

Resolution Number 19-008

County of Sonoma
Santa Rosa, California

September 5, 2019
ZCE19-0005 Jane Riley, AICP

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE TO AMENDING SONOMA COUNTY CODE CHAPTER 40 (SONOMA COMPLEX FIRE DISTASTER RECOVERY) TO EXTEND ITS EXPIRATION TO DECEMBER 31, 2021, DELETE PROVISIONS THAT ARE NO LONGER NECESSARY, AND MAKE OTHER TEXT AMENDMENTS

WHEREAS, the Sonoma Complex Fire began on October 8, 2017 and resulted in the loss of life, the consumption of more than 110,000 acres, and the destruction of approximately 5,200 homes; and

WHEREAS, the Board of Supervisors previously found that Sonoma County is experiencing a housing crisis. Even prior to the Sonoma Complex Fire, there was a severe lack of rental housing in the unincorporated area that is affordable to lower and moderate income residents; and,

WHEREAS, the housing units destroyed by the Sonoma Complex Fire increased this rental housing shortage by several orders of magnitude and also severely reduced the number of owner occupied housing units in the County; and,

WHEREAS, 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; and,

WHEREAS, General Plan Housing Element Objective HE 1.5 provides that the County should limit the loss of housing stock to visitor-serving uses, and Chapter 40 prohibits the conversion of the remaining housing stock in the burn areas to vacation rental uses; and,

WHEREAS, Housing Element Policy HE-1j provides that the county should avoid the loss of residential land for vacation rental uses, and Chapter 40 prohibits the establishment of new vacation rentals on all urban lands within the burn area; and,

WHEREAS, the Board of Supervisors proclamation of local emergency from the Sonoma Complex Fires remains in effect today; and

WHEREAS, 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; and,

WHEREAS, the Sonoma Complex Fire recovery effort is still ongoing and Chapter 40 provides

critical support for Sonoma residents affected by the disaster; and,

WHEREAS, insurance coverage for temporary living expenses, primarily rent for interim housing, will expire in October 2019, resulting in additional financial challenges for displaced families that have not yet finished rebuilding; and,

WHEREAS, the County of Sonoma desires to extend certain of the provisions for fire recovery set forth in Chapter 40 on the Sonoma County Code (Sonoma Complex Fire Disaster Recovery); and,

WHEREAS, in accordance with the provisions of law, the Planning Commission held a duly noticed public hearing on September 5, 2019, at which time all interested persons were given an opportunity to be heard,

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. ("CEQA Guidelines") §15301, exempting the maintenance, operation and/or permitting of existing facilities; Guidelines § 15302, exempting projects involving replacement or reconstruction of existing structures on the same site and having substantially the same purpose and capacity as the structure replaced; Guidelines § 15303, exempting construction of limited numbers of new, small facilities or structures and the conversion of existing small structures from one use to another; Guidelines § 15305, exempting 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; and CEQA Guidelines §15061(b)(3), because it can be seen with certainty that there is no possibility that the action proposed may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Board of Supervisors adopt the ordinance amending Chapter 40 to extend its provisions to December 31, 2021 and incorporating certain additional amendments to Chapter 40, as shown in the draft ordinance attached to this Resolution.

BE IT FURTHER RESOLVED that the Planning Commission adopts the recommendation pursuant to the following findings:

1. The proposed modifications to and extension of the Chapter 40 provisions for fire recovery are necessary and appropriate for the following reasons:
 - a. Fire recovery is ongoing. The Sonoma Complex Fire occurred almost two years ago in October, 2017. To date, only 12.8% of homes lost have been rebuilt and completed; another 45% have approved rebuild plans with permits issued; and 6.8% are in the plan review process.
 - b. Fire survivors who have chosen to rebuild are often experiencing delays because of the absence of contractors and materials stemming from other wildfire and rebuilding efforts across the state. Other reasons for delays include outstanding insurance claims, high construction costs, and delays due to the rain this winter and spring.

- c. Some home insurers will end monthly temporary home rental coverage to 2017 wildfire survivors that have yet to complete rebuilding their new houses this October, leaving affected fire survivors without insurance money to cover their rental housing needs while their primary residences are rebuilt.
- d. Continued or secondary housing displacement resulting from market-driven forces increases that costs and barriers to access temporary or rental housing for fire survivors. Changes to Chapter 40 are needed to ensure that persons secondarily displaced as a result of the fires have access to the Chapter's interim housing solutions.
- e. Sonoma County continues to experience a housing crisis. County residents who were primarily or secondarily displaced by the fires continue to need long-term housing units. County staff continue to receive frequent inquiries from investors interested in purchasing a lot within the burn area and developing a short-term vacation rental rather than a long-term residential unit. With the affected neighborhoods still struggling to rebuild, it is necessary to continue the ban on the establishment of new vacation rentals in the burn area.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Planning Commission 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 Tamura, who moved its adoption, seconded by Commissioner Davis, and adopted on roll call by the following vote:

Commissioner	Tamura	Aye
Commissioner	Shahhosseini	Absent
Commissioner	Mauritson	Aye
Commissioner	Davis	Aye
Commissioner	Fogg	Aye

Ayes: 4 Noes: 0 Absent: 1 Abstain: 0