



County of Sonoma

State of California

Date: December 3, 2024

Item Number: _____

Resolution Number: _____

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Decertifying the Sonoma Developmental Center Specific Plan Environmental Impact Report,
Setting Aside the Sonoma Developmental Center Specific Plan and Associated General Plan
and Zoning Code Amendments, and Abandoning the Sonoma Developmental Center Specific
Plan Planning Initiative**

Whereas, the Sonoma Developmental Center site (the Property) consists of a developed campus covering approximately 180 acres and approximately 765 acres of agriculture, recreation, and ecologically valuable natural areas adjacent to the Sonoma Valley Regional Park and the Jack London State Historic Park; and

Whereas, in 2018, the State of California officially closed the Sonoma Developmental Center facility. Thereafter, in 2019, the California State Legislature enacted Government Code Section 14670.10.5 (SDC special legislation), outlining the State's goals and objectives for the ultimate disposition of the Property and authorizing the Director of the State Department of General Services (DGS) to enter into an agreement with Sonoma County to lead an environmental review and planning process, resulting in the preparation of an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA) and the development of the proposed Sonoma Developmental Center Specific Plan (SDC Specific Plan) as well as corresponding amendments to the County's General Plan and zoning ordinance (collectively, the Project); and

Whereas, the Planning Commission held a public hearing on the Project on October 27, 2022, and continued deliberations on November 3rd, 4th, and 7th, 2022, and on November 7, 2022, adopted Resolutions Nos. 20-06 and 20-08 recommending that the Board of Supervisors certify the EIR and approve the Project; and

Whereas, the Board of Supervisors held a public hearing on December 16, 2022, after which the Board of Supervisors adopted Resolution No. 22-0555 certifying the Final EIR and adopting findings pursuant to CEQA and statements of overriding consideration, Resolution No. 22-0556 amending the General Plan, adopting the SDC Specific Plan, and approving zoning code

and map amendments, and Ordinance No. 6400 amending the zoning code; and

Whereas, on January 18, 2023, a lawsuit challenging the Project and EIR was filed against the County and DGS as real party in interest alleging noncompliance with CEQA (*Sonoma Community Advocates for a Livable Environment (SCALE) v. County of Sonoma*, Case No. SCV-272539); and

Whereas, following briefing on the merits and after a hearing and argument of counsel on April 26, 2024, the Court confirmed its tentative ruling that the County did not comply with CEQA. The court issued its final judgment, notice of which was served on the County on October 23, 2024, and issued a writ of mandamus on October 22, 2024; and

Whereas, the writ requires the County to void certification of the EIR and set aside all related project approvals within 90 days of service of the writ; and

Whereas, on or around August 21, 2023, a preliminary application was submitted under Government Code section 65941.1 for a major subdivision and housing development project within the core campus of the Property, at which time the County did not have a substantially compliant housing element; and

Whereas, under Government Code section 65589.5, subdivision (d)(5), often referred to as the builder's remedy, a local jurisdiction that does not have a substantially compliant housing element cannot deny, reduce the density of, or render infeasible a housing development project, including a project with at least 20% lower income affordable units, on the basis that it is inconsistent with the general plan, a specific plan, or zoning; and

Whereas, a housing development project that submits a preliminary application is only subject to the ordinances, policies, and standards in effect at the time the preliminary application was submitted (Cal. Gov. Code § 65589.5(o)(1)); and

Whereas, the pending major subdivision and housing development project applications, provided they qualify under the builder's remedy, could not be denied, reduced, or rendered infeasible based on inconsistency with the SDC Specific Plan and would not be subject to a revised specific plan adopted after the preliminary application was submitted;

Whereas, ongoing litigation related to the Project is not in the best interest of the County nor does it further the policy goals of the SDC special legislation and thus the Board of Supervisors desires to decertify the EIR and rescind all Project approvals; and

Now, Therefore, Be It Resolved that the Board of Supervisors of the County of Sonoma as follows:

1. Resolution No. 22-0555 is hereby repealed and the EIR is decertified.
2. Resolution No. 22-0556 is hereby repealed and approvals of the SDC Specific Plan and related General Plan and zoning amendments are set aside.

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3. The County-initiated legislative planning effort for the Sonoma Developmental Center is hereby abandoned.

Be It Further Resolved that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, California 95403.

Supervisors:

Gorin:

Coursey:

Gore:

Hopkins:

Rabbitt:

Ayes:

Noes:

Absent:

Abstain:

So Ordered.