

ORDINANCE NO. ()
AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTERS 40
AND 40A OF THE SONOMA COUNTY CODE TO EXTEND THE DATE OF
EXPIRATION BY ONE YEAR AND TO MODIFY SELECT PROVISIONS
(4/5 VOTE REQUIRED)

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

Section I. Purpose and Findings.

A. The Board finds and declares that adoption of this ordinance is necessary to protect the health, safety, and welfare, by providing continued recovery provisions to those affected by the 2017 Sonoma Complex Fire and 2019 Kincade Fire and continuing efforts to make housing available to directly and indirectly displaced residents to the maximum feasible extent, based on the following facts.

- 1) The Sonoma Complex Fire began on October 8, 2017 and resulted in loss of life, the consumption of more than 110,000 acres, and the destruction of approximately 5,200 homes countywide. As of November 2021, 60.8% of parcels with structures lost in the Sonoma Complex Fire in the unincorporated county have completed rebuilding at least one structure.
- 2) The Kincade Fire began on October 23, 2019, consumed more than 77,758 acres, and destroyed approximately 175 residential structures. As of November 2021, 17.2% of parcels with structures lost in the Kincade Fire have completed rebuilding of at least one structure. The local proclamation of emergency for the Kincade Fire remains in effect and on November 2, 2021 was extended for an additional 60 days.
- 3) On October 24, 2017, the Board of Supervisors adopted an urgency ordinance adding Chapter 40, Sonoma Complex Fire Disaster Recovery, to the Sonoma County Code, to remain in effect until December 31, 2019, unless extended or modified by the Board of Supervisors.
- 4) On October 23, 2019, the Board of Supervisors adopted an ordinance extending Chapter 40, Sonoma Complex Fire Disaster Recovery, to the Sonoma County Code, to remain in effect until December 31, 2021, unless extended or modified by the Board of Supervisors.
- 5) On November 05, 2019, the Board of Supervisors adopted an urgency ordinance adding Chapter 40A, Kincade Fire Disaster Recovery, to the Sonoma County Code, to remain in effect until December 31, 2021, unless extended or modified by the Board of Supervisors.

- 6) The Board of Supervisors previously found that Sonoma County is experiencing a housing crisis. Even prior to the Sonoma Complex Fire and Kincade Fire, there was a severe lack of rental housing in the unincorporated area that is affordable to lower and moderate income residents.
- 7) The housing units destroyed by the Sonoma Complex Fire and Kincade Fire increased the rental housing shortage and also severely reduced the number of owner occupied housing units in the County.
- 8) The destruction of housing units in nearby counties, including Lake, Napa, Solano and Mendocino counties, further limits the ability of fire-displaced Sonoma County residents to relocate to other housing.
- 9) In addition to the 2017 Sonoma Complex Fire and 2019 Kincade Fire, the County experienced catastrophic flooding in 2019, the LNU Lightning Complex and Glass Incident fires in 2020, and the global COVID-19 pandemic.
- 10) These unprecedented disasters have directly affected fire survivors who chose to rebuild and who have experienced delays for several reasons, including the absence of available contractors and materials stemming from other wildfire rebuilding efforts, pandemic-related shutdowns, and global supply chain breakdowns. Other reasons for delay include outstanding insurance claims, high construction costs, and delays due to variable weather including atmospheric river events and drought.
- 11) Chapters 40 and 40A were intended to address the housing and rebuilding needs of fire survivors and other persons displaced by the Sonoma Complex Fire and the Kincade Fire. Although some provisions of Chapters 40 and 40A are no longer necessary and are deleted by this ordinance, the recovery efforts are still continuing. Extending and amending Chapter 40 and 40A provide critically needed ongoing support for Sonoma County residents affected by the disasters.
- 12) Expiration of Chapters 40 and 40A on December 31, 2021, will create significant additional hardship and delay for residents displaced by the 2017 and 2019 wildfires.

Section II. Declaration of Urgency. Based on the findings above, the Board finds and declares that there is a current and immediate threat to the public peace, health, safety and welfare arising from the imminent expiration of temporary housing and rebuilding provisions in Chapters 40 (Sonoma Complex Fires Disaster Recovery) and 40A (Kincade Fire Disaster Recovery) of the Sonoma County Code. The Board determines that this urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety pursuant to Government Code sections 25123, because it continues existing recovery-related provisions for residents still rebuilding from the 2017 Sonoma Complex Fire and 2019 Kincade Fire and continues efforts to make needed temporary housing available to affected residents. The Board also determines the continued prohibition of new vacation rental permits within the 2017 Sonoma Complex Fire and 2019 Kincade Fire burn zones necessary to prevent the conversion of residential lands and

existing housing stock to visitor serving uses during the critical period while rebuilding continues..

Section III. Environmental determination. The Board further finds and determines that the proposed action is exempt from the California Environmental Quality Act (“CEQA”), as discussed below.

- 1) California Code of Regulations, title 14 (“CEQA Guidelines”) §15301 exempts the maintenance, operation and/or permitting of existing facilities. This ordinance allows existing dwellings on agricultural parcels, existing guest houses and residential accessory structures, and recreational vehicles to continue to be used as interim housing for displaced persons, for a limited time period and subject to the standards and requirements in Chapters 40 and 40A and applicable permits. This ordinance also extends Chapter 40 and 40A provisions allowing year-round occupancy of existing seasonal and extended seasonal farmworker housing, during the effective period of Chapters 40 and 40A.
- 2) CEQA Guidelines §15302 exempts projects involving replacement or reconstruction of existing structures on the same site and having substantially the same purpose and capacity as the structure replaced. This ordinance would modify and extend those existing provisions of Chapters 40 and 40A related to reconstruction of legal nonconforming uses and structures and to use of ministerial design standards to residential reconstruction in scenic landscape units.
- 3) CEQA Guidelines §15303 exempts the conversion of existing small structures from one use to another. This ordinance would allow existing legally permitted guest houses, pool houses, and other habitable residential accessory structures to be rented to displaced persons on an interim basis until Chapters 40 and 40A expire. It also allows interim residential use of certain existing visitor-serving uses, including marketing accommodations, farmstays, bed and breakfast inns, resorts, retreats and camps, until Chapters 40 and 40A expire.
- 4) CEQA Guidelines §15305 exempts minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. Allowing existing seasonal and extended seasonal farmworker housing to be occupied year-round until the expiration of Chapters 40 and 40A is a temporary change in land use limitations that does not change land use or density. This ordinance’s provisions governing reconstruction of legal nonconforming residential structures and use of ministerial design standards to review of applications to rebuild residential structures also do not change land use or density. Similarly, allowing existing farm family dwellings, marketing accommodations, farmstays, bed and breakfast inns, resorts, retreats and camps to be used for interim housing does not change land use or density; residential use of these facilities is temporary and the permitted land use does not change. In all cases, these temporary allowances for housing would expire on or before the expiration date of Chapters 40 and 40A.

Section IV. Sonoma County Code Chapter 40 is amended to repeal the existing text and replace as shown in Exhibit A to this ordinance.

Section V. Sonoma County Code Chapter 40A is amended to repeal the existing text and replace as shown in Exhibit B to this ordinance.

Section VI. 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 VII. This Ordinance shall be and the same is hereby declared to be in full force and effect on and after January 1, 2022 and shall be published once before the expiration of fifteen (15) days after the date of its 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, adopted this 14th day of December, 2021, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Gore: Hopkins:

Ayes:

Noes:

Absent:

Abstain:

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

SO ORDERED.

Lynda Hopkins,
Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

EXHIBIT A

CHAPTER 40 - SONOMA COMPLEX FIRE DISASTER RECOVERY

Article I. - General.

Sec. 40-1. - Title.

This chapter shall be known as the Sonoma Complex Fire Disaster Recovery Ordinance.

Sec. 40-2. - Purpose.

This chapter is enacted for the purpose of modifying and/or temporarily suspending various county housing, permitting and health and safety codes and policies to allow the fastest possible transition of residents made homeless or displaced by the Sonoma Complex Fire to interim and long term shelter and to house people in safe, secure, habitable housing on a temporary basis.

Sec. 40-3. - Administration.

This chapter shall be administered under the direction of the Board of Supervisors, by and through the director and other departments specified herein.

Sec. 40-3.5. - Administrative standards.

The director may establish administrative standards for use in implementing this chapter. Any administrative standards established pursuant to this chapter shall be made available to the public on the Permit and Resource Management Department's website and upon request at the department.

Sec. 40-4. - Effective period.

- A. This chapter and all its provisions shall expire and be of no further force or effect on December 31, 2022, subject to extension or modification by the Board of Supervisors.
- B. Unless otherwise provided herein, no residential recreational vehicle use or other interim housing authorized pursuant to this chapter shall be used for housing after the expiration of this chapter.

Secs. 40-5—40-19. - Reserved

Article II. - Glossary.

Sec. 40-20. - Purpose.

This article provides definitions of terms and phrases used in this chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this article conflict with definitions in other provisions of this code, these definitions shall control for the purposes of this chapter. If a word is not defined in this article, or in other provisions of this code, the director shall determine the correct definition.

Sec. 40-21. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Burn area." All of that land contained within the California Department of Forestry and Fire Protection (CALFIRE) October 2017 Sonoma Complex Fire Perimeter.

"CalOES." The California Governor's Office of Emergency Services or successor agency.

"Director." The director of the Permit and Resource Management Department of the county or his or her authorized representative.

"Displaced person(s)." A county resident or residents whose residential dwelling has been destroyed or damaged by the Sonoma Complex Fire, such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the county to substantiate their eligibility for uses, permits and/or approvals described in this chapter. Evidence may consist of verification by Federal Emergency Management Agency (FEMA) registration or damage assessment, and/or a driver's license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel in the burn area, as determined by the county. Such determination may be made by the director or other county personnel. Where allowances are made herein for secondarily displaced persons, evidence may consist of termination notices, expired leases, or other proof as determined by the county.

"Effective period." The period of time specified in Section 40-4.A of this chapter.

"FEMA." The Federal Emergency Management Agency or successor agency.

"Fire-damaged lot." A lot, as defined in Section 26-04-020 of this code, that as of October 8, 2017 contained a legal permitted or legal non-conforming structure that was damaged or destroyed in the Sonoma Complex Fire.

"Reconstruction." Replacement of a conforming or legal non-conforming structure that was destroyed by the Sonoma Complex Fire on the same lot and with no change in use.

"Recreational vehicle." A motor home, travel trailer, truck camper or camping trailer that is (1) self-contained and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle; or a similar vehicle or structure as determined by the director.

"Repair." Repair of a structure damaged by the Sonoma Complex Fire with no change in

use.

“Secondarily displaced person.” A county resident or residents who have lost their housing as an indirect result of the Sonoma Complex Fire, such as through the early termination of leases or rent increases exceeding five percent (5%) per year. Where allowances are made herein for secondarily displaced persons, evidence may consist of termination notices, expired leases, or other proof as determined by the county.

"Sonoma Complex Fire." The series of fires that swept Sonoma County beginning on October 8, 2017, as referenced in Board of Supervisors Resolution Number 17-0389, adopted October 10, 2017, and which were the subject of the Proclamation of a State of Emergency by Governor Edmund J. Brown and the Major Disaster Proclamation for California issued by President Donald J. Trump.

Secs. 40-22—40-29. - Reserved.

Article III. - Residential Use of Recreational Vehicles and Manufactured Homes.

Sec. 40-30. - Residential use of recreational vehicles.

- A. Recreational vehicles for reconstruction or repair of damaged dwellings. The use of recreational vehicles in any residential zoning district outside of the coastal zone during the term of this chapter shall be allowed, subject to county approval or permit as applicable, for use by persons displaced by the Sonoma Complex Fire, subject to the requirements in Sections 40-30.B and -.C.
- B. Standards. Other than as provided in Section 40-30.A, all residential use of recreational vehicles authorized pursuant to this section shall meet the following standards.
 1. The property owner or the property owner's authorized agent shall obtain a county temporary use approval or permit and all other required permits. Permits will be issued for a period up to two (2) years, but in no case will the permit expiration date extend past the effective period of this chapter. Written consent of the property owner is required in all cases. Not more than one (1) recreational vehicle may be placed on any residential lot under this subsection.
 2. Residential use of recreational vehicles is limited to vehicles not on a permanent foundation and used to house displaced persons during the effective period set forth in Section 40-4.
 3. Residential use of recreational vehicles shall be located outside the boundaries of any recorded easements but may be located within Chapter 26 (zoning ordinance) setback areas, other than riparian setbacks, if such placement of the recreational vehicle is necessary to allow for unobstructed reconstruction on the site.
 4. The recreational vehicle shall be connected to an approved source of water meeting one (1) of the following criteria:

- a. Public water supply;
 - b. Existing well, provided that it has been approved by the director as safe for domestic consumption; or
 - c. Other water source approved by the director.
 5. The recreational vehicle shall be connected to an approved sewage disposal system meeting one (1) of the following criteria:
 - a. Public sewer system;
 - b. Existing on-site sewage disposal system that has been approved by the director to be intact, adequately sized, and functioning following the disaster; or
 - c. Other method of sewage disposal approved by the director.
 6. The recreational vehicle shall be connected to an approved source of electricity meeting one (1) of the following criteria:
 - a. Permitted electrical service hook-up; or
 - b. Other power source approved by the director.
 7. Residential use of recreational vehicles under this chapter shall not be allowed in an area with health and safety hazards as determined by the director.
 8. Except as provided herein, no county approval or permit for residential use of a recreational vehicle shall be issued until the site is approved for reconstruction by the county, CalOES or FEMA.
- C. Removal and disconnection. Every recreational vehicle and manufactured home placed on any site for residential use pursuant to this Chapter shall be disconnected from sewer, septic, water and/or power connections and removed from the site on which it is located upon expiration of the permit required by Section 40-30.B.1 herein or the expiration date of this chapter provided in Section 40-4, whichever occurs first.

Secs. 40-31—40-39. - Deleted.

Article IV. - Additional Housing and Recovery Provisions.

Sec. 40-40. - Suspension of occupancy limits on seasonal farmworker housing.

This code currently allows seasonal farmworker housing and extended seasonal farmworker housing in certain agricultural districts, to be occupied for not more than one hundred eighty (180) days in any calendar year and subject to regulation pursuant to Title 25 of the California Code of Regulations. Notwithstanding any contrary provision in this code, seasonal farmworker housing and extended seasonal farmworker housing may be occupied for up to three hundred sixty-five (365) days in any calendar year, provided that such seasonal farmworker housing or extended seasonal farmworker housing shall remain subject to all other existing regulations and limitations, standards, except that the park and traffic mitigation fees described in county code Section 26-88-010(1)(13) shall not become due or payable as the result of interim housing use.

Sec. 40-41. - Rental of existing guest houses, pool houses and residential accessory structures.

Notwithstanding any contrary provision in this code, during the effective date of this chapter, existing legally permitted guest houses, pool houses, and residential accessory structures may be rented as interim housing for persons displaced by the Sonoma Complex Fire, but shall remain subject to all other existing regulations and limitations. Residential occupancy of such structures shall no longer be a legal use under the county code after the expiration date of this chapter provided in Section 40-4.A. In all such cases, the property owner shall be responsible for notifying tenants of the temporary nature of the housing.

Sec. 40-42. - Rental of existing promotional or marketing accommodations, farmstays, bed and breakfast inns, resorts, retreats, camps or other similar uses.

Notwithstanding any contrary provision in this code or use permit conditions, existing rental or residential occupancy of promotional or marketing accommodations, farmstays, bed and breakfast inns, resorts, retreats, camps or other similar visitor serving uses shall be allowed as interim housing for persons displaced by the Sonoma Complex Fire.

Sec. 40-42.5. - Use and rental of existing dwellings and recreational vehicles on agricultural parcels.

- A. Existing dwellings. Notwithstanding any contrary provision in this code, existing legally permitted main or primary dwellings and farm family dwellings on agricultural parcels may be used by or rented to persons displaced by the Sonoma Complex Fire, provided that such use or rental does not displace agricultural employees or farm workers. The temporary rental of farm family or agricultural employee dwelling to persons not involved in the agricultural enterprise shall no longer be permitted as of the expiration of this chapter.
- B. Recreational vehicles. Notwithstanding any contrary provision in this code, one (1) or two (2) recreational vehicles as defined herein may be placed on LIA, LEA and/or DA parcels within the burn area for use or rental by persons displaced by the Sonoma Complex Fire, subject to county permit or approval, and subject to the permitting requirements, term limits, and standards set forth in Section 4-30 above.
- C. State regulations. Nothing in this chapter removes or suspends regulatory requirements or authority of the State Department of Housing and Community Development to regulate residential use of recreational vehicles as special occupancy parks or otherwise, other than as such provisions are suspended or modified by State law and/or an Executive Order or emergency proclamation by the Governor.

Sec. 40-43. - Fee waivers for accessory dwelling units.

- A. Purpose. The code currently requires payment of permit processing fees and development fees in connection with applications for new accessory dwelling units (ADUs). Notwithstanding any contrary provision in this code, for fire-damaged lots where the primary dwelling is reconstructed, new ADU applications shall be eligible for fee waivers in accordance with this section.

- B. Internal conversions. When a reconstructed single-family dwelling that was previously connected to public sewer service is built to the originally permitted dimensions without changing the footprint or square footage of the original dwelling, building permit processing fees shall be waived for an accessory dwelling unit (ADU) that is incorporated into the interior of the dwelling. No development fees are applicable. The ADU shall conform with all other applicable codes and standards, including Section 26-88-060, and shall be identified in the application submittal.

Sec. 40-44. - Safe parking.

- A. Safe parking at designated county-owned and county-controlled facilities. Notwithstanding any contrary provision of Chapter 18 of this code, overnight parking may be permitted at designated safe parking program sites on county-owned or –controlled property, subject to the following basic requirements in addition to any other program requirements deemed necessary or desirable by the directors of the Department of General Services and the Community Development Commission:
1. The site has been approved and designated by the Department of General Services as a "safe parking program" site, subject to maximum capacity limitations and any other criteria deemed necessary or appropriate by General Services.
 2. A safe parking program shall not be permitted except on designated sites that are actively managed and operated by a legal entity that has been approved by the directors of the Community Development Commission (CDC) and General Services as a safe parking program site manager. The safe parking program site manager shall ensure that its safe parking site provides the level of services and security commensurate with the overnight parking capacity of the safe parking site, as determined by CDC and General Services.
 3. Registration is required for overnight parking at designated safe parking program sites. Registration shall not exceed the designated capacity of the site. Displaced persons shall have registration priority over other members of the public.
- B. Safe parking programs on privately owned sites. A safe parking program may be operated on privately owned sites in any zoning district with the permission of the property owner, subject to approval by the director of CDC and further subject to compliance with any additional requirements that may be deemed reasonably necessary by the director of CDC in consultation with county counsel.

Sec. 40-45. – Deleted.

Sec. 40-46. - Legal nonconforming uses and structures.

- A. Structures that exceed allowable density. Notwithstanding any contrary provision of this code, a legal nonconforming residential structure substantially damaged or destroyed by the Sonoma Complex Fire that exceeds allowable density may be rebuilt and reconstructed and expanded in floor area by ten percent (10%) of the original floor area.
- B. Structures damaged or destroyed by the Sonoma Complex Fire. Notwithstanding any contrary provision of this code, legal nonconforming residential structures damaged or destroyed by the Sonoma Complex Fire need not be rebuilt on the original foundation

footprint. Structures that conform to allowable density may be rebuilt and expanded subject to lot coverage and setback requirements and to all other applicable requirements of the code, provided that the improvements do not increase the existing nonconforming portion of the structure.

Sec. 40-47. - Prohibition on the establishment and operation of new vacation rentals.

Notwithstanding any contrary provision of this code, the establishment or operation of any vacation rental not previously permitted and legally operating shall be prohibited within the burn area. Properties on which a fully approved and permitted vacation rental was legally operating prior to the Sonoma Complex Fire may continue to operate upon reconstruction if property ownership has not changed and if the number of guestrooms within the vacation rental does not change. Hosted rentals, as defined in Chapter 26, may be established and operated upon granting of a hosted rental permit and registration for transient occupancy taxes (TOT).

Secs. 40-48, 40-49. - Reserved.

Article V. - Reconstruction and Repair of Fire-Damaged Structures.

Sec. 40-50. - Design review.

A. Scenic Landscape Units.

1. Design standards. The director shall establish ministerial design standards for review of applications for reconstruction and repair of residential structures on fire-damaged lots.
2. Reconstruction and repair of residential structures. Notwithstanding any contrary provisions of this code, applications for reconstruction and repair of residential structures on fire-damaged lots located in an SR combining district and also within a scenic landscape unit as shown in the general plan open space element shall be subject to review and approval by the director. Applications that conform to the design standards established under Section 40-50.A shall be approved. The director's decision shall be final and the provisions of Section 26-92-040(a)-(b) of this code shall not apply. Applications that do not comply with the design standards established under Section 40-50.A shall be subject to administrative design review under Chapter 26 of this code.

- B. Commercial and industrial structures.** Notwithstanding any contrary provisions of this code, applications for reconstruction and repair of commercial and industrial structures on fire-damaged lots may, in the discretion of the director, be subject to administrative design review pursuant to Chapter 26 of this code. If the director determines that administrative design review is not appropriate or otherwise not applicable, the application for reconstruction or repair shall be subject to design review under Chapter 26 of this code.

Sec. 40-51. - Residential use of manufactured homes.

Manufactured homes may be used for temporary residential use on fire-damaged lots by displaced persons where an application and site plan for reconstruction of the primary residential structure has been submitted to PRMD and the use complies with the standards set

forth in Sections 40-30.B., except that the manufactured home may be placed on a pad or foundation. Upon completion of the permanent residential structure, and as a condition of receiving final inspection and approval for occupancy of the permanent residential structure, the manufactured home and any installed pad or foundation shall be removed. For purposes of this section only, the definition of manufactured home in Section 26-04-020 of this code shall apply. Nothing in this section shall preclude use of a manufactured home on a permanent foundation as the primary dwelling or accessory dwelling unit, provided that the manufactured home complies with all applicable requirements of this code.

Sec. 40-52. - Groundwater availability.

Notwithstanding any contrary provision in this code, compliance with Section 7-12 of this code shall not be required in connection with an application for reconstruction or repair of a residential dwelling unit on a fire-damaged lot, as defined in this chapter.

Secs. 40-53—40-59. - Reserved.

Article VI. – Deleted.

Sec. 40-60. - Deleted.

EXHIBIT B

CHAPTER 40A -KINCADE FIRE DISASTER RECOVERY

Article I. - General. Sec. 40A-1. - Title.

This chapter shall be known as the Kincade Fire Disaster Recovery Ordinance.

Sec. 40A-2. - Purpose.

This chapter is enacted for the purpose of modifying and temporarily suspending various county housing, permitting and health and safety provisions and policies, to expedite recovery and rebuilding from the Kincade Fire and to ensure that displaced persons are housed in safe, healthy, and habitable housing during the recovery period.

Sec. 40A-3. - Administration.

This chapter shall be administered under the direction of the board of supervisors, by and through the director and other departments specified herein.

Sec. 40A-4. – Implementation.

- A. The director may establish administrative standards for use in implementing this chapter. Any administrative standards established pursuant to this chapter shall be made available to the public on the website of the Permit and Resource Management Department and upon request at the department.
- B. The director may reduce permit fees for like kind reconstruction on fire-damaged lots to reflect the reduced cost of processing reconstruction permits on previously developed lots. For purposes of this chapter, “permit fees” does not include development fees as defined in Chapter 26 of this code.

Sec. 40A-5. – Term and Expiration.

- A. Except as may be otherwise specified herein, this chapter and all its provisions shall expire and be of no further force or effect on December 31, 2022, unless extended or modified by the Board of Supervisors.
- B. Except as may be otherwise specified herein, no temporary emergency housing or temporary residential use that is authorized by this chapter shall be used for housing after the expiration date of this chapter.

Sec. 40A-6. Conflict with state law and regulations.

- A. This chapter is not intended and shall not be interpreted to conflict with the laws or constitution of the State of California.
- B. Nothing in this chapter is intended to supersede or suspend regulatory requirements or

authority of the state Department of Housing and Community Development to regulate residential use of recreational vehicles as special occupancy parks or otherwise, except as such provisions may be suspended or modified by state law, executive order or emergency proclamation by the governor.

Secs. 40A-7—40A-19. - Reserved.

Article II. - Glossary.

Sec. 40A-20. - Purpose.

This article provides definitions of terms and phrases used in this chapter that are technical or specialized, or that may not reflect common usage. If any definition in this article conflicts with definitions in other provisions of this code, the definitions herein shall control for the purposes of this chapter. If a word is not defined in this article, the director shall determine the correct definition.

Sec. 40A-21. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Kincade Fire burn area" refers to all of that land contained within the perimeter of the Kincade Fire as mapped by CALFIRE.

"CALFIRE." California Department of Forestry and Fire Protection or successor agency.

"Director." The director of the permit and resource management department of the county, or his or her authorized representative.

"Displaced person(s)." A county resident or residents whose primary dwelling was destroyed by the Kincade Fire, or whose primary dwelling was so damaged by the Kincade Fire that said dwelling is uninhabitable. Displaced person(s) may, in the discretion of the director, be required to provide verification to the county to substantiate eligibility for uses, permits and/or approvals described in this chapter. Required evidence of displacement may include a driver's license or other government-issued identification card, utility bill, or similar document demonstrating that as of October 22, 2019, the resident's primary dwelling was on a fire-damaged lot in the Kincade Fire burn area. Agricultural employees who as of October 22, 2019 resided in employer-provided housing or other shelter on a now fire-damaged lot shall be deemed displaced persons without necessity of providing documentary evidence of displacement.

"Effective date." The date of board adoption of this chapter.

"Fire-damaged lot." A lot, as defined in section 26-04-020 of this code, that contained a legal permitted or legal non-conforming structure as of October 22, 2019 that was damaged or destroyed by the Kincade Fire.

"Kincade Fire." The wildfire that began in Sonoma County on October 23, 2019 and was

designated as the “Kincade Fire” by CALFIRE, as referenced in Board of Supervisors Resolution 19-1657, adopted October 31, 2019, and the October 25, 2019 Proclamation of a State of Emergency by Governor Gavin Newsom.

"Reconstruction." Replacement or substantial repair, on the same fire-damaged lot and with no change in use, of a conforming or legal non-conforming structure that was either destroyed by the Kincade Fire or was so structurally damaged that the structure cannot be inhabited or occupied.

"Recreational vehicle." A motor home, travel trailer, truck camper or camping trailer that is

- (1) self-contained and designed for human habitation for recreational or emergency occupancy;
- (2) self-propelled, truck-mounted, or permanently towable on California roadways; and
- (3) a California Department of Motor Vehicles licensed vehicle; or a similar vehicle or structure as determined by the director.

"Repair." Repair of a structure damaged by the Kincade Fire, with no change in use.

“Residential zoning district.” Those zoning districts identified in Article 8 of Chapter 26 of this code. For purposes of this chapter only, a lot located in the coastal zone and CC combining district is not located in a “residential zoning district.”

“Residential lot.” A legal lot located in any zoning district provided in Chapter 26 of this code that is either located in a residential zoning district or contains a dwelling, excluding lots located in the coastal zone and CC combining district.

"Temporary emergency housing." For purposes of this chapter, “temporary emergency housing” shall include a recreational vehicle as defined in this section, or a manufactured home as defined in Sec. 40A-51, that is occupied by one or more displaced persons in accordance with the requirements of this chapter.

Secs. 40A-22—40A-29. - Reserved.

Article III. – Temporary Emergency Housing

Sec. 40A-30. Recreational vehicles.

- A. Use of recreational vehicles for reconstruction of dwellings. During the term of this chapter, a recreational vehicle may be used by displaced persons as temporary emergency housing on a legal lot in a residential zoning district, subject to compliance with the standards and requirements of this section.
- B. Standards. Except as may be otherwise provided in this chapter, use of a recreational vehicle as temporary emergency housing under this section shall require a county permit or other applicable approval, and shall meet all the following standards.
 1. The lot owner(s) or lot owner's authorized agent shall obtain from the Permit and Resource Management Department a zoning permit and any other approvals required to authorize the temporary emergency housing use. Written consent of the lot owner is required in all cases.

2. Temporary emergency housing use of recreational vehicles pursuant to this section is limited to vehicles not on a permanent foundation and used to house displaced persons.
 3. Recreational vehicles shall be located outside the boundaries of any recorded easements.
 4. The recreational vehicle shall be connected to an approved source of water meeting one (1) of the following criteria:
 - a. Public water supply;
 - b. Existing well, provided that it has been approved by the director as safe for domestic consumption; or
 - c. Other water source approved by the director.
 5. The recreational vehicle shall be connected to an approved sewage disposal system meeting one (1) of the following criteria:
 - a. Public sewer system;
 - b. Existing on-site sewage disposal system that has been approved by the director to be intact, adequately sized, and functioning following the Kincade Fire;
 - c. Temporary holding tank, serviced under contract with a pumping company for regular pumping. A copy of the contract shall be provided to the director; or
 - d. Other method of sewage disposal approved by the director.
 6. The recreational vehicle shall be connected to an approved source of electricity meeting one (1) of the following criteria:
 - a. Permitted electrical service hook-up; or
 - b. Other power source approved by the director.
 7. Recreational vehicles used as temporary emergency housing under this chapter shall not be allowed on any lot with health and safety hazards, as determined in the discretion of the director.
 8. Recreational vehicles for residential use on lots outside the Kincade Fire burn area shall comply with all zoning ordinance (Chapter 26) and riparian setback requirements.
 9. Additional standards recreational vehicles on fire-damaged lots.
 - a. Unless otherwise provided herein, no recreational vehicle or other temporary emergency housing may be permitted or located on a fire-damaged lot until the lot is approved for reconstruction by the county or other government agency with appropriate authority.
 - b. Use of recreational vehicles as temporary emergency housing on fire-damaged lots shall only be permitted on lots on which a permitted or legal nonconforming dwelling was destroyed or rendered uninhabitable by the Kincade Fire. The legal permitted or legal nonconforming status of a destroyed or damaged dwelling shall be verified by the director.
 - c. Recreational vehicles may be located on fire-damaged lots within zoning ordinance (Chapter 26) setback areas, excluding riparian setback areas, if such location is necessary to allow for unobstructed reconstruction on the lot.
- C. Removal and disconnection. Every recreational vehicle used as temporary emergency housing pursuant to this chapter shall be disconnected from sewer, septic, water and/or power connections and removed from the lot on which it is located no later than the

expiration date of this chapter.

Sec. 40A-31. - Recreational vehicles, tent camps and campgrounds in K zones.

- A. Permitted use. Subject to the limitations provided in this section, during the term of this chapter recreational vehicles, tent camps and campgrounds shall be permitted on lots located in the 'K' zoning district outside the Kincade Fire burn area and coastal zone. Such use shall require an administrative permit and administrative design review. No permit shall be issued for any lot with health and safety hazards, as determined by the director. Compliance with the minimum standards for sewage disposal, water connection, electrical connection and setbacks set forth in section 40A-30.B is required.
- B. Occupancy. Notwithstanding any contrary provision of this code, during the term of this chapter recreational vehicles, tent camps and campgrounds located on lots meeting the requirements of sec. 40A-31.A may be occupied by displaced persons three hundred sixty- five (365) days per year. Transient occupancy is not precluded for uses allowed pursuant to this section, but all transient use shall remain subject to the payment and reporting of transient occupancy tax.

Sec. 40A-32. – Temporary emergency housing in the PF, M1, M2 and MP zoning districts.

- A. Permitted uses. Notwithstanding any contrary provision of this code, during the term of this chapter multiple units or groups of manufactured homes and recreational vehicles shall be allowed as temporary emergency housing on privately owned lots in the PF, M1, M2 and MP districts outside the Kincade Fire burn area and coastal zone, provided that such uses meet all the requirements of this section.
- B. Permit. Temporary emergency housing under this section shall require a temporary use permit and administrative design review prior to initiating the use. No permit shall be issued for any lot on which the director has determined that there are health and safety hazards.
- C. Standards and occupancy. Temporary emergency housing authorized pursuant to this section shall meet or exceed the standards specified in section 40A-30.B. Occupancy may be year-round, and is limited to displaced persons. Transient occupancy and other visitor-serving use of temporary emergency housing is not permitted.
- D. Removal. No later than the expiration date of this chapter, use of temporary emergency housing authorized by this section shall cease and the operator and lot owner shall remove, to the satisfaction of the director, all utility and other installations made to accommodate the use. Permits and other approvals issued pursuant to this chapter shall require timely cessation and removal, but in no event shall a permit that is silent as to removal be interpreted as a waiver of the cessation and removal requirement. Execution of a covenant to perform removal tasks, satisfactory in form to the director and county counsel, shall be required prior to issuance of a permit for the proposed temporary emergency housing use. A bond or undertaking sufficient to cover costs of removal and restoration may be required, in the discretion of the director.

Sec. 40A-33. - Expansion of existing mobile home parks.

Existing mobile home parks authorized by use permit outside the coastal zone may expand within the existing permitted site to a maximum permitted residential density of one hundred thirty-five percent (135%) of the density established by the zoning map, subject to issuance of a zoning permit and any other approval(s) deemed necessary by the director. No permit shall be issued for any lot for which the director has determined that there are health and safety hazards.

Secs. 40A-34—40A-39. - Reserved.

Article IV. - Additional Housing and Recovery Provisions

Sec. 40A-40. - Suspension of occupancy limits on seasonal farmworker housing.

Chapter 26 of this code allows seasonal and extended seasonal farmworker housing in certain agricultural zoning districts to be occupied for not more than one hundred eighty (180) days in any calendar year, subject to regulation under Title 25 of the California Code of Regulations. Notwithstanding these provisions, during the term of this chapter seasonal farmworker housing and extended seasonal farmworker housing may be occupied for up to three hundred sixty-five (365) days per year, provided that such farmworker housing shall remain subject to all other applicable regulations, limitations and standards, including habitability requirements. However, park and traffic mitigation fees described in section 26-88-010(1)(13) of this code shall not become due or payable as the result of any temporary extension of seasonal occupancy.

Sec. 40A-41. - Rental of existing guest houses, pool houses and residential accessory structures.

Notwithstanding any contrary provision in this code and during the term of this chapter, existing legally permitted guest houses, pool houses, and residential accessory structures may be rented as temporary housing for persons displaced by the Kincade Fire, but shall remain subject to all other existing regulations and limitations, including habitability standards. Residential occupancy of such structures shall no longer be a legal use under the county code after the expiration of this chapter provided in sec. 40A-5. In all such cases, the lot owner shall be responsible for notifying tenants of the temporary nature of the housing.

Sec. 40A-42. - Rental of existing marketing accommodations, farmstays, bed and breakfast inns, resorts, retreats, camps or other similar uses.

Notwithstanding any contrary provision in this code or use permit conditions, during the term of this chapter only, marketing accommodations, farmstays, bed and breakfast inns, resorts, retreats, camps and similar visitor serving uses may be used as housing for displaced persons.

Sec. 40A-43. - Use and rental of existing dwellings and recreational vehicles on agricultural lots.

- A. Existing dwellings. Notwithstanding any contrary provision in this code, existing main or primary dwellings on agricultural lots and farm family dwellings as defined in Chapter 26 may be used by or rented to displaced persons, provided that such use or rental does not displace agricultural employees or farmworkers.
- B. Recreational vehicles. Notwithstanding any contrary provision of this code and during the term of this chapter only, up to two recreational vehicles may be used as temporary emergency housing for displaced persons on lots in LIA, LEA and DA zoning districts outside the coastal zone and Kincade Fire burn area, subject to the permitting requirements, term limits, and standards in sec. 40A-30 above. A county permit or other administrative approval shall be required prior to initiating use of recreational vehicles under this section. Use of recreational vehicles as temporary emergency housing shall not be allowed on any lot with health and safety hazards, as determined in the discretion of the director.

Sec. 40A-44. - Fee waivers for accessory dwelling units.

- A. During the term of this chapter, building and zoning permit fees shall be waived for any new accessory dwelling unit (ADU) that is constructed on a fire-damaged lot along with a reconstructed single-household dwelling, provided that the ADU meets all other applicable standards, including section 26-88-060 (accessory dwelling units).

Sec. 40A-45. - Safe parking.

Safe parking programs for persons displaced by the Kincade Fire may be permitted as provided in sec. 40-44 of this code.

Sec. 40A-46. - Legal nonconforming uses and structures.

- B. Dwellings damaged or destroyed by the Kincade Fire.
- C. Structures on lots exceeding allowable density. Legal nonconforming dwellings destroyed or rendered uninhabitable by the Kincade Fire that exceeded allowable density for the applicable lot may be reconstructed and expanded in floor area by ten percent (10%) of the original floor area, subject to compliance with applicable well and septic standards.
- D. Original footprint. Nonconforming residential structures destroyed or rendered uninhabitable by the Kincade Fire need not be reconstructed on the original foundation footprint. Structures that conform to allowable density may be reconstructed and expanded, subject to lot coverage and setback requirements and to all other applicable requirements of the code, provided that the improvements do not increase the existing nonconforming portion of the structure.
- E. Geologic Hazard Area. notwithstanding any contrary provision of this code, the following

provisions shall apply to reconstruction of single-family dwellings on fire-damaged lots located in the Geologic Hazard Area:

- F. a geologic report is not required for reconstruction of a single-family dwelling in the geologic hazard area, provided that all other applicable requirements shall continue to apply.
- G. Setback from active faults or the surface trace thereof is not required for reconstruction of a single-family dwelling located in the geologic hazard area, provided that all other applicable requirements shall continue to apply.
- H. Consistent with state law, this subsection shall be limited to apply only to reconstruction of single-family dwellings.
- I. For purposes of this subsection only:
- J. "Geologic hazard area" shall mean the 'G' Geologic Hazard Area Combining District, as provided in Article 70 of Chapter 26 of this code.
- K. "Geologic report" shall mean a fault study prepared or required pursuant to General Plan Policy PS-1f and sec. 26.70.030 of this code.
- L. "Single-family dwelling" shall have the same meaning as in state Public Resources Code section 2621.6, subsections (a)(2)(A)-(B) and (b).

Sec. 40A-47. - Prohibition on the establishment and operation of new vacation rentals.

Notwithstanding any contrary provision of this code, the establishment or operation of any vacation rental not previously permitted and legally operating shall be prohibited within the Kincade Fire burn area. Lots on which a fully approved and permitted vacation rental was legally operating prior to the Kincade Fire may continue to operate upon reconstruction if lot ownership has not changed and if the number of guestrooms within the vacation rental does not change. Hosted rentals, as defined in Chapter 26, may be established and operated upon granting of a hosted rental permit and registration for transient occupancy taxes.

Secs. 40A-48, 40A-49. - Reserved.

Article V. - Reconstruction and Repair of Fire-Damaged Structures. Sec. 40A-50. - Design review.

A. Scenic Landscape Units.

1. Design standards. The director shall establish ministerial design standards for review of applications for reconstruction and repair of residential structures.
2. Reconstruction and repair of dwellings and other residential structures. Notwithstanding

any contrary provisions of this code, applications for reconstruction and repair of residential structures on fire-damaged lots located in an SR combining district and also within a scenic landscape unit as shown in the general plan open space element shall require review and approval by the director. Applications that conform to the design standards established under section 40A-50.A shall be approved. The director's decision shall be final and the provisions of section 26-92-040(a)-(b) of this code shall not apply. Applications that do not comply with the design standards established under section 40A-50.A shall be subject to administrative design review under Chapter 26 of this code.

- B. Commercial and industrial structures. Notwithstanding any contrary provisions of this code, applications for reconstruction of commercial and industrial structures on fire-damaged lots may, in the discretion of the director, be subject to administrative design review pursuant to Chapter 26 of this code. If the director determines that administrative design review is not appropriate or otherwise not applicable, the application for reconstruction shall require design review under Chapter 26 of this code.

Sec. 40A-51. - Residential use of manufactured homes.

Manufactured homes may be used as temporary emergency housing on fire-damaged lots by displaced persons where an application and site plan for reconstruction of the primary dwelling has been submitted to the permit and resource management department and the use complies with the standards set forth in section 40A-30.B, except that the manufactured home may be placed on a pad or foundation. Upon completion of the permanent residential structure, and as a condition of receiving final inspection and approval for occupancy of the permanent residential structure, the manufactured home and any installed pad or foundation shall be removed. For purposes of this section only, the definition of manufactured home in section 26-04-020 of this code shall apply. Nothing in this section shall preclude use of a manufactured home on a permanent foundation as the primary dwelling or accessory dwelling unit, provided that the manufactured home complies with all applicable requirements of this code.

Sec. 40A-52. - Groundwater availability.

Compliance with section 7-12 of this code shall not be required for reconstruction of a legal permitted or legal nonconforming dwelling on a fire-damaged lot.