



County of Sonoma
Permit & Resource Management Department

Sonoma County Planning Commission **STAFF REPORT**

FILE: ZCE19-0005
DATE: 05 September, 2019
TIME: At or after 2:20 pm
STAFF: Jane Riley, Project Planner

**BOARD OF SUPERVISORS HEARING
ON THE PROJECT WILL BE HELD AT A
LATER DATE AND WILL BE DULY NOTICED**

SUMMARY

OWNER:	Various
APPLICANT:	County of Sonoma
ADDRESS:	Countywide, all Supervisorial Districts
APNs:	Multiple
DESCRIPTION:	Extension of applicable portions of Chapter 40 (Sonoma Complex Fire Disaster Recovery) for two years, with edits
CEQA REVIEW:	The project has been analyzed under the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Staff has determined that the project is exempt under CEQA Guidelines §15301, the maintenance, operation and/or permitting of existing facilities; and/or CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment.
GENERAL PLAN:	Various
LAND USE:	Various
ZONING:	Chapter 40 of the Sonoma County Code
ZONING ORD.:	Chapter 40 of the Sonoma County Code

RECOMMENDATION

Permit Sonoma recommends that the Planning Commission adopt the attached resolution recommending the extension of Chapter 40, with edits, for an additional two years until December 31, 2021.



EXECUTIVE SUMMARY

Following the October 2017 Sonoma Complex Fire, the Board of Supervisors adopted multiple urgency and long-term ordinances to assist recovery. These ordinances are contained within Chapter 40 of the Sonoma County Code, the Sonoma Complex Fire Disaster Recovery Chapter, which is set to expire on December 31, 2019 unless extended by the Board of Supervisors. Permit Sonoma recommends extending most provisions in Chapter 40 for an additional two years as incentives to facilitate recovery are still critical. The recommended modifications to the Chapter are outlined within this report and in the attached *Summary Table of Changes to Chapter 40*.

BACKGROUND

During the October 2017 Sonoma Complex Fire, the Board of Supervisors adopted Resolution 17-0389 (Attachment A) declaring a state of emergency and directing county staff to review and consider waivers to other regulations to further fire recovery and rebuilding. In the following weeks, the Board adopted multiple urgency and longer-term ordinances to assist recovery:

- Ordinance No 6210 on 10-24-17
- Ordinance No 6213 on 11-7-2017
- Ordinance No. 6215 on 12-12-17
- Ordinance No. 6248 on 10-23-18

Together, these ordinances formed a new Chapter 40 (Sonoma Complex Fire Disaster Recovery) within the Sonoma County Code. Chapter 40 expires on December 31, 2019, unless it is extended by the Board. Under state law, land use ordinances that will be considered by the Board must first be reviewed by the Planning Commission, with their recommendations to be considered by the Board.

The attached draft resolution includes the following amendments to Chapter 40:

1. Extend Chapter 40 recover provisions for an additional two years to facilitate the rebuild effort.
2. Discontinue provisions allowing Recreational Vehicles as interim housing outside of burn areas, but continue allowing interim RVs housing in burn areas.
3. Prohibit new short-term rentals within the burn area.
4. Remove Chapter 40 provisions that have been completed or no longer serve a function.

Each of these amendments are discussed in detail below and summarized in Attachment 1 to this report.

1. **Extend Recovery Provisions.** To date, 12.8% of homes lost in the Sonoma Complex Fire have been rebuilt and completed; another 45% have approved rebuild plans with permits issued; and 6.8% are in the plan review process. The remaining 36% may be rebuilt, sold, or left vacant.

While the rate of rebuilding within the 2 year time frame is high compared to state and federal averages, some property owners have chosen not to rebuild and have sold their lots (8% as of December



2018, according to the Press Democrat: <https://www.pressdemocrat.com/multimedia/9162508-181/map-database-burnt-empty>). Many have left the area (Sonoma County suffered a population loss of 3,300 after the fires, according to Census data reported by the Press Democrat in April 2019: <https://www.pressdemocrat.com/news/9524192-181/sonoma-county-lost-3300-people>) and still others have not yet decided whether they will stay and rebuild (<https://www.northbaybusinessjournal.com/northbay/sonomacounty/9220907-181/sonoma-santa-rosa-wildfire-rebuild-construction>).

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.

Despite the California Insurance Commissioner's request that North Bay insurers extend a third year of monthly temporary home rental coverage to wildfire survivors that have yet to rebuild their homes, some insurers will end their coverage October, 2019. This lapse in insurance coverage for alternate housing leaves fire survivors without insurance money to cover their rental housing needed until their rebuild is complete. <https://www.pressdemocrat.com/news/9688346-181/north-bay-fire-survivors-race?sba=AAS>

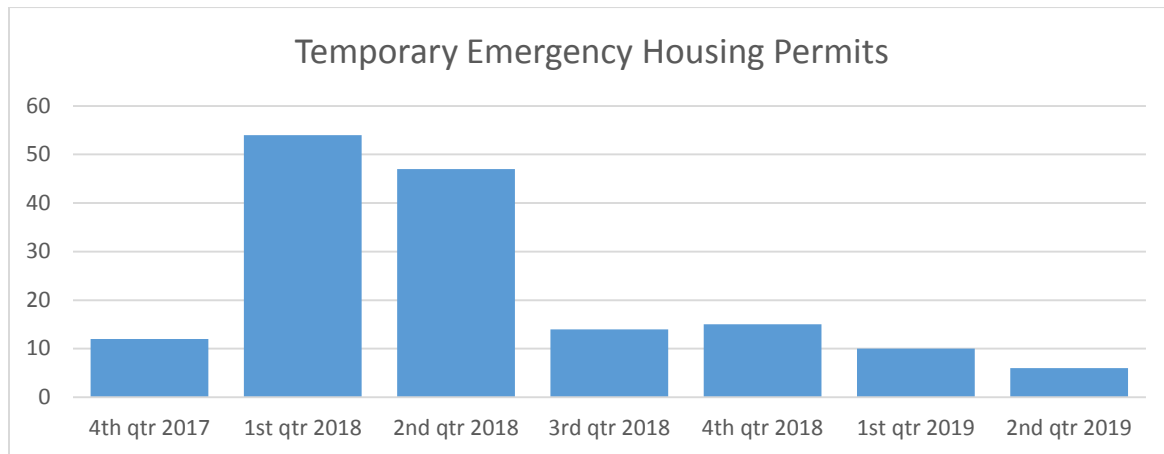
Secondary housing displacement has exacerbated the need for Chapter 40 provisions. The recovery provisions of Chapter 40 apply to displaced persons who suffered a direct loss of their home in the 2017 fires. While the initial displacement from the fires continues to be an important factor because of the delays in rebuilding, continued or secondary displacement has become an additional factor. The diagram below illustrates how market demand for housing following a disaster results in the secondary displacement of residents. Changes to Chapter 40 are proposed to ensure that persons secondarily displaced have access to interim housing solutions.



- 2. Residential Use of Recreational Vehicles (RVs) and Manufactured Homes.** Chapter 40 includes limited allowances for the residential use of RVs and manufactured homes as interim housing. These provisions have been well utilized, with 158 permits issued for the placement of RVs and manufactured homes as interim housing. This allows fire survivors to remain on their home sites during the rebuild process, or while they resolve housing post-fire. Some permitting occurred outside of the burn area because certain sites required cleanup before occupancy could safely occur. The majority of RV permits have been

issued within the burn area. Because all fire-affected parcels have been cleared, placement outside of the burn area no longer appears necessary and is not recommended.

While the vast majority of RV permits were issued in the 8 months after the fires, Permit Sonoma has continued to issue permits at a reduced level in 2019. With FEMA payments for replacement housing ending in October, the Department anticipates an increase in demand for RV permits this Fall. Staff recommends preserving the interim RV housing provisions in Chapter 40 within burn areas.



3. **Prohibition on New Vacation Rentals.** Chapter 40 includes provisions to restrict short term vacation rental. Immediately following the fires, the Board of Supervisors adopted an urgency measure prohibiting new vacation rentals county-wide in order to make more housing available to fire survivors. In their review of this action on January 23rd of 2018, the Board chose to not extend the countywide prohibition because so many existing vacation rental owners had leased their properties to fire survivors. Instead, on October 23, 2018 the Board adopted a ban on new vacation rentals within the burn area only to prevent the loss of residential lands to visitor-serving uses, as outlined in the General Plan Housing Element. The measure was also crafted to reduce the likelihood of speculative development focusing on visitor-oriented housing.

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. Permit Sonoma staff continue to receive frequent inquiries from non-local 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, staff recommends continuing the ban on new vacation rentals in the burn area. Hosted rentals continue to be allowed, and investors may still purchase lots to build as residences or as long-term rentals until expiration of the ban. Existing, permitted vacation rentals that were lost to the fires are permitted to rebuild and operate as vacation rentals as long as they are not sold or enlarged.

4. **Chapter 40 provisions no longer needed.** As outlined in the Summary Table of Chapter 40 Changes, there are multiple provisions within Chapter 40 that were short-term and are no longer needed. For example, provisions to allow affected schools and day care centers to temporarily relocate to industrial buildings can be discontinued because the necessary relocations have been completed. Other

provisions, such as allowances for the placement of FEMA trailers, are no longer necessary because all temporary FEMA housing units have been placed. A summary table of all proposed changes to Chapter 40 is provided in Attachment 1.

RECOMMENDATION

The Permit Sonoma recommends that the Planning Commission adopt the attached resolution recommending the extension of Chapter 40, with amendments, for an additional two years until December 31, 2021.

ATTACHMENTS

- Attachment 1 - Summary Table of Changes to Chapter 40
- Attachment 2 - Draft Planning Commission Resolution
- Attachment 3 – Ordinance Text – Chapter 40 with changes in redline
- Attachment 4 - BOS Reso 17-0389
- Attachment 5 - Ordinance No. 6210
- Attachment 6 - Ordinance No. 6213
- Attachment 7 - Ordinance No. 6215
- Attachment 8 - Ordinance No. 6248