

ORDINANCE NO. (XXXX)

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING CHAPTER 40C, LNU LIGHTNING COMPLEX DISASTER RECOVERY, TO THE SONOMA COUNTY CODE

URGENCY ORDINANCE: 4/5 VOTE REQUIRED

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

Section I. Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property within the County were caused by multiple fast-moving wildfires that commenced on the 17th day of August, 2020. These fires are part of a larger complex of fires in multiple counties that are collectively referred to as the LNU Lightning Complex.
2. California Government Code section 8630 and Sonoma County Code section 10-5 empower the Director of Emergency Services to proclaim the existence of a local emergency when the county is affected or likely to be affected by conditions of extreme peril, subject to ratification by the Board of Supervisors at the earliest practicable time.
3. On August 18, 2020, the Director of Emergency Services for the County of Sonoma issued a proclamation of a local emergency for the county related to the LNU Lightning Complex Fires and related events that were underway and anticipated.
4. On August 19, 2020, the Governor of the State of California proclaimed a State of Emergency for Sonoma County due to the LNU Lightning Complex Fires and related events.
5. On August 21, 2020, the Board of Supervisors adopted Resolution No. 2020-0877 ratifying the Director of Emergency Services' proclamation of the existence of a local emergency and requesting that the Governor of the State of California make additional assistance available, including but not limited to California Disaster Act assistance.
6. As of September 10, 2020, the LNU Lightning Complex Fire burned over 57,569 acres in Sonoma County and destroyed an estimated 298 structures, including approximately 158 residential structures and one infrastructure structure. An

additional estimated 30 structures were damaged, including about 10 residential structures.

7. Sonoma County is experiencing a housing crisis. Prior to the LNU Lightning Complex Fire, there was a severe lack of rental housing in the county, particularly rental housing that is affordable to lower- and moderate income residents. The County is still recovering from the October 2017 Sonoma Complex Fires and the 2019 Kincade Fire, which combined destroyed approximately 5,500 homes in the county and exacerbated the already acute housing shortage. The COVID-19 pandemic has increased housing insecurity, especially among those lower- and moderate-income residents who were already housing cost burdened, and has also pushed the median home sale price in Sonoma County to a record high level. As a result, the county's housing supply has little capacity to meet the immediate additional housing needs of residents displaced by the LNU Lightning Complex Fires.
8. It is essential that this ordinance be implemented immediately to expedite the transition of displaced residents to interim and long term shelter, and to mitigate the effects of the LNU Lightning Complex Fires on the county's existing housing crisis.

Section II. Chapter 40C, entitled LNU Lightning Complex Disaster Recovery, is hereby added to the Sonoma County Code as set forth in Exhibit A attached hereto.

Section III. Adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(b)(3) and CEQA Guidelines section 15269(a), exempting projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act (Gov. Code sec. 8550 et seq.); and Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), exempting specific actions necessary to prevent or mitigate an emergency.

Section IV. 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. This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. A fair and accurate summary of this ordinance shall be published once before the expiration of fifteen (15) days after said 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. Pursuant to Government Code section 25124, a complete copy of Exhibit "A" to this ordinance is on file with the Clerk of the Board of Supervisors and is

available for public inspection and copying during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and passed on the 15th day of September, 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