department ("director") shall review the application and may issue a transferable certificate vesting permits under Article II, subject to the conditions listed below.

The issuance of a vesting certificate is solely a right to construct a septic system and its issuance does not obligate any other department to issue a permit. The purpose of this article is to protect the certificate holder from subsequent changes in the applicable requirements under Article II, thereby providing some degree of certainty for a limited period of time. This vesting certificate does not create a property right, nor a right to develop in violation of requirements imposed independent of Article II.

- (a) Term of Vested Right to Construct System. Upon the director's approval of a private sewage design, a vesting certificate upholding the design shall be issued and remain void for a period of three years from the date the certificate is issued, or until the system is constructed, whichever is sooner. The certificate shall be valid only for the approved site, designated system type, and stated capacity.
- (b) Term of Vested Right to Obtain Building Permit. A vesting certificate for a constructed system shall guarantee well and septic section of permit and resource department clearance of the subject parcel for issuance of a building construction permit for a term of two (2) years from date of final approval of the constructed system.
- (c) Prohibition of Experimental and Innovative Systems. No site shall be vested for a system currently classified by the department's innovative systems regulations as experimental or innovative. Only sites suited for systems classified as alternative or standard may be vested.
- (d) Recording. The permit and resource management department shall provide a certified copy of the vesting certificate to the property owner so that the property owner may record the document if desired.
- (e) Prohibition of Systems Requiring Waste Discharge Requirements. No site shall be vested if the proposed septic system installation would require waste discharge requirements from the Regional Water Quality Control Board unless discharge requirements are specifically waived in writing by the Regional Board.

Sec. 24-57. - Revocation of vesting certificate.

The certificate may be revoked by written notice from the director explaining the reason(s) for revocation upon determination that:

- (a) The application for the certificate or its issuance was based upon erroneous or false data;

- (b) Excavation, grading or compaction of soils has occurred which affect the soil depth, ground slopes or soil percolation rate, whether on the subject or adjoining parcels;
- (c) Construction or alteration of wells, water impoundments, water channels, roads, cutbacks or fills has occurred within setbacks that were established by rules in effect as of the date of the original certificate, whether on the subject or adjoining parcels; or
- (d) It is necessary, based on the discretion of the director, to protect the health and safety of the people of Sonoma County, and/or is necessary to prevent a significant adverse impact on the environment;
- (e) There has been an adoption of an area wide prohibition of waste discharge or adoption of a prohibition of specific types of discharges by the Regional Water Quality Control Board.

Sec. 24-58. - Procedure to appeal revocation.

- (a) The owner may appeal the revocation of a certificate by setting forth the reason(s) in writing, why such revocation is unjust. The appeal must be submitted to and received by the field operations manager of permit and resource management department within fifteen (15) days from the notice of revocation.
- (b) The field operations manager of permit and resource management shall respond, in writing, within fifteen (15) days after receipt of the appeal, either by upholding the revocation or granting the appeal.
- (c) If the field operations manager of permit and resources management department upholds the revocation, then the owner may appeal to the director of permit and resource management department, pursuant to the procedures set forth in subsections (a) and (b) of this section. The decision of the director of permit and resources management department shall be final, subject to the provision of California Code of Civil Procedure Section 1094.5.

SECTION IV. The Building Official is directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California.

SECTION V. The provisions of this Code shall not be construed as imposing upon the County of Sonoma any liability or responsibility for damages to persons or property resulting from defective work, nor shall the County of Sonoma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this Code of any permits or certifications issued under this Code.

SECTION VI: The Board of Supervisors finds and determines that this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the State CEQA Guidelines as it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment, and to Sections 15307 and 15308 of the CEQA Guidelines because the standards set forth in this ordinance are authorized by state law to assure the maintenance, restoration, enhancement or protection of natural resources and the environment. This finding and determination is based on the environmental determination of the Permit and Resource Management Department for this ordinance. The Director of Permit and Resource Management Department is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

SECTION VII. The Board of Supervisors finds and determines that the code amendments adopted herein are not local amendments to the model building codes because the model building codes do not address the subjects addressed herein. Consequently, unique findings under AB130 are not required.

SECTION VIII. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and 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 IX. This ordinance shall take effect on January 8, 2026, thirty days after its adoption and shall published in summary format within fifteen (15) days after its adoption, 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 4th day of November, 2025, and finally passed and adopted this 9th day of December, 2025, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Hermosillo: ____ Corsey: ____ Gore: ____ Hopkins: ____ Rabbitt: ____

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:

Christina Rivera,
Clerk of the Board of Supervisors