

## SUMMARY TABLE OF CHAPTER 40 AMENDMENTS

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Section & Title	Current Text	Issue	Recommended Modification
40-4 – Effective period.	The provisions of this Chapter shall remain in effect until December 31, 2019	Recovery has not been completed. Difficulties in immediate rebuilding include shortage of the trades and very high construction costs. More time is needed.	Extend Chapter provisions, as amended, until December 31, 2021.  Text edits for clarity.
4-21 – Definitions Displaced Persons	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.	This Section limits recovery benefits to those directly displaced by the fires, and does not address the housing needs of those who have been indirectly displaced as a result of the fires such as persons whose leases have terminated to allow property owners to move back into their rentals. Secondary displacement is expected to continue to increase as insurance payments for replacement housing are cut off this October.	Add definition of secondarily displaced person(s) to read as follows:  “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 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.
4-21 – Definitions Effective date	"Effective date." The date of board adoption of this chapter.	The term “effective date” is no longer necessary under the proposed amendments. The term “effective period” is used and is not defined.	Add definition as follows:  "Effective period." The period of time specified in sec. 40-4.A of this chapter.
40-30 A. Initial use	Allowed residential use of recreational vehicles (RVs) for the first 45 days after the initial	45-day period expired on December 8, 2017.	Delete this provision.

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	effective date of Chapter 40, no permit required.		
40-30.B Residential use of recreational vehicles (RVs).	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.C and D	This section is not currently limited to the burn area. Section does not limit number of trailers allowed per residential lot. Permits do not have an end or renewal date.	Amend to clarify that this section applies only within the burn area, as defined, because all burn area lots have now been cleared. Provide that permits already issued may be renewed for up to two additional years provided that no permit shall extend past the expiration date of this chapter as provided in § 40-4. Limit to 1 RV per lot.
40-30 C Standards for residential use of RVs	Text sets 9 standards for the temporary residential use of RVs	The temporary permits do not have an end date. Allows temporary holding tanks.	Limit length of any new permits issued to two years but not beyond the effective date of this ordinance. This will provide clarity to occupants and provide a clear end date for the authorization. Discontinue allowance for temporary holding tanks, but continue to allow Director authority if unique circumstances arise. Temporary holding tank allowances were intended only for the initial 45 day emergency housing period and are no longer applicable.
40-31.A Recreational vehicles, tent camps and campgrounds in K zones.	Recreational vehicles, tent camps and campgrounds in K zones. A. Permitted use. Notwithstanding any contrary provision of this code, during the term of this chapter, recreational vehicles, tent camps and campgrounds shall be a permitted use in the K zone except within the coastal zone, subject to a zoning permit and administrative design review. The minimum requirements for sewage disposal, water connection and electrical connection set forth in Section 40-30.C shall be met.	This section authorizes new uses that would otherwise require discretionary review.	Delete this provision. No facilities have been permitted under 40-31 to date, indicating that these provisions had no value in the rebuild effort; new facilities could still be developed pursuant to Chapter 26 but would need a use permit and appropriate CEQA review.

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40-31.B Recreational vehicles, tent camps and campgrounds in K zones.	B. Occupancy. Notwithstanding any contrary provision of this code, continuous occupancy of recreational vehicles, tent camps and campgrounds approved pursuant to this section shall be permitted three hundred sixty-five (365) days per year provided that the occupants are displaced persons. Transient occupancy is not precluded for recreational vehicles, tent camps and campgrounds approved pursuant to this section, but all transient use shall remain subject to the payment and reporting of transient occupancy tax.	This section authorizes new uses that would otherwise require discretionary review.	Delete this provision. No existing facilities have been permitted under 40-31 to date, indicating that these provisions had no value in the rebuild effort; new facilities could be developed pursuant to Chapter 26 but would need a use permit and CEQA review.
40-32 Residential use of recreational vehicles and manufactured homes for temporary emergency housing in the PF, M1, M2 and MP districts.	A. Permitted uses. Notwithstanding any contrary provision of this code, multiple units or groups of manufactured homes and recreational vehicles as defined in this chapter shall be allowed for temporary emergency housing on privately owned property in the PF, M1, M2 and MP districts except within the coastal zone, subject to issuance of a zoning permit and administrative design review, provided that such uses meet or exceed the standards specified in section 40-30.C, meet all FEMA standards for such uses and are developed pursuant to a contract or agreement with FEMA or consist of housing units provided or approved by FEMA.	Outdated – FEMA has concluded its related work and is no longer seeking to construct additional housing groups.	Delete this provision as it does not serve a function for the rebuild effort.
40-33 Expansion of existing mobile home parks.	Existing mobile home parks authorized by use permit except within 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	Provisions have not been used and are unlikely to be used prior to the expiration of the Governor’s Executive Order (B-43-17) that temporarily delegated	Delete this provision. Chapter 26 (Zoning) already allows expansion of existing parks with a use permit and appropriate CEQA review.

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	density established by the zoning map, subject to issuance of a zoning permit.	authority related to mobile home and special occupancy parks to local jurisdictions.	
40-34 Standards for residential use of manufactured homes and recreational vehicles	Governor Brown's Executive Order B-43-17 provides in part that, "[T]he Department of Housing and Community Development (HCD) and local enforcement agencies with designated disaster authority will jointly develop permitting, operating and construction standards to maintain reasonable health and safety standards for the disaster survivors, the residents and the surrounding communities in the impacted areas."	HCD has not developed the standards, and their development and adoption is highly unlikely prior to expiration of the Governor's Executive Order.	Delete this provision.
40-41 Rental of existing guest houses, pool houses and residential accessory structures.	Notwithstanding any contrary provision in this code, existing 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.	There is no assurance that these structures are legal (constructed with permits) and built to the correct occupancy under Building Code. The provision is also silent on when the allowance for interim housing ends.	Clarify that only legally permitted residential accessory structures may be used as interim housing.  Add a provision that the property owner must provide notice to interim renters that residential occupancy allowances will expire on December 31, 2021 to alert tenants that alternative housing should be secured after the expiration.
40-42.5.B Use and rental of existing dwellings and recreational vehicles on agricultural parcels.	B. Recreational vehicles. Notwithstanding any contrary provision in this code, one (1) or more recreational vehicles as defined herein may be placed on LIA, LEA and/or DA parcels outside of the coastal zone for use or rental by persons displaced by the Sonoma Complex Fire, subject to county permit or approval, and subject to	Does not limit the total number of RVs to two, as required by state law. Does not address secondary displacement. Does not limit new RVs to the burn area.	Amend the provision as follows:  <i>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 directly or secondarily displaced by the Sonoma Complex Fire, subject to county permit or approval, and subject</i>

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	<p>permitting requirements, term limits, and standards:</p>		<p><i>to the permitting requirements, term limits, and standards set forth in section 4-30 above.</i></p> <p>This change will provide the best opportunities for interim housing on agricultural parcels where ag worker housing may be needed as rebuilding efforts continue.</p>
<p>40-43.C Fee waivers for accessory dwelling units.</p>	<p>Detached ADUs. For any other new ADU that is constructed with a reconstructed single-family dwelling, fees shall be waived as follows, provided that the new ADU is consistent with zoning and meets applicable standards of Section 26-88-060 (accessory dwelling units):</p> <ol style="list-style-type: none"> <li>1. Building and zoning permit fees.</li> <li>2. Development fees: <ol style="list-style-type: none"> <li>a. New ADUs up to 750 square feet: development fees waived.</li> <li>b. New ADUs between 751-1000 square feet: 50% of development fees waived.</li> </ol> </li> </ol>	<p>Out of step with countywide Accessory Dwelling Unit (ADU) ordinance, which allows units up to 1200 square feet; no longer necessary because ADU fee reductions were adopted into the County Code through Ordinance 6222 implementing Code Section 26-88-060 (m).</p>	<p>Delete this provision, since fees for ADUs have been permanently waived/reduced in Article 88:</p> <p><del>Detached ADUs. For any other new ADU that is constructed with a reconstructed single family dwelling, fees shall be waived as follows, provided that the new ADU is consistent with zoning and meets applicable standards of Section 26-88-060 (accessory dwelling units).</del></p> <ol style="list-style-type: none"> <li><del>1. Building and zoning permit fees.</del></li> <li><del>2. Development fees:</del> <ol style="list-style-type: none"> <li><del>a. New ADUs up to 750 square feet: development fees waived.</del></li> <li><del>b. New ADUs between 751-1000 square feet: 50% of development fees waived.</del></li> </ol> </li> </ol> <p>Amend the term “fire-affected parcels” in Section 40-43.A to “fire-damaged lot,” because that is the defined term.</p>
<p>40-45. - Waiver of county use permit requirement for relocation of damaged child care and</p>	<p>Notwithstanding any contrary provision in this code, relocation of any day care center, child care facility, elementary school, junior high school, high school or institution of higher education housed in premises made uninhabitable by the Sonoma Complex Fire may be relocated to existing buildings or fully</p>	<p>No longer necessary; all schools and day care centers that needed rebuilding and/or temporary relocation have been completed.</p>	<p>Delete this provision as it no longer facilitates the rebuild effort.</p>

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educational facilities.	permitted buildings in MP (Industrial Park), CI (Commercial Neighborhood), CO (Administrative and Professional Office, PF (Public Facilities), or to any site within an existing religious facility, subject only to a zoning permit, and if required, a building permit for renovations. Nothing in this chapter waives or affects any State law requirements applicable to such facilities.		
40-46. - Legal nonconforming uses and structures.	<p>A. Structures that exceed allowable density. Notwithstanding any contrary provision of this code, nonconforming residential structures that exceed allowable density may be rebuilt and reconstructed and expanded in floor area by ten percent (10%) of the original floor area.</p> <p>B. Structures damaged or destroyed by the Sonoma Complex Fire. Notwithstanding any contrary provision of this code, 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.</p>	Not limited to legal nonconforming structures destroyed or damaged by the fire.	<p>Amend the provision to read as follows:</p> <p>A. <i>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.</i></p> <p>B. <i>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.</i></p>

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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.C, 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 26.02.040 of this code shall apply.	To provide consistency with state and federal laws, this provision needs clarification to state that manufactured homes on permanent foundations are still allowed as primary and accessory dwelling units, provided that all applicable codes are met.	Amend the provision as follows:  <i>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. . . . For purposes of this section only, the definition of manufactured home in Section 26.02.040 of this code shall apply. <u>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.</u></i>
40-60. - Tentative maps and other entitlements.	A. Tentative maps. Notwithstanding any contrary provision of this Code, tentative maps for parcels outside the coastal zone that were approved or conditionally approved on or after December 12, 2015 are hereby extended by one (1) additional year, to expire forty-eight (48) months after the date of approval or conditional approval. As used in this article, the term "tentative map" refers to tentative maps,	Current language under the new time frame could result in periods longer than allowed by state law  Subdivision Map Act limits discretionary local government map extensions to a total of six years.	Amend 40-60.A to clarify that the section applies to maps approved between December 12, 2015 and December 12, 2017 [adoption date of this section of Chapter 40]. Further clarify that under no circumstances shall any extension under this provision, together with any other extension granted by the County of Sonoma, exceed a total of six years.

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	<p>tentative parcel maps, and vesting tentative maps.</p> <p>B. Concurrent land use approvals. Notwithstanding any contrary provision of this code, for tentative maps extended pursuant to Section 40-07-010(A) above, any separate discretionary land use approval that was granted in conjunction with the tentative map approval is hereby extended consistent with the extended tentative map.</p> <p>C. Lot line adjustments. Notwithstanding any contrary provision of this code, for parcels outside the coastal zone a lot line adjustment approval that is valid and not expired as of the effective date of this section is hereby extended one (1) additional year beyond its current date of expiration, not to exceed three total years beyond the original date of expiration.</p> <p>D. Other approvals. Any use permit, zoning permit, variance, or design review approval granted under Chapter 26 of this code that is valid and not expired as of the effective date of this section is hereby extended for one (1) additional year beyond its current date of expiration, not to exceed three total years beyond the original date of expiration.</p>	<p>There is no basis for automatically extending maps and permits that were issued after the fires (October 9, 2017), so clarifying language is needed</p> <p>Permits that were issued for a limited term cannot be automatically extended</p>	<p>Amend 40-60.C to limit to LLAs and other approvals that were valid and not expired as of December 12, 2017. The “effective date of this section” is December 12, 2017.</p> <p>Amend 40-60.D to extend other specified land use approvals for one additional year. Clarify that use permits eligible for the extension are use permits not issued for a limited term.</p>