

Resolution Number 24-14

County of Sonoma
Santa Rosa, California

October 17, 2024
GPA24-0007 Eric Gage

RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA,
RECOMMENDING THAT THE BOARD OF SUPERVISORS
APPROVE AMENDMENTS TO THE SONOMA COUNTY
GENERAL PLAN TO IMPLEMENT HOUSING ELEMENT
PROGRAM 15K AND ADDRESS INTERNAL INCONSISTENCIES
CREATED BY ADOPTION OF THE 2023-2031 HOUSING
ELEMENT UPDATE PROJECT

WHEREAS, on August 22, 2023 the Board of Supervisors took the following actions as part of its adoption of the 2023-2031 Housing Element Update:

- a. Adopted Resolution No. 23-0248, certifying the Final Environmental Impact Report for the 2023-2031 Sonoma County Housing Element Update Project (the “Housing Element EIR” or EIR), making findings of fact pursuant to the California Environmental Quality Act (CEQA), adopting a statement of overriding considerations, and approving a mitigation monitoring and reporting program for the Housing Element Update Project; and
- b. Adopted Resolution No. 23-0249 amending the General Plan to repeal the 2015-2023 Housing Element, adopt the 2023-2031 Sonoma County Housing Element (Housing Element), and amend the General Plan Land Use Map to change the land use and density of certain parcels identified to be added to the Housing Element Site Inventory of adequate sites to accommodate the County’s 2023-2031 Regional Housing Need Allocation (“RHNA”) of 3,824 units, and particularly its RHNA for the lower-income and moderate-income levels; and
- c. Adopted Ordinances No. 6445, making corresponding zoning changes to parcels identified in Res. No. 23-0249 to accommodate the County’s RHNA, and No. 6444, amending Sonoma County Code Chapter 26 (Zoning) to correct errors and repeal provisions that conflicted with state housing laws; and

WHEREAS, on October 26, 2023, the State Department of Housing and Community Development (HCD) certified the Housing Element as in substantial compliance with State law; and

WHEREAS, on December 5, 2023, the Board took the following actions to implement Programs 4 and 15 of the County’s newly certified Housing Element:

- a. Adopted Resolution No. 23-1387 and Ordinance No. 6457, carrying out actions required under Housing Element Program 4, subprograms 4a and 4b. Together, these actions amended the General Plan land use and zoning of parcels identified in the Housing Element as additional sites to be rezoned to accommodate RHNA.
- b. Adopted Ordinance 6548 amending Sonoma County Code Chapter 26 (Zoning) to implement portions of Housing Element Program 15 and to adopt development standards for the rezoned parcels in Santa Rosa. Ordinance No. 6458 completed the actions required by Housing Element Subprogram 15b (Review and Update Zoning Code and General Plan), by amending the Zoning Regulations to ensure compliance with the State Density Bonus Law and other state laws related to transitional housing, supportive housing, group homes, residential community care facilities, low barrier navigation centers, emergency shelters, accessory dwelling units, and employee housing; and

WHEREAS, in its Resolution No. 23-0429, adopting the Housing Element and amending the General Plan Land Use Map to change land use and density for identified Housing Element inventory sites, the Board of Supervisors acknowledged that “adoption of the Housing Element and associated General Plan land use amendments will create some internal inconsistency within the General Plan, particularly with objectives and policies in the Land Use Element” based on population projections through 2020 and designed to avoid exceeding those projections. The Board further acknowledged that while adoption of the Housing Element will cause the buildout potential in the unincorporated County to exceed the projections in General Plan 2020, the County is nevertheless mandated under State law to plan for and provide adequate sites to accommodate its 3,826-unit RHNA for the 2023-2031 period; and

WHEREAS, the Board’s Resolution No. 23-0429 states that, “as provided in Government Code Section 65583(c)(8), the Housing Elements Law contemplates that adoption of a Housing Element may create internal inconsistency within the General Plan and requires that those inconsistencies be resolved during implementation” of the Housing Element; and

WHEREAS, Subprogram 15k of the adopted Housing Element requires that said General Plan consistency amendments be brought forward by December 2024; and

WHEREAS, Government Code Sections 65353 and 65354 require that before the Board of Supervisors adopts any amendment to the General Plan, the Planning Commission shall first review and make a recommendation on the proposed amendments; and

WHEREAS, pursuant to Government Code Section 65358, the County may normally amend mandatory elements of the General Plan up to four times per year, but each amendment may include multiple changes to the General Plan. The Land Use Element is a mandatory element. As of the date of this resolution, the County has not reached the limit for 2024; and

WHEREAS, notice of the Planning Commission's October 17, 2024 public hearing on the proposed General Plan Amendments was published in *The Press Democrat* on October 7, 2024 in compliance with Government Code Sections 65353 and 65090, the CEQA Guidelines, and the County Code; and

WHEREAS, on October 17, 2024, the Planning Commission held a duly noticed public hearing on the proposed General Plan Amendments, and considered all written and oral the General Plan Amendments;

NOW, THEREFORE, the Planning Commission finds and resolves as follows:

- A. The Planning Commission has had an opportunity to review this Resolution and its Exhibit, and finds that it accurately sets forth the intentions of the Commission regarding the Project.
- B. The proposed amendments to the General Plan text (listed as proposed amendments in the attached Exhibit A and incorporated herein by reference) are necessary to maintain consistency within the General Plan, implement the programs of the Housing Element, and ensure that the County maintains consistency with State housing and land use laws.
- C. The proposed General Plan amendments meet the Housing Element Program 15k purpose of addressing material inconsistencies created by adoption of the Housing Element Update. The amendments are consistent and compatible with the overall goals and intent of the General Plan. In particular, the Commission finds that the Housing Element is not materially incompatible or inconsistent with Goal LU-2 of the Land Use Element (*Accommodate the major share of future growth within the nine existing cities and their expansion areas and within selected unincorporated communities, which are planned to have adequate water and sewer capacities*). Goal LU-2 has two primary focuses: ensuring that population growth by the year 2020 did not exceed the General Plan's projections, and maintaining a pattern of city- and community-centered growth. The Housing Element Rezone Sites program advanced community-centered growth objectives, because all Rezoned Sites are located within existing community urban service areas. Moreover, the Housing Element does not directly conflict with or frustrate the population objectives under Goal LU-2 because they are geared to the year 2020, while the Housing Element cycle did not begin until 2023.
- D. The Commission is not the decision-making body for this project under the California Environmental Quality Act. However, based on the CEQA compliance analysis provided in the staff report for the October 17, 2024 hearing, it concurs with the determination that the proposed project is within the scope of the Housing Element EIR, consistent with CEQA Guidelines Section 15168. Consistent with Guidelines Section 15162, no substantial changes are 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. Therefore no further CEQA documentation is required.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the proposed amendments to the General Plan, as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary of the Planning Commission 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 Permit Sonoma, 2550 Ventura Avenue, Santa Rosa, CA 95403.

THE FOREGOING RESOLUTION was adopted by the Sonoma County Planning Commission on October 17, 2024, by the following vote:

Commissioner Freeman - Aye
Commissioner Reed - Aye
Commissioner Ocana - Absent
Commissioner Marquez - Absent
Commissioner McCaffery - Aye

Ayes: 3 Noes: 0 Absent: 2 Abstain: 0

WHEREUPON, the Chair declared the foregoing Resolution duly adopted; and

SO ORDERED.

EXHIBIT A

Draft General Plan Amendments
Housing Element Implementation—Program 15k

Text deletions are shown in strikethrough (~~strikethrough~~), and text additions are shown in underline.

Proposed Amendment	
INTRODUCTION¹	
<p>1.3 Purpose of the Plan</p> <p>Sonoma County General Plan 2020 (GP 2020) is a revision of the previous General Plan which was adopted in 1989, and supersedes and replaces that document. This plan carries forward the major goals and policy framework of the 1989 Plan, and retains the overall format. The primary purpose of the revised plan was to conduct a policy review which focused upon specific issues that were of paramount importance to the community.</p> <p>The broad purpose of GP 2020 is to express policies which will guide decisions on future growth, development, and conservation of resources through 2020 in a manner consistent with the goals and quality of life desired by the county's residents. Under State law <u>all subsidiary land use plans and codes, many actions on private land development, such as Specific Plans, Area Plans, and zoning, as well as development project approvals such as for subdivisions and use permits, public agency projects and other decisions must be consistent with the General Plan. The Goals, Objectives, and Policies set forth in the plan will be applied in a manner to insure their constitutionality. 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</u></p>	<p>These revisions are intended to provide clarity regarding General Plan consistency determinations following adoption of the Housing Element. It does not give the County new or additional authority or latitude when making consistency determinations.</p>

¹ General Plan Chapter 1. Introduction is available at <https://permitsonoma.org/longrangeplans/adoptedlong-rangeplans/generalplan>

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<p><u>project. This is true even if a policy that describes or otherwise relates to discretionary action does not expressly refer to discretionary projects.</u></p> <p><u>The County, in its sole discretion and to the extent allowed by law, shall determine a proposal’s consistency with the General Plan. In general, a proposal is consistent if, considering all its aspects, the proposal will further the overall objectives and policies of the General Plan and not obstruct their attainment. A proposal may be consistent with the overall objectives of the General Plan even if it is not consistent with every policy and objective. In making a consistency determination, the County may exercise discretion to weigh, balance and harmonize policies in a manner that it determines best achieves the County’s overall goals.</u></p>	
<p>LAND USE ELEMENT</p>	
<p>Policy LU-1a: This plan has relied extensively upon policies and designations set forth in previous Specific Plans and Area Plans. The County shall continue to use the following selected Specific Plans and Area Plans to implement this plan. A Specific or Area Plan may establish more detailed policies affecting proposed development, but may not include policies that are in conflict with the General Plan. In any case where <u>the County determines, in its discretion, that there appears to be a Specific or Area Plan conflicts with or is incompatible with conflict between the General Plan, the -and any Specific or Area Plan provision shall -not-, the more restrictive policy or standard shall apply.</u></p> <ul style="list-style-type: none"> (1) Airport/Industrial Specific Plan (2) South Santa Rosa Area Plan (3) Bennett Valley Area Plan (4) Sonoma Mountain Area Plan (5) West Petaluma Area Plan (6) Petaluma Dairy Belt Area Plan (7) Penngrove Area Plan (8) Franz Valley Area Plan 	<p>This amendment is intended to provide clarity about the function and purpose of the General Plan in relation to the Specific or Area Plans. The need for clarity has been highlighted by the newly adopted Housing Element. This amendment reflects the existing legal framework in which the General Plan prevails over any subsidiary land use plans and codes, including Specific Plans and Sonoma County’s Area Plans. (For instance, see Government Code Section 65454, providing that no specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.)</p>

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<p>The following plans shall be repealed, but development guidelines contained therein shall be reviewed and updated and considered for adoption as "Local Area Development Guidelines", provided that they are consistent with the General Plan. Until such a time that these guidelines are adopted, any policies contained in these plans shall continue to apply provided they are consistent with the General Plan:</p> <ul style="list-style-type: none"> (1) North Santa Rosa Plan (2) West Santa Rosa Plan (3) North Sonoma Valley Plan (4) South Sonoma Areas I and II (5) Lower River Plan (6) Hessel Plan (7) Russian River Plan (8) West Sebastopol Plan <p>The Sonoma County Local Coastal Plan is the policy document that guides land use and development in the Coastal Zone. The Local Coastal Plan is intended to be a standalone policy document that integrates the appropriate General Plan goals, objectives, and policies with those necessary to comply with the California Coastal Act.</p>	
<p>Policy LU-6b: Site specific environmental factors shall be considered in making <u>discretionary</u> decisions on development permits, <u>to the extent that the County has discretion to consider these factors in its review of a particular project.</u> Site specific factors which create health or safety problems or result in unmitigated significant environmental impacts may at times reduce densities that are allowed by the Land Use Map and zoning.</p>	<p>This policy is interpreted to refer to consideration of site-specific environmental factors, beyond or outside the CEQA process. For many housing development applications, including all zoning-compliant projects on Housing Element Rezone Sites (see proposed Glossary definition of "Housing Element Rezone Sites" below) the County is limited to reviewing the project only for compliance with applicable objective standards that do not involve the use of individual judgement.</p> <p>This policy is revised to eliminate conflicts with "use by right" zoning for Housing Element Inventory sites that</p>

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	<p>were rezoned to accommodate the County’s lower-income RHNA (“Housing Element Rezone Sites”) and for consistency with the Housing Element and State housing laws.</p>
<p>Policy LU-15a. Phase residential and commercial and discretionary residential development within the Forestville Urban Service Boundary to allow the community facilities and services adequate time to absorb new growth, and to maintain the community character. For any project of 10 or more housing units, require a precise development plan or master plan that specifies the maximum number of new residential units to be built per year.</p>	<p>This policy is revised for consistency with “use by right” zoning applicable to Housing Element Rezone Sites, and for consistency with the Housing Element and State housing law.</p>
<p>Policy LU-15b. Require design review for major subdivisions within the Forestville Urban Service Boundary, <u>to the extent that the County has discretionary authority to conduct design review. Only objective design standards shall be applied to</u> apply to zoning-compliant housing development on a Housing Element Rezone Site. When applicable, discretionary dDesign review approval shall assure that:</p> <ol style="list-style-type: none"> (1) Project scale and design is consistent with existing rural village character, (2) Project design gives priority to natural landscape over development, and preserves and enhances significant natural features, (3) The project retains open space amenities associated with a rural lifestyle, (4) The project provides for a variety of housing types and costs, (5) Where appropriate to the natural terrain, houses are clustered to maximize open space. To the extent allowed by law, require a long term scenic easement for the undeveloped portion of the property, and (6) The project includes pedestrian access connecting new homes with nearby commercial area. 	<p>This policy is revised for clarity. As discussed at several points in the published Draft and Final EIRs for the Housing Element, zoning-compliant multifamily development is a use “by right” on Housing Element Rezone Sites. For example, the Housing Element EIR 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). For purposes of this discussion, “Housing Element Rezone Sites” includes the sites listed in Table 15 (Rezoned Sites) of the Housing</p>

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	<p>Element Site Inventory² that were rezoned as part of Housing Element adoption; sites listed in Table 16 of the Site Inventory³ that were rezoned in December 2023 and remain in County jurisdiction; and any additional sites that may need to be rezoned in the future to maintain sufficient sites in the inventory to meet the County’s unmet RHNA, by income level.</p>
<p>Objective LU-16.1: Avoid urban development within the Urban Service Boundary of Santa Rosa until annexation, except where allowed by <u>the General Plan, Specific or Area Plan as of 1986.</u></p>	<p>This objective is revised for clarity, consistent with the principles discussed above on the proposed amendments to Policy LU-1a. Note that the General Plan Glossary defines “Urban Development” as “development occurring within urban land use categories (urban residential, commercial, industrial and public/quasi public categories within Urban Service Areas).”</p>
<p>Policy LU-16g. Unless otherwise provided in <u>the General Plan, or in existing Specific or Area Plans to the extent applicable pursuant to Policy LU-1a,</u> designate lands within the Santa Rosa Urban Service Area as "Rural Residential" in order to hold them for future annexation by the City. Maintain densities in these areas at the lower end of the range for this category.</p>	<p>This policy is revised to address potential conflicts between the General Plan and Area Plan land use designations.</p>
<p>Policy LU-16h: <u>Except as otherwise designated by the General Plan,</u> designate the Brooks-Ward area "Limited Industrial" to recognize the eventual urban development allowed in the South Santa Rosa Area Plan. Use zoning to prevent further subdivision and urban development until the conditions established in that plan for this development have been met. <u>Except as otherwise designated by the General Plan,</u> retain the land use designation "Light Industry/Planned</p>	<p>This policy is revised to address potential conflicts between the General Plan and Area Plan land use designations.</p>

² See Housing Element Appendix D, Table 15 (beginning on p. APP-359):

<https://permitsonoma.org/Microsites/Permit%20Sonoma/Documents/Long%20Range%20Plans/Housing%20Element/Sonoma-County-Certified-Housing-Element-Appendix-D-Housing-Sites-Adopted-2023-08-22.pdf>

³ See Housing Element Appendix D, Table 16 (p. APP-362), at the link above.

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<p>Residential" in the plan but amend it to authorize interim uses consistent with the new zoning, such as single family dwellings on existing lots, provided water, septic and other standard conditions are met.</p>	
<p>Policy LU-16p: <u>In general, significant Redevelopment and/or intensification of existing uses in the Santa Rosa Urban Service Area south of Todd Road is not desirable without the extension of sewer service. Development applications prior to annexation should generally be limited to uses that can be served by septic systems.</u></p>	<p>Housing Element Rezone Site SAN-9 is located on the south side of Todd Rd. No project could be developed at the required minimum density without connection to sewer service.</p>
<p>Policy LU-20b: <u>In general, encourage annexation by the city prior to urban development on parcels that are within the Sonoma Valley Sanitation District and within the city's primary Sphere of Influence. Require annexation for urban residential development in this area, except zoning-compliant development on a Housing Element Rezone Site. Parcels within the Sonoma Valley Redevelopment Area are exempt from these policies.</u></p>	<p>Housing Element Inventory Sites SON-1 through SON-4 are Housing Element Rezone Sites that were rezoned and added to the Site Inventory in August 2023, as part of the adoption of the Housing Element Update.</p> <p>This policy is revised because the second sentence of Policy LU-20b is fundamentally inconsistent and incompatible with State law and the policies of the Housing Element for Housing Element Rezone Sites, and with the adopted land use designation and zoning for the SON- sites. Multifamily development that complies with site density (20 du/ac) is a “use by right” on a Housing Element Rezone Site.</p>
<p>GLOSSARY</p>	
<p>Agricultural Employee Housing: <u>See Farmworker Housing. Also refers to employee housing as defined in California Health and Safety Code Section 17008 that is located on a parcel with an agricultural land use designation, and consistent with Health and Safety Code Section 17021.6.</u></p>	<p>This definition is revised to avoid potential for conflict with the State Employee Housing Act (Health and Safety Code §§ 17000 et seq.). Agricultural employee housing as provided here is defined as an agricultural land use subject only to the same requirements as any other agricultural use. Residential density is not applicable to these units because of this definition.</p>

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Comments and analysis

Housing Element Rezone Site. A parcel rezoned after January 31, 2023 and added to 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. See Tables 15 and 16 of the Housing Element Site Inventory as of December 5, 2023, and any later rezoned sites that meet these criteria.

This definition is added for ease of reference in the Land Use Element.