

Resolution Number: 23-05

County of Sonoma
Santa Rosa, California

February 23, 2023
ORD22-0005 Eric Gage

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF
SONOMA, STATE OF CALIFORNIA, RECOMMENDING THE
BOARD OF SUPERVISORS FIND THE PROJECT TO BE
EXEMPT FROM CEQA AND APPROVE THE PROPOSED
AMENDMENTS TO SONOMA COUNTY CODE, CHAPTER 26
(ZONING CODE) AND TO THE OFFICIAL ZONING DATABASE

WHEREAS, on July 12, 2007 the Board of Supervisors adopted the Official Zoning Database, an electronic database containing zoning information for the unincorporated county, which superseded old paper Zoning Maps; and

WHEREAS, the transition from the old paper Zoning Maps to the Official Zoning Database has resulted in a number of unintended changes to zoning; and

WHEREAS, the Permit and Resource Management Department has identified historical inconsistencies between zoning and General Plan land use designation on certain parcels; and

WHEREAS, on January 19, 2021 the Board of Supervisors approved the first comprehensive update of the County Zoning Code (Chapter 26 of the Sonoma County Code) that inadvertently created erroneous or antedated references in the text of the Code.

WHEREAS, some zone changes that were required as Conditions of Approval for previously approved projects have yet to be implemented; and

WHEREAS, the Zoning Code regulations of the County of Sonoma (Chapter 26 of the Sonoma County Code) contain language that is out of date or otherwise inaccurate; and

WHEREAS, the Permit and Resource Management Department proposes to correct technical errors and reconcile discrepancies in zoning, and implement amendments required as conditions of prior project approvals; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearing on February 23, 2023, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Planning Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission makes the following findings:

1. The proposed amendments to Chapter 26 (attached as Exhibits C-HH and incorporated herein by reference) are necessary to correct codification errors that resulted in code provisions that do not reflect legislative intent or notice. The Chapter 26 amendments also correct other inaccuracies, eliminate outdated references, resolve inconsistencies, caused by the reformatting of the Zoning Code. The proposed zone changes and amendments to the Official Zoning Database (attached as Exhibits A and B and incorporated herein by reference) ensure the accuracy and reliability of the planning information on which the public relies.
2. The proposed amendments are consistent and compatible with the Sonoma County General Plan in that the changes correct codification errors, make technical corrections and minor, inconsequential changes necessary to ensure consistency with the General Plan and to implement conditions of approval of previously approved projects.
3. The proposed amendments to Chapter 26 are exempt from the California Environmental Quality Act under CEQA Guidelines sec. 15061(b)(3), as it can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. This ordinance includes amendments to Chapter 26 to restore and reinstate regulations that were erroneously and unintentionally deleted, moved, or modified by adoption of Ordinance 6335 (February 2021). Adoption of Ordinance 6335 was intended to comprehensively reorganize, reformat, and streamline much of Chapter 26, and was not intended to make substantive changes except as specifically identified. However, codification errors have been identified since adoption of Ordinance 6335 that modified long-standing uses and regulations in certain zoning districts without legislative intent or appropriate notice. This ordinance also makes editorial amendments necessary to clarify the meaning or intent of restored provisions in context, and to improve the useability of the code, such as by ensuring that all defined terms are listed in the glossary and appropriate cross-references inserted. Accordingly, adoption of this ordinance is covered by the common sense exemption of Guidelines section 15061(b)(3) because the substantive amendments made by adoption of this ordinance merely correct codification errors to restore uses and other requirements as they existed in Chapter 26 before being erroneously deleted by Ordinance 6335. This ordinance restores the original wording and practical application, consistent with legislative intent, of those identified provisions of Chapter 26 that were amended in error.

The amendments to the Official Zoning Database to correct combining district mapping errors are exempt from the California Environmental Quality Act under CEQA Guidelines sec. 15061(b)(3). It can be seen with certainty that there is no possibility that the project may have a significant effect on the environment because the proposed amendments to the Official Zoning Database will only correct historical errors created when the Official Zoning Database was established, and resolve mapping inconsistencies that were revealed by improvements in mapping techniques. No change in the physical environment would result, because no development is proposed as part of the adjustments to zoning and combining districts, and because the amendments only implement the existing regulations. These updates are needed to ensure the accuracy and reliability of the Official Zoning Database and other zoning information.

The remaining amendments to the Official Zoning Database are adopted to implement previously approved project conditions of approval and are necessary and in compliance with the Sonoma County Subdivision Code (Sonoma County Code, Chapter 25). These zone changes were reviewed and considered in compliance with CEQA prior to and at the time of project approval and are exempt from CEQA pursuant to CEQA Guidelines section 15305 (Class 5), minor alterations in land use limitations, because the amendments merely realign the zoning lines to be coterminous with adjusted property lines.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors approve the proposed ordinance amending Official Zoning Database as shown in Exhibits A and B; and adopting amendments to the text of Chapter 26 (Zoning Code) as shown in Exhibits C - HH.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was introduced by Commissioner Koenigshofer, who moved its adoption, seconded by Commissioner Reed, and adopted on roll call by the following vote:

Commissioner Cornwall	Aye
Commissioner Reed	Aye
Commissioner Ocaña	Aye
Commissioner Koenigshofer	Aye
Commissioner Deas	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.