



Legislation Text

File #: 2020-0398, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma; County Counsel

Staff Name and Phone Number: Jane Riley, (707) 565-7388

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Urgency Ordinance--Chapter 40B Sonoma County COVID-19 Recovery

Recommended Action:

Hold public hearing. After close of public hearing, find the proposed ordinance exempt from CEQA and adopt the proposed urgency ordinance. (4/5 vote required)

Executive Summary:

The proposed urgency ordinance would grant an automatic one-year extension to the current expiration dates of most land use permits and approvals, such as use permits and tentative maps, which were approved between December 12, 2017 and March 4, 2020. Your Board previously adopted a similar extension in Sonoma County Code Chapter 40 (Sonoma Complex Fire Disaster Recovery), which extended the expiration dates of land use permits approved between December 12, 2015 and December 12, 2017. The proposed ordinance would also toll the termination of legal nonconforming uses during the period of the Shelter In Place Orders, plus 60 days. Staff recommends adoption of the proposed ordinance to address delays and disruptions to existing development projects caused by the COVID-19 pandemic, and to ensure that existing permits and entitlements do not needlessly expire for reasons beyond the control of permittees. This ordinance requires a 4/5 vote to adopt.

Discussion:

The COVID-19 pandemic and the necessary Shelter In Place Orders of the Health Officer have affected most aspects of daily life in Sonoma County, and the pandemic is expected to cause significant ongoing disruption to the economy at the local, state, and national levels. County residents and businesses are still suffering from the effects of repeated disasters over a less than three-year period: the Sonoma Complex Fire in October 2017, the flood emergency in early 2019, and the Kincade Fire in late 2019. Staff recommends adoption of the proposed urgency ordinance before your Board today to give already approved development projects additional time to complete construction before approvals expire, and to toll the expiration of legal nonconforming uses for a limited period.

Since late 2017, your Board has adopted several urgency ordinances to address immediate needs following disasters. In response to the Sonoma Complex Fires in 2017, your Board added Chapter 40 to the Sonoma County Code to address urgent housing and economic needs. Among other things, Chapter 40 extended the expiration dates of existing land use permits and approvals that were granted between December 12, 2015

and December 12, 2017. In October 2019, your Board amended Chapter 40 to provide an additional one-year extension to permits and entitlements approved between December 12, 2015 and December 12, 2017. The urgency ordinance before your Board today would provide a similar benefit to development permits approved after December 12, 2017, the last date covered by the extension of Chapter 40. While the COVID-19 pandemic is a different type of emergency from the wildfire addressed by Chapter 40, it is similar in that it has caused construction delays and is causing substantial disruption to the local economy, hampering the ability of already approved development projects to move forward predictably and on schedule.

Today's proposed urgency ordinance would add a new Chapter 40B to the County Code, and features two provisions:

- **Extension of permit expiration dates.** Chapter 40 provided additional time for approved development projects, including housing projects, to begin construction before their entitlements expired. However, the Chapter 40 extension applies only to projects that were approved and valid as of December 12, 2017. Additional projects have been entitled since that time, and several are set to expire in the near future. Because of the temporary halt to construction activity, the general economic uncertainty caused by the pandemic and associated potential financing difficulty for some projects, immediate action is needed to extend permit expiration dates and provide some level of stability to already approved projects. Businesses, developers and individuals must be able to rely on their approved use permits, tentative maps, design approvals and the like to obtain building permits. Extending land use approvals stimulates the economy by allowing lenders to lock in interest rates, banks to issue loans, contractors and subcontractors to commit to jobs, and supplies and materials to be committed to the projects. An extension is also recommended because of the expected tenuous nature of development as the county recovers from the pandemic.
- **Tolling of termination period for legal nonconforming uses.** For similar reasons, the proposed ordinance also includes a provision tolling the one-year termination period for legal nonconforming uses for the period of the Shelter In Place Orders, plus 60 days.

Permit Sonoma anticipates bringing forward additional stimulus measures and economic incentives as soon as legally possible

Prior Board Actions:

Ratification of Emergency Declaration

FISCAL SUMMARY

Narrative Explanation of Fiscal Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

Attachment 1: Ordinance Adopting Chapter 40B COVID-19 Disaster Recovery

Attachment 2: Exhibit A: Text of Chapter 40B

Related Items “On File” with the Clerk of the Board:

None