



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 12/3/2024

To: Board of Supervisors

Department or Agency Name(s): Permit Sonoma

Staff Name and Phone Number: Tennis Wick (707) 565-1925, Eric Gage (707) 565-1391

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

10:00 A.M. Housing Element Implementation - General Plan Consistency

Recommended Action:

Conduct a public hearing. After closing the public hearing, adopt a resolution (Attachment 1 and its Exhibit A) approving amendments to the Sonoma County General Plan Introduction, Land Use Element and Glossary, for internal consistency across the General Plan following prior certification of the County's Housing Element. Permit Sonoma File No. GPA24-0007.

Executive Summary:

The General Plan Housing Element is a detailed statement of housing goals, objectives, policies, and programs for the unincorporated areas of Sonoma County. The Element is one of the mandated elements of the General Plan and must be updated on a set schedule. The Housing Element was adopted by the County Board of Supervisors on August 22, 2023, and certified by the California Department of Housing and Community Development (HCD) on October 26, 2023. The Housing Element contains an inventory of sites for development of affordable housing during the 8-year cycle, an action plan of programs to implement during the cycle, and analysis to comply with state mandates to Affirmatively Further Fair Housing (AFFH).

Although the Housing Element is adopted by the Board on the state's mandated eight-year update schedule, the portion of the Housing Element referred to as the Housing Action Plan contains implementation programs that span the eight-year period. Some of the programs are ongoing during the entire cycle and others have deadlines to be completed before the end of the cycle. Several programs require changes to County policy documents that must be approved through a public hearing process. The first implementation program approved by the Board of Supervisors on December 5, 2023 was a suite of zoning code text updates, and revisions to parcel zoning and General Plan Land Use for additional housing inventory sites. The proposed revisions to the General Plan text are the second implementation program to advance to review and approval by the Board of Supervisors.

In general, state law requires General Plans to be internally consistent and compatible. However, in part because of the strict schedule for updates, and technical requirements for housing elements, state law and the courts recognize that adoption of a housing element may create internal inconsistency within a General Plan, and allows temporary inconsistency provided that the Housing Element includes a program and timeline for achieving consistency after adoption. Adoption of Sonoma County's Housing Element created some areas of

inconsistency within the General Plan. The Housing Element includes “Program 15k”, which requires that any General Plan text amendments needed for internal consistency be adopted by the end of 2024.

This item presents General Plan amendments identified for internal consistency among General Plan elements, pursuant to Program 15k, including amendments to Land Use Element Objective LU-16.1 and Policies LU-1a, LU-6b, LU-15a, LU-15b, LU-16g, LU-16h, LU-16p, and LU-20b; the Introduction; and the Glossary. On October 17, the Planning Commission held a public hearing to consider these amendments, and adopted a resolution recommending that the Board of Supervisors approve the General Plan amendments as proposed.

Discussion:

California Government Code Section 65300.5 requires all elements of the General Plan to comprise an “integrated, internally consistent, and compatible statement” of County policies. Adoption of the County’s current Housing Element created some actual and potential inconsistencies within the General Plan—especially the Land Use Element—in part because of the need to identify and rezone adequate sites to meet the County’s Regional Housing Need Allocation (RHNA), and also because maintaining a legally compliant Housing Element requires ongoing compliance with state housing laws, which have changed dramatically since the County’s General Plan was last updated in 2008.

Unlike other state-required topics (“elements”) of the General Plan, the Housing Element has a mandatory eight-year update schedule and highly technical content requirements. Accordingly, State Housing Element Law recognizes that adoption of a Housing Element may create internal inconsistency within a General Plan, and allows for a Housing Element to be adopted even if it creates temporary inconsistency provided that those inconsistencies are resolved as a planned implementation action with a reasonable timeline. Pursuant to Government Code Section 65583(c)(8), the adopted County Housing Element includes “Program 15k”, which provides that the County will “adopt any text amendments to the General Plan that are needed to ensure consistency with the Housing Element not later than December 2024.” This item implements Housing Element Program 15k and includes text amendments to the General Plan Land Use Element, Introduction and Glossary to address inconsistencies with the Housing Element. The proposed amendments do not change the permitted uses, density or intensity of use of any parcel.

The General Plan policies that must be updated to restore consistency with the Housing Element are contained in the General Plan Introduction (Section 1.3), the Land Use Element, and the Glossary. Attachment 1, Exhibit A outlines the proposed amendments in strikethrough and underline to show the proposed deleted and new text.

The following summarizes the amendments:

In the **Introduction of the General Plan** (Section 1.3 Purpose of the Plan), amendments are proposed to provide clarity regarding the County’s intent and authority in making General Plan future consistency determinations for new housing projects. Proposed new text includes, in part, the following:

“Each policy of the plan shall be interpreted and applied in compliance with applicable governing law. For instance, policies in the Land Use Element and Circulation and Transit Element that describe or provide for discretionary review of development projects, are understood to apply

only to the extent that applicable law allows the County to use its own judgment in reviewing and conditioning approval of a development project.”

The entire proposed amendment to the Introduction (Section 1.3) is included in Exhibit A to the proposed Resolution (Attachment 1). The amendments do not give the County new or additional authority or latitude when making consistency determinations, and are intended to provide guidance and clarity for future consistency determinations.

The **Land Use Element** is the General Plan Element that provides for the distribution, location and extent of uses of land for housing, business, industry, open space, agriculture, and other uses. In the **Land Use Element**, the following amendments are proposed below. See Planning Commission Resolution Exhibit A for additional analysis.

Policy LU-1a pertains to the County’s adopted Specific and Area Plans. Specific and Area Plans may have more detailed policies than the General Plan, and may not have policies in conflict with the General Plan Elements including the Housing Element. The proposed text revisions clarify the existing legal framework in which the General Plan governs if there is a conflict between the General Plan and other local Plans.

Policy LU-6b refers to the consideration of site-specific environmental factors external to the project-specific CEQA process that may impact health and safety. The proposed amendment would eliminate this policy’s conflicts with “use by right” zoning for Housing Element Inventory sites. The Housing Element Environmental Impact Report Project Description, Section 2.6.4 (Zoning and General Plan Amendments), states that “‘by right’ use means that no discretionary land use approvals and no CEQA review would be required for an application for zoning-consistent multi-family development.” By-right projects on Housing Element Rezone Sites would be required to comply with applicable objective design standards in effect when a development application or qualifying pre-application is submitted, including any objective design-related standards in the General Plan, the Zoning Code and the Subdivision Ordinance (Chapters 26 and 25 of the County Code, respectively).

Policies LU-15a and LU-15b regulate new development in the unincorporated community of Forestville, intended to keep new development compatible with existing facilities, services, and community character. The proposed revisions would eliminate this policy’s conflicts with “use by right” zoning for Housing Element Inventory sites.

Objective LU-16.1 and Policies LU-16g, LU-16h, LU-16p describe restrictions on rezoning and development in the South Santa Rosa planning area prior to annexation into the City of Santa Rosa. The proposed revisions would eliminate this policy’s conflicts with “use by right” zoning for Housing Element Inventory sites. The revisions provide the County with additional flexibility to rezone sites for housing in the Housing Element, and do not alter the standard annexation proceedings. There is no substantive change to land use policy or procedure as a result of the proposed amendments.

Policy LU-20b encourages annexation to the City of Sonoma prior to new urban development in the City of Sonoma’s sphere of influence. The proposed revisions are necessary since they are fundamentally inconsistent and incompatible with State law and the policies of the Housing Element for Housing Element Rezone Sites, that must be a use by right. The revisions provide the County with additional flexibility to rezone sites for housing in the Housing Element, and do not alter the standard annexation proceedings. There is no

substantive change to land use policy or procedure as a result of the proposed amendments.

A definition for the term “Housing Element Rezone Site” is proposed to be added to the **General Plan Glossary** for ease of reference to sites rezoned and identified in the Housing Element Site Inventory as an adequate site for lower-income housing units to accommodate the County’s Regional Housing Needs Allocation (RHNA) for lower-income households. The definition of Agricultural Employee Housing in the Glossary is also proposed to be updated to avoid potential conflict with the State Employee Housing Act, which provides that agricultural employee housing is an agricultural land use and shall be subject to the same permitting requirements as any other agricultural use.

Planning Commission Review

The Planning Commission held a public hearing on October 17, 2024 and reviewed the proposed text amendments to the General Plan. The Commission adopted a resolution recommending to the Board of Supervisors approval of the proposed amendments (Attachment 2). There were no public comments and no issues were identified in Commissioner discussion on the item before the Commission moved to recommend approval.

Environmental Review

On August 22, 2023, the Board of Supervisors certified the Final EIR for the Housing Element Update Project (the “Housing Element EIR”) environmental impact report that evaluated the potential environmental impacts of actions taken related to the adoption of the County’s 6th Cycle Housing Element (“EIR”) and adopted a Statement of Overriding Consideration for impacts that were identified as significant and unavoidable and could not be reduced to a less-than-significant level after applying mitigation measures.

The Housing Element EIR is a Program EIR, prepared consistent with California Environmental Quality Act Guidelines Section 15168, which describes Program EIRs as follows:

A Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in a chain of contemplated actions; (3) in connection with issuance of rules, regulations, plans, or other general criteria, to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. CEQA Guidelines, § 15168(a).

The Housing Element EIR analyzed broad policies and programs of the Housing Element and the potential impacts of future zoning-compliant development on sites proposed for rezoning to meet the County’s RHNA. As provided in Guidelines Section 15168(c), Program EIRs may be used for later activities contemplated in the Program EIR. CEQA Guidelines Section 15168(c)(2) provides that, for later activities in the program, if “the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.”

CEQA Guidelines Section 15162 states:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant

environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Permit Sonoma has determined that none of the three criteria listed above has occurred. There are no substantial changes proposed in the project as described in the Housing Element Update EIR; no substantial changes have occurred with respect to the circumstances under which the Housing Element implementation is undertaken; and there is no new information of substantial importance, which was not known and could not have been known at the time the EIR was certified.

Accordingly, based on CEQA Guidelines Sections 15162 and 15168, no further CEQA documentation is required.

Strategic Plan:

Not Applicable

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

[December 5, 2023 <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6437914&GUID=857F14EC-AFF9-4419-B098-F8A3691521E0&Options=&Search=>](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6437914&GUID=857F14EC-AFF9-4419-B098-F8A3691521E0&Options=&Search=>) - Board of Supervisors adopted Resolution 23-0579, Ordinances 6457 and 6458 as part of Housing Action Plan Implementation Round 1, amending the County Zoning Code text, and amending the General Plan Land Use and Official Zoning Database for new inventory sites.

[August 22, 2023 <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6318630&GUID=F5D1AA7F-A015-4A1B-BB05-697866F7AE02&Options=&Search=>](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6318630&GUID=F5D1AA7F-A015-4A1B-BB05-697866F7AE02&Options=&Search=>) - Board of Supervisors adopted the Housing Element via Resolutions 23-0428 and 23-0429, and Ordinances 6444 and 6445.

FISCAL SUMMARY

Not Applicable

Narrative Explanation of Fiscal Impacts:

Not Applicable

Narrative Explanation of Staffing Impacts (If Required):

Not Applicable

Attachments:

1. Board of Supervisors Resolution and Exhibit A

Agenda Date: 12/3/2024

2. Planning Commission Resolution 24-14 and Exhibit A
3. [General Plan 2020 Introduction <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan>](https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan)
4. [General Plan 2020 Land Use Element <https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/General-Plan-Land-Use-Element.pdf>](https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/General-Plan-Land-Use-Element.pdf)
5. [General Plan 2020 Glossary <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/glossary>](https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/glossary)
6. [General Plan Housing Element <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/housing>](https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan/organizationandoverview/housing)
7. Resolution 23-0429 Housing Element 2023-2031 Adoption
8. [Housing Element Final EIR <https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/Housing%20Element/Housing-Element-Update-Final->](https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/Housing%20Element/Housing-Element-Update-Final-)
9. PowerPoint Presentation

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

N/A