

Resolution Number 19-011

County of Sonoma
Santa Rosa, California

December 5, 2019
ORD19-0008

RESOLUTION OF THE PLANNING COMMISSION, COUNTY OF SONOMA,
STATE OF CALIFORNIA, RECOMMENDING ADOPTION OF AMENDMENTS
TO CHAPTER 26 OF THE SONOMA COUNTY CODE, TO ALLOW
DEVELOPMENT AGREEMENTS AND ESTABLISHING PROCEDURES

WHEREAS, In 1979, the State of California passed legislation enabling the use of Development Agreements to address the lack of certainty in the approval of development projects for developers, which can result in the escalation of the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would optimize efficient use of resources at the lowest cost to the public; and in recognition of the need to provide regulatory assurance to applicants while also providing local government with an opportunity to effectively address the lack of public facilities, including streets, sewerage, drinking water, school, and utility facilities that can be an impediment to development of new housing; and

WHEREAS, California Government Code Sections 65864 – 65869.5 authorizes the County to enter into Development Agreements and establish that the County is required to adopt procedures and provisions governing Development Agreements at the request of a developer; and

WHEREAS, the County does not currently have a procedure for processing Development Agreement applications; and

WHEREAS, Development Agreements as a planning tool provides flexibility in regulating development proposals to maximize public benefits; and

WHEREAS, the County recognizes that Development Agreements provide transparency and certainty for development, and enable the County to negotiate detailed community benefits in exchange for that certainty; and

WHEREAS, Development Agreements are a common planning tool throughout California and are incorporated into the land use regulations of several Sonoma County municipalities; and

WHEREAS, Sonoma County is in a housing crisis and creative solutions may be required to help facilitate housing development within the County's growth areas; and

WHEREAS, the Planning Commission recognizes that infill development is desirable but that this form of development presents major development challenges that could be more effectively addressed through the option of a Development Agreement; and

WHEREAS, in accordance with applicable provisions of law, the Planning Commission held a public hearings on December 5, 2019 , at which time the Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the proposed legislation. All interested

persons were given an opportunity to hear and be heard regarding the proposal; and

WHEREAS, Permit Sonoma staff analyzed the project pursuant to the California Environmental Quality Act (CEQA) and determined that adoption of an Ordinance is exempt from CEQA pursuant to Cal. Code Regulations, Title 14, §15061(b)(3) exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt an Ordinance to amend Chapter 26 of the County Code, Zoning Ordinance, as provided in Exhibit A to establish procedures for the review and approval of Development Agreements, pursuant to the following findings:

1. The proposed Zoning Ordinance Amendment is exempt from the California Environmental Quality Act pursuant to Cal. Code Regulations, Title 14, §15061(b)(3) exempting activities where it can be seen with certainty that there is no possibility that the activity may have an adverse effect on the environment.to Section 15061(b)(3).
2. The proposed Zoning Ordinance Amendment is consistent with the County's obligations under California Government Code Sections 65864 – 65869.5 which establishes the requirements for Development Agreements.
3. The Zoning Ordinance Amendment is consistent with the Sonoma County General Plan, Area Plans, and any Specific Plan because the proposed Ordinance requires that the preparation and execution of Development Agreements must be evaluated and found to be wholly consistent with the provisions of these regulatory documents at the time that the Development Agreement is negotiated.

BE IT FURTHER RESOLVED that the Planning Commission designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Planning Commission decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403. THE FOREGOING RESOLUTION was introduced by Commissioner Cook, who moved its adoption, seconded by Commissioner Mauritson, and adopted on roll call by the following vote:

Commissioner	Reed	Aye
Commissioner	Cook	Aye
Commissioner	Mauritson	Aye
Commissioner	Lowry	Aye
Commissioner	Carr	Aye

Ayes: 5 Noes: 0 Absent: 0 Abstain: 0

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

SO ORDERED.