

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING CHAPTER 26 (ZONING ORDINANCE) OF THE SONOMA COUNTY CODE TO ESTABLISH PROCEDURES FOR DEVELOPMENT AGREEMENTS.

Whereas, California Government Code Sections 65864 – 65869.5 authorize the County to enter into Development Agreements and establishes that the County is required to adopt procedures and provisions governing Development Agreements at the request of a developer; and

Whereas, Government Code Section 65867.5 provides that individual Development Agreements are legislative acts subject to referendum; and

Whereas, Government Code Section 65867.5 also provides that individual Development Agreements are recorded following their adoption by ordinance upon the Board of Supervisors making certain findings, including substantial consistency with the General Plan and any Specific Plan; and

Whereas, the County of Sonoma recognizes that the county is experiencing an acute housing crisis and that Development Agreements can help support affordable housing projects, among other projects, by providing predictability and certainty on entitlements for a prescribed period of time where that certainty is provided in exchange for public benefits; and

Whereas, the Board of Supervisors desires to amend the Sonoma County Code, Chapter 26 (Zoning Code), to establish Section 26-100 to provide procedures and requirements for the consideration of Development Agreements so that the County is prepared for requests for agreements in the future; and

Whereas, the proposed Zoning Ordinance Amendment to add provisions governing Development Agreements is exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, Title 14, §15061(b)(3), which exempts activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment; and

Whereas, in accordance with applicable provisions of law, the Planning Commission held a public hearing on December 5, 2019, at which time the Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed legislation. All interested persons were given an opportunity to hear and be heard regarding the proposal; and

Whereas the Sonoma County Board of Supervisors held a duly noticed public hearing on February 25, 2020 to consider the proposed Zoning Ordinance Amendment governing Development Agreements.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Findings. The Board finds and declares the following:

1. The proposed Zoning Ordinance Amendment is consistent with the County's obligations under California Government Code Sections 65864 – 65869.5 which establish the requirements for Development Agreements.
2. The proposed Zoning Ordinance Amendment is consistent with the Sonoma County General Plan, Area Plans, and any Specific Plan because it requires the Board of Supervisors, when approving a Development Agreement, to make findings demonstrating the Development Agreement is consistent with the provisions of these regulatory documents.

Section II. Sonoma County Code Section 26-100 is added to read as set forth in Exhibit A.

Section III. **Environmental Determination.** The Board of Supervisors hereby finds and declares that the project is exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, Title 14, §15061(b)(3), which exempts activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment. The proposed project adopts an Ordinance regulating the procedures and standards to review and consider a development agreement, and does not in itself propose a physical project or agreement for consideration.

Section IV. **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section V. **Effective Date.** This Ordinance shall be effective thirty (30) days after the date of passage and shall be published once within fifteen (15) days of passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session, the Board of Supervisors of the County of Sonoma passed and adopted this Ordinance on the 25th day of February 2020 on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Zane: Gore: Hopkins: Rabbitt:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors