



Sonoma County begins crafting its 'constitution for future land development'

Sonoma County General Plan is the official policy statement of the Sonoma County Board of Supervisors to guide the private and public development in the unincorporated area

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Sonoma County has begun the process of updating its General Plan, which was last updated in 2008. The General Plan is the most critical land use document in the unincorporated county because it is the foundation for land uses and land use approvals, identifies future growth and development over a 20-year time horizon, and identifies capital improvements needed to support the projected growth and development. The capital improvements identified in the General Plan are the foundation for development or impact fees, such as traffic, water, wastewater, and infrastructure-related fees.

Adopting a General Plan is a discretionary act that requires compliance with California's Environmental Quality Act, or CEQA. The CEQA study for a General Plan update is also a critical document because it studies the environmental impacts of the projected growth in the General Plan and is the foundation for CEQA compliance for later projects that are consistent with the General Plan. For example, the CEQA study for future development may rely on the General Plan's CEQA study. This could occur through tiering or a streamlining exemption. Anyone interested in the future of how land is used in the unincorporated county may want to observe or participate in Sonoma County's General Plan update process. Anyone who plans development or growth in the unincorporated county may rely on the CEQA study for the General Plan update to tailor CEQA studies for future development.

What is a General Plan?

Every city and county in California is required to have a General Plan and to update it every 20 years. This General Plan is the official policy statement of the Sonoma County Board of Supervisors to guide the private and public development in the unincorporated area. The General Plan directs land use, housing, and commercial enterprises to the incorporated jurisdictions and designates urbanized areas through the use of maps. The General Plan also contains goals and policies that affect future land uses and land use decisions. A General Plan is the top of the land use hierarchy, and courts have described General Plans as the “constitution for future land development”. A General Plan must be a comprehensive long-term plan, but it is also intended to be amended and evolve in response to development proposals. Subordinate land use regulations, such as specific plans and zoning ordinances, must be consistent with the General Plan.

What must be included in a General Plan?

A General Plan is divided into “elements”. Elements that must be included in the General Plan and are called “mandatory elements”. In the past, Sonoma County has chosen to include optional elements in its General Plan. The specificity of the discussion and analysis of each element in a General Plan should reflect local conditions and circumstances. The elements should be an integrated, internally consistent, and compatible statement of policies.

The mandatory elements of the General Plan are:

- **Land Use**
- **Circulation**
- **Housing**
- **Conservation**
- **Open Space**
- **Noise**
- **Safety**
- **Environmental Justice**

The purpose of the land-use element is to designate land use patterns - the general location and extent of land uses such as housing, business, industry, open space, natural resources, etc. A land use element must include population density standards and building intensity for areas covered by the plan, identify areas subject to flooding, include a timber production land use category, and consider the impact of new development on “military readiness activities” for specified military facilities. This element also establishes spheres of

influence, which are the physical boundaries and service areas of local agencies, including special districts like water or sanitation agencies.

The circulation element identifies existing and proposed major thoroughfares, transportation routes, terminals, military airports and ports, and other public utilities and facilities. As of 2008, the circulation element must include multi-modal transportation networks. After January 1, 2025, the circulation element must incorporate federal approaches to eliminate fatal and serious injuries to road users and develop bicycle, pedestrian, and traffic calming plans.

The housing element is unique among all the elements of the General Plan because it must be updated every five years. The housing element must identify adequate sites for all types of housing and land available for residential development and show how identified residential development sites will help the county meet its fair housing allocation. There are specific statutory requirements for housing elements that are not discussed in this article.

The conservation element says how the county will conserve, develop, and use its natural resources. This element must consider how the development in the General Plan will impact natural resources.

The open space element is required to further legislative policy findings that open space land is necessary for the state's economy, ensuring land for food and fiber production and enjoying scenic beauty and recreation.

The noise element must identify and appraise noise problems in the community. The noise element should also quantify current and projected noise levels from highways and freeways, arterial roads, major streets, railroad operations, commercial aviation, industrial plants, and other stationary noise sources.

The purpose of the safety element is to protect the community from the *unreasonable* risks associated with disasters and hazards, such as fires, floods, slope instability from landslides, and other hazards. The county must provide a draft of its safety element to the State Board of Forestry and every local agency that provides fire protection within the county at least 90 days before adopting its General Plan update. If the county rejects any recommendations from the Board of Forestry or local fire protection agency, the County must give written notice of the reasons for rejecting these recommendations. Because Sonoma County has lands within a State Responsibility Area and in the Very High Fire Hazard Severity Zone, the safety element must address fire risk.

Environmental justice policies may be contained in a specific element or integrated within other General Plan elements. The purpose of the environmental justice requirement is to identify objectives and policies to reduce risks in disadvantaged communities by reducing exposure to pollution, improving food access, safe and sanitary homes, and physical activity. Environmental justice policies should also promote civic engagement in the public decision-making process and identify objectives and policies that prioritize improvements and programs addressing the needs of disadvantaged communities.

Historically, Sonoma County has included the following optional elements:

- **Agricultural Resources**
- **Energy**
- **Water**

General Plan Consistency Findings

Sonoma County is required to make a specific finding that a discretionary land use approval is compatible with the objectives, policies, general land uses, and programs specified in its General Plan. This consistency requirement is not rigid conformance, but rather, a project must be “in harmony” with the overall General Plan policies. Generally, a court will make a deference to a county’s interpretation of its General Plan and how the county weighs and balances competing policies within the General Plan. With that said, all land use approvals must comply with specific, mandatory, and fundamental policies in the General Plan.

General Plan Update Process

State law has a specific process the county must follow when updating its General Plan. The first requirement is that the county’s Planning Commission consider and make a recommendation about the proposed update. The county is also required to hold at least one noticed public hearing. If the General Plan update affects permitted uses in a zoning district, or the intensity of uses of property, the county must mail notice of the hearing to affected property owners. The county must also allow other public agencies that may be affected by the contents of the General Plan to review the county’s General Plan update in specified circumstances. The Board of Supervisors can only approve the General Plan at a public hearing.

General Plan Amendments

Once adopted, the county may amend its General Plan four times a year. There is a specific exemption on the four amendment per year limit for affordable housing.

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