

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. ~~The provisions in~~ this chapter ~~and all its provisions~~ shall ~~expire and be of no further force or remain in effect~~ on until December 31, ~~2021, 2019, unless otherwise specified herein,~~ subject to extension or modification by the board of supervisors.

~~Unless extended or modified by the board of supervisors, this chapter shall expire on December 31, 2019, and be of no further force or effect.~~

- B. Unless otherwise provided herein, no residential recreational vehicle use or other interim housing authorized pursuant to this chapter shall be used for ~~permanent~~ housing after the expiration ~~date~~ 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." ~~refers to all~~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 ~~impacted by the Sonoma Complex Fire 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 ~~date~~period." The ~~date of board adoption~~period of time specified in sec. 40-4.A of this chapter.

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

"Fire-damaged lot." A lot, as defined in Section 26-02-140 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 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. Initial use. For a period of forty five (45) days from the Effective Date, residential use and occupancy of recreational vehicles on any residential lot in any zoning district outside of the area affected by the Sonoma Complex Fire shall be allowed without county approval, zoning or building permit, provided that such lots and/or vehicles have temporary septic holding capacity and/or portable toilets that are serviced through routine pumping services or use of dump stations.~~

~~BA. —Recreational vehicles for reconstruction or repair of damaged dwellings. During the effective period, The use of recreational vehicles by displaced persons shall be allowed on fire-damaged lots in any residential zoning district within the burn area, 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 e by the Sonoma Complex Fire, and subject to the requirements in Sections 40-30.~~BC and CD.~~~~

~~CB. 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 ~~e~~Effective ~~p~~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 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. Temporary holding tank with a 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. 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.

~~Recreational vehicles for residential use on fire affected sites shall meet the following additional standards:~~

- ~~a. Residential use of recreational vehicles on fire affected sites shall be permitted only on parcels on which a permitted or legally established residence was destroyed, or damaged and rendered uninhabitable as determined by the director as a result of the Sonoma Complex Fire. Proof that a destroyed or damaged residence was permitted or legally established shall be verified by the director based on prior final building permit or assessor's records, or other documentation satisfactory to the director.~~
 - ~~b. 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. Recreational vehicles may be located within Zoning Ordinance setback areas, other than riparian setbacks, such that placement of the recreational vehicle will allow for unobstructed reconstruction on the site.~~
 - ~~9. Recreational vehicles for residential use on lots not affected by the Sonoma Complex Fire shall comply with all Zoning Ordinance and riparian setback requirements.~~
- D. Removal and disconnection. Every recreational vehicle and manufactured home placed on any site for residential use ~~as permitted by~~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 40-30.CB.1 herein, but no later than ~~or~~ the expiration date of this chapter provided in section 40-4, whichever occurs first.

Sec. 40-31. — Deleted.

~~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.~~
- 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.~~

Sec. 40-32. ~~Deleted.~~

~~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.~~
- B. ~~Occupancy by displaced persons. Use of manufactured homes or recreational vehicles allowed pursuant to this section shall be limited to displaced persons. During the term of this chapter, notwithstanding any existing definition in county code, continuous occupancy shall be permitted three hundred sixty-five (365) days per year for all manufactured homes or recreational vehicles allowed pursuant to this section. Transient or visitor serving occupancy is not permitted.~~
- C. ~~Removal requirements. Upon the expiration of this section the temporary use shall cease, and the operator and/or owner shall be required to remove all utility and other installations made to accommodate the use, to the satisfaction of the director. Permits and other approvals issued pursuant to this section shall be conditioned to require compliance with this 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 use. A bond or undertaking sufficient to cover costs of removal may be required, in the discretion of the director.~~

Sec. 40-33. ~~Deleted.~~

~~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 density established by the zoning map, subject to issuance of a zoning permit.~~

Sec. 40-34. ~~Deleted.~~

~~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." Upon the adoption of such standards by HCD and the county, any use of manufactured homes or recreational vehicles as defined herein and allowed pursuant to this chapter shall be subject to such standards, unless different and equally protective FEMA standards apply, in which case the FEMA standards shall apply.~~

Secs. 40-35—40-39. - Reserved.

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(l)(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 see: 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, ~~e~~, 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 ~~more two (2)~~ recreational vehicles as defined herein may be placed on LIA, LEA and/or DA parcels ~~outside of the coastal zone~~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 following standards set forth in ~~€ 1-7, of Section 4-30B87~~, above.
- ~~1. All installations of recreational vehicles for residential use shall meet the standards for wastewater disposal, water and electrical power connections set forth in Section 40-30.C.~~
 - ~~2. Additional capacity for disposal of wastewater may be achieved by placement of holding tanks on the parcel consistent with Section 40-30C.~~
- 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-~~affected parcels~~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.
- ~~C. 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):~~
- ~~1. Building and zoning permit fees.~~
 - ~~2. Development fees:
 - ~~a. New ADUs up to 750 square feet: development fees waived.~~
 - ~~b. New ADUs between 751-1000 square feet: 50% of development fees waived.~~~~

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~~shall 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. ~~Overnight~~ 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.~~

~~Waiver of county use permit requirement for relocation of damaged child care and educational facilities.~~

~~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 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.~~

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 structures, 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.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. 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. - Extensions of Tentative Maps and Other Specified Land Use Approvals.

Sec. 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~~between December 12, 2015 and December 12, 2017 ~~and have not already been granted an extension of time~~ are hereby extended by one (1) year, in addition to any previous extension accrued pursuant to this Chapter prior to December 31, 2019. Such maps shall be extended no more than to expire thirty-six (36)forty-eight (48) months after the date of initial approval or conditional approval. As used in this article, the term "tentative map" refers to tentative maps, tentative parcel maps, and vesting tentative maps. Under no circumstances shall an automatic extension granted under this section be, combined with one or more other local extensions to yield a total extension longer than six (6) years.
- B. Concurrent land use approvals. Notwithstanding any contrary provision of this code, for tentative maps extended pursuant to Section 40-~~07-010060. (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.
- 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 December 12, 2017~~the effective date of this section~~ is hereby extended one (1) year beyond its current date of expiration.
- D. Other approvals. Any use permit not issued for a limited term, and any, zoning permit, variance, or design review approval granted under Chapter 26 of this code that is valid and not expired as of December 12, 2017 ~~the effective date of this section~~ is hereby extended for one (1) year beyond its current date of expiration.