

EXHIBIT A

CEQA Findings of Fact

for

Sonoma County Housing Element Update

Pursuant to CEQA Sections 15091 and 15093
and Public Resources Code Section 21081

The Final Environmental Impact Report (Final EIR) prepared by the County of Sonoma (County) for the Sonoma County Housing Element Update (“the project”) consists of the Draft EIR and Response to Comments on the Draft EIR. The Final EIR identifies significant environmental impacts that will result from implementation of the project. The County finds that the inclusion of certain mitigation measures as part of project approval will reduce all but the following significant impacts to levels that are less than significant: aesthetics, cultural resources, greenhouse gas emissions, hazards and hazardous materials, transportation and traffic, utilities and service systems, and wildfire. No feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified but would not reduce impacts to a level of less than significant; these impacts will remain significant unavoidable impacts of the project. These impacts will be overridden due to specific considerations that are described within this document.

As required by the California Environmental Quality Act (CEQA), the County, in adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The County finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the County adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the County also finds that the Final EIR reflects the County’s independent judgment as the lead agency for the project.

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1 Introduction

The purpose of these findings is to satisfy the requirements of Sections 15091 and 15092 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Sonoma County Housing Element Update. A statement of overriding considerations, found at the end of this document, consistent with Section 15093 is adopted separately. The CEQA statute (Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Title 14, California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to Section 15090 of the State CEQA Guidelines. When a certified Final EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale for each identified significant impact (Section 15091 of the CEQA Guidelines).

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.

No findings are required for impacts that are less than significant and require no mitigation.

Section 15092 of the State CEQA Guidelines states that after consideration of a Final EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether to approve the project. A project that would result in a significant environmental impact can be approved only if the agency has eliminated or substantially lessened all significant effects on the environment where feasible.

Only when specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects, can a project with unmitigated significant impacts be approved. Section 15093 requires the lead agency to document and substantiate any such determination in a Statement of Overriding Considerations. A Statement of Overriding Considerations is being adopted separately from these findings.

2 Project Description and Objectives

2.1 Project Description

The proposed project would update Sonoma County's current Housing Element, including goals, objectives, policies, and implementing programs. The Housing Element Update would rezone 59 sites located in designated Urban Service Areas throughout unincorporated Sonoma County, listed in Table 2-1 of the EIR, for by-right, medium-density housing. In addition, 20 additional inventory sites would not be rezoned under implementation of the project. The project would also add these sites to the County's Housing Element site inventory to comply with new inventory requirements in Housing Element law. All Rezoning Sites near incorporated areas are within or adjacent to voter-approved Urban Growth Boundaries. Current designations of the sites include agricultural, residential, commercial, and industrial uses. The sites include both undeveloped and developed parcels. A full list of sites, their addresses, their corresponding zoning and land use designations can be found in Table 2-2 of Section 2.0, Project Description, of the EIR.

The project includes 1) an update to the Sonoma County Housing Element; (2) a General Plan Map amendment as necessary and, where applicable, area plan amendments to change land uses and allowable densities on identified sites; (3) rezoning of sites to match new General Plan land uses or densities, or to add the Workforce Housing (WH) Combining District; and (4) a Program EIR to evaluate the potential environmental impacts of the project. The project is intended to facilitate and encourage housing development that could be developed over an 8-year period, commencing in 2023 and ending in 2031.

2.2 Project Characteristics

The proposed project would identify sites to be added to the County's General Plan Housing Element site inventory to comply with State law. The project would implement existing General Plan Policies and Programs that require the County to identify urban sites near jobs and transit which may appropriately accommodate additional housing. The project would also identify appropriate sites on which to place the WH Combining District, which would allow the development of jobs and/or housing on the same site or within walking distance from one another. The WH Combining District is an overlay added to sites with non-residential base zoning to allow for housing to be built on sites containing or adjacent to jobs.

Rezoning Sites analyzed for rezoning to R2 (Medium-Density Residential), with a base density of 10 to 11 units per acre, were assumed to be rezoned to allow a density of 20 to 22 units per acre, respectively, which represents the maximum buildout potential utilizing the County's Rental Housing Opportunity Area program, which automatically doubles a site's density for projects that include at least 40 percent of units as affordable to lower income households. Sites analyzed for rezoning to add the WH Combining District were assumed to allow a density of 24 units per acre, the maximum allowed in the WH Combining District. If all 59 sites were chosen to move forward in the rezoning project studied under this Program EIR, project implementation could increase the housing availability in the County to accommodate up to 3,312 additional dwelling units and approximately 8,246 additional people. This buildout assumption includes the dwelling unit and population buildout potential of the 20 additional inventory sites that would not be rezoned under implementation of the project.

2.3 Project Objectives

1. Meet the State required RHNA for 6th Cycle Housing Element planning period of 2023-2031
2. Bring the General Plan into conformance with recently enacted State housing law
3. Identify housing policies and programs that enable the development of additional units and the preservation of existing units, that reduce governmental constraints to building housing, and that affirmatively further fair housing
4. Identify housing sites with a collective capacity to meet the County's RHNA, with buffer capacity
5. Encourage the development of higher-density housing in the County, increasing the overall availability of housing
6. Provide housing development opportunities throughout the urban areas of the Unincorporated County near jobs, transit, services, and schools
7. Implement existing goals, objectives, and policies of the Sonoma County General Plan that focus growth in established Urban Service Areas and encourage the development of infill sites to prevent sprawl and protect agricultural land and open space

3 Final Environmental Impact Report

The Final EIR consists of the Draft EIR, comments on the Draft EIR, and the responses to those comments including all appendices thereto. The Final EIR also includes the revisions made in response to comments on the Draft EIR and errata reflecting those text corrections made for purposes of clarity. The Final EIR is a single document; its contents supersede those of the Draft EIR on which it is based.

3.1 EIR Process

Based on the nature and scope of the Sonoma County Housing Element Update, State Clearinghouse No. 2022060323, the Sonoma County Board of Supervisors determined, based on substantial evidence, that the Sonoma County Housing Element Update may have a significant effect on the environment and prepared an EIR. The EIR was prepared, noticed, published, circulated, reviewed and completed in full compliance with the CEQA Public Resources Code Sections 21000 et seq. CEQA and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et. Seq.), as follows:

- **Notice of Preparation and Initial Study.** After deciding that an EIR is required, the lead agency (the County) must file a Notice of Preparation soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code [PRC] Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be accompanied by an Initial Study that identifies the issue areas for which the project could create significant environmental impacts. The County prepared an NOP of the Draft EIR for a 45-day agency and public review period commencing June 15, 2022. Public comment closed on July 30, 2022.
- **Draft EIR Prepared.** The Draft EIR must contain a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing, and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; h) discussion of irreversible changes, and i) any identified areas of controversy. The County prepared a Draft EIR and circulated the draft for public review for a 47-day comment period that began on December 28, 2022 and ended on February 13, 2023. A corresponding Notice of Availability (NOA) was published to provide notification when the Draft EIR became available for public review.
- **Notice of Completion.** The lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare an NOA. The lead agency must place the Notice of Completion in the County Clerk's office for 30 days (PRC Section 21092) and send a copy of the notice of completion to anyone requesting it (CEQA Guidelines Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following methods: a) publication in a newspaper of general circulation; b) physical signage posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public and respond in writing to all comments received (PRC Sections 21104 and 21253). An NOC was prepared and submitted to the State Clearinghouse with the Draft EIR on December 28, 2022.
- **Final EIR.** A Final EIR must include a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments. The County

prepared a Final EIR, which was published and submitted to the State Clearinghouse on June 30, 2023.

- **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (CEQA Guidelines Section 15090).
- **Lead Agency Project Decision.** The lead agency may a) disapprove the project because of its significant environmental effects; b) require changes to the project to reduce or avoid significant environmental effects; or c) approve the project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines sections 15042 and 15043).
- **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead agency must find, based on substantial evidence, that a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
- **Mitigation Monitoring Reporting Program.** When the lead agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures adopted or made conditions of project approval to mitigate significant effects.
- **Notice of Determination.** The lead agency must file a Notice of Determination (NOD) after deciding to approve a project for which an EIR is prepared (CEQA Guidelines Section 15094). A local agency must file the NOD with the county clerk. The NOD must be posted for 30 days and sent to anyone requesting notice previously. Posting of the NOD starts a 30-day statute of limitations on CEQA legal challenges (PRC Section 21167[c]).

3.2 Record of Proceedings

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of State CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials that constitute the record of proceedings upon which these decisions are presented below.

County of Sonoma
 Clerk of the Board
 575 Administration Drive, Room 100 A
 Santa Rosa, CA 95403
 County of Sonoma
 2550 Ventura Ave
 Santa Rosa, CA 95403
 Contact: Ross Markey, Comprehensive Planning Manager
Ross.Markey@sonoma-county.org

4 Findings

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” The mandates and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which an EIR is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding, supported by substantial evidence, reaching one or more of three permissible conclusions.

The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).)

The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.”

CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (“Goleta II”) (1990) 52 Cal.3d 553, 565.) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (Ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 (the failure to meet project objectives can be sufficient evidence demonstrating infeasibility of an alternative).)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The County must therefore glean the

meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

These interpretations are mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, where the court of appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question to a less-than-significant level.

CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]." The findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level or has simply been substantially lessened but remains significant. Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required; however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact – even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Ass'n v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Ass'n v. Regents of the University of California* ("Laurel Heights I") (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the County explains that mitigation measures have been incorporated into the Draft EIR that would substantially lessen or avoid the project's significant environmental effects. The County also addresses the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

These findings satisfy the requirements of Sections 15091, 15092, and 15093 of the State CEQA Guidelines and, along with the Final EIR, constitute the County's evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. In doing so, they disclose the final disposition of the significant impacts identified in the Final EIR and the reasons for not adopting the project alternative. The County also incorporates by reference all of the policies, programs and conditions of approval from the Housing Element Update that avoid or lessen environmental impacts. Adoption of the statement of overriding considerations allows the Board of Supervisors to approve the project, even though it would result in significant and unavoidable impacts.

4.1 Findings on Alternatives

In accordance with State CEQA Guidelines Section 15126.6, the Draft EIR analyzed a Reduced Development Alternative with fewer rezone sites, a Reduced Development Alternative that involves amending the zoning code that would allow for the placement of the WH Combining District on all the Rezoning Site, and a No Project Alternative. The Draft EIR conducted a comparative impact assessment of each of these Alternatives. See Section 6 of the Draft EIR.

Overall, the No Project Alternative is the environmentally superior alternative, although the No Project Alternative would still result in significant and unavoidable transportation, cultural resources, and wildfire impacts. Additionally, this alternative would not support key project objectives as it would not update the County's General Plan Housing Element or increase the opportunities for housing development in the County.

Alternative 1: No Project Alternative

The No Project Alternative is described in Section 6 of the Draft EIR and considers a scenario in which the 79 identified sites would not be incorporated into the Housing Element site inventory, and there would be no change in zoning or General Plan land use designations for the parcels identified for rezoning. Current uses on the Rezoning Sites would continue under this alternative, with future full buildout of the Rezoning Sites limited by the existing zoning and General Plan designations.

Finding

As described in Chapter 6 of the Draft EIR, this alternative would not accomplish the project objectives to update the General Plan's Housing Element in compliance with State-mandated housing requirements, including achieving the County's RHNA, nor would this alternative provide more housing development opportunities in urban service areas or encourage the development of additional high-density housing. As a consequence of non-compliance with State-mandated requirements, it is reasonable to assume that some housing projects in the County may proceed through use of the "builder's remedy," other Housing Accountability Act tools, or court orders. Development based on these tools rather than a certified Housing Element may result in numerous inconsistencies with the General Plan and potentially undesirable patterns of development, such as lower than ideal housing densities in areas served by water and sewer utilities.

Alternative 2: Workforce Housing Combining District

The Workforce Housing Combining District Alternative is described in chapter 6 of the Draft EIR and considers a project that would combine both commercial and residential uses on all 59 rezone sites.

It is assumed that this alternative would result in approximately 2,557 new dwelling units and approximately 6,281 new residents. This would result in approximately 2,203 new dwelling units and approximately 5,361 new residents more than would be developed under existing zoning.

Finding

As described in Section 6 of the Draft EIR, this alternative would not meet project objectives because no sites would be zoned exclusively for housing. Thus, this alternative would not meet sufficient project objectives and would not achieve the underlying project purpose. The Board of Supervisors therefore rejects the Workforce Housing Combining District Alternative as undesirable and infeasible and declines to adopt this alternative pursuant to the standards in CEQA and the CEQA Guidelines.

Alternative 3: Fewer Rezoning Sites

The Fewer Rezoning Sites Alternative is described in chapter 6 of the Draft EIR and considers a project that would remove the following sites from the sites inventory: FOR-1, FOR-2, SON-1, SON-2, SON-3, and SON-4. It is assumed that this alternative would result in approximately 2,898 new dwelling units and approximately 7,535 new residents. This would add approximately 2,599 new dwelling units and approximately 6,795 new residents more than development that occurs under existing zoning.

Finding

As described in Section 6 of the Draft EIR, this alternative would meet the project objectives, but to a lesser extent than the proposed project, as it would rezone fewer sites for increased housing development opportunities.

4.2 Less than Significant Impacts or Areas of No Impact

Although not required by CEQA, the Board of Supervisors hereby finds, based on the evidence in the record and as set forth in the Final EIR that the Project will not result in significant environmental project level or cumulative impacts in the following topical areas:

Agriculture and Forestry Resources

Impact AG-1

None of the Rezoning Sites occur on land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, development facilitated by the project would not convert these types of lands to non-agricultural use. None of the lands are under Williamson Act Contract and thus, these lands under this protection would not be converted to nonagricultural use.

Impact AG-2

None of the Rezoning Sites are situated in areas zoned for timberland production (TPZ) and, therefore, development facilitated by the project would not conflict with existing zoning for, or cause rezoning of, forestland, timberland, or timberland zoned Timberland Production. Development facilitated by the project would not result in the loss of forest land or conversion of forest land to non-forest use.

Air Quality

Impact AQ-1

The project would support the primary goals of the 2017 Clean Air Plan, would implement applicable control measures for the 2017 Clean Air Plan, and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures. The project's VMT increase would be less than the population increase.

Impact AQ-3

Development facilitated by the project would not expose sensitive receptors to substantial pollutant concentrations from CO hotspots or TACs. In addition, development facilitated by the project would not site new sensitive land uses near substantial pollutant generating land uses.

Impact AQ-4

Implementation of the project would not create objectionable odors that could affect a substantial number of people.

Biological Resources

Impact BIO-4

Development facilitated by the project would not impact wildlife movement due to the location of the Rezoning Sites in areas of existing development.

Impact BIO-5

Development facilitated by the project would be subject to the County's ordinances and requirements protecting biological resources, such as trees.

Cultural Resources

Impact CUL-3

The discovery of human remains is always a possibility during ground disturbing activities. Ground disturbance associated with development facilitated by the project may disturb or damage known or unknown human remains. This impact would be less than significant with adherence to existing regulations.

Energy

Impact ENR-1

Development facilitated by the project would not result in a significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources.

Impact ENR-2

Development facilitated by the project would not conflict with or obstruct an applicable renewable energy or energy efficiency plan.

Geology and Soils

Impact GEO-1

No Rezoning Sites are located in Alquist-Priolo Earthquake Fault Zone, and therefore development facilitated by the project would not directly or indirectly cause substantial adverse effects involving rupture of a known earthquake fault.

Impact GEO-2

Development facilitated by the project could result in exposure of people or structures to a risk of loss, injury, or death from seismic events. Development facilitated by the project could be located on a geologic unit or soil that is unstable or could become unstable resulting in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. This impact would be less than significant with compliance with applicable laws and regulations.

Impact GEO-3

Development facilitated by the project would include ground disturbance such as excavation and grading that would result in loose or exposed soil. This disturbed soil could be eroded by wind or during a storm event, which would result in the loss of topsoil. Adherence to existing permit requirements and County regulations would ensure this impact is less than significant.

Impact GEO-4

Development facilitated by the project may result in the construction of structures on expansive soils, which could create a substantial risk to life or property. This impact would be less than significant with compliance with the requirements of the California Building Code.

Impact GEO-5

Development facilitated by the project would not include septic tanks or alternative wastewater disposal systems on soils incapable of supporting such systems.

Hazards and Hazardous Materials

Impact HAZ-1

Development facilitated by the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Impact HAZ-2

Development facilitated by the project could result in development on sites contaminated with hazardous materials. However, compliance with applicable regulations relating to site remediation would minimize impacts from development on contaminated sites.

Impact HAZ-3

The Rezoning Sites are not located within two miles of an airport. Development facilitated by the project would not result in a safety hazard or excessive noise for people residing or working in or near the Rezoning Sites.

Impact HAZ-4

Development facilitated by the project would not result in any physical changes that could interfere with or impair emergency response or evacuation. Therefore, the project would not result in interference with these types of adopted plans.

Hydrology and Water Quality

Impact HWQ-1

Development facilitated by the project would not violate water quality standards or Waste Discharge Requirements, or otherwise substantially degrade surface or groundwater quality.

Impact HWQ-2

Development facilitated by the project would not interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of local groundwater basins.

Impact HWQ-3

Development facilitated by the project would alter drainage patterns and increase runoff in the Rezoning Sites, but would not result in substantial erosion or siltation on or off site, result in increased flooding on or off site, exceed the capacity of existing or planned stormwater drainage systems, or generate substantial additional polluted runoff.

Impact HWQ-4

Development facilitated by the project would alter drainage patterns on and increase runoff from the Rezoning Sites. The Rezoning Sites within an area at risk from inundation by flood hazard would be required to comply with applicable General Plan goals and policies.

Impact HWQ-5

The Rezoning Sites are not within an area at risk from inundation by seiche or tsunami, and therefore would not be at risk of release of pollutants due to project inundation.

Impact HWQ-6

Development facilitated by the project would comply with adopted water quality control plans and sustainable groundwater management plans applicable to the Rezoning Sites.

Land Use and Planning

Impact LU-1

Project implementation would provide for orderly development in the unincorporated County and would not physically divide an established community.

Impact LU-2

The project would not result in a significant environmental impact due to a conflict with any land use plan and policy.

Mineral Resources

Impact MIN-1

Although mineral extraction sites occur throughout the County, none are within the Rezoning Sites.

Noise

Impact NOI-3

There are no Rezoning Sites within two miles of an airstrip or airport or within the noise contours for an airstrip or airport, and no impacts would occur from exposing residents or workers to excessive aircraft noise levels.

Population and Housing

Impact PH-1

Implementation of the project would accommodate an additional 8,246 new residents and 3,312 new housing units in the County. This would exceed population and housing forecasts established in the existing General Plan, but would be consistent with the ABAG population forecasts and the 6th cycle RHNA allocation housing requirements for the 2023- 2031 planning period.

Public Services and Recreation

Impact PS-1

Development facilitated by the project would not result in substantial adverse physical impacts associated with the construction of new or physically altered fire facilities to maintain acceptable service ratio response times or other objectives.

Impact PS-2

Development facilitated by the project would not result in substantial adverse physical impacts associated with the construction of new or physically altered police facilities to maintain acceptable service ratio response times or other objectives.

Impact PS-3

Development facilitated by the project would not result in substantial adverse physical impacts associated with the construction of new or physically altered school facilities, and pursuant to State law, payment of impact fees to mitigate demand on school facilities would be required.

Impact PS-4

Development facilitated by the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other objectives and would not increase the use of existing neighborhood and regional parks such that substantial physical deterioration of the facility would occur or be accelerated.

Impact PS-5

Development facilitated by the project would not result in substantial adverse physical impacts associated with the construction of new or physically altered library or other public facilities to maintain acceptable service ratios, response times, or other objectives, and the payment of property taxes funding library or other public facilities would be required.

Transportation and Traffic

Impact TRA-2

The proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact TRA-3

The proposed project would not result in inadequate emergency access.

Utilities and Service Systems

Impact UTIL-2

The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, including the Central Disposal Site. The project would not impair the attainment of solid waste reduction goals and would comply with federal, State, and local statutes and regulations related to solid waste.

Wildfire

Impact WFR-1

The project includes Rezoning Sites that are in or near an SRA or Very High FHSZs, but development facilitated by the project would not substantially impair an adopted emergency response or evacuation plan.

4.3 Potentially Significant Impacts Mitigated to a Less Than Significant Level

These topical areas contain impacts of the Sonoma County Housing Element Update that are reduced to a less-than-significant level through the implementation of mitigation measures. Pursuant to California Public Resources Code Section 21081(a)(1) and CEQA Section 15091(a)(1), as to each impact, the County, based on the evidence in the record before it, finds that changes or alterations incorporated into the Sonoma County Housing Element Update mitigate, avoid, or substantially lessen to a level of insignificance these environmental impacts of the Project. The basis for the finding for each impact is set forth below.

Aesthetics

Impact AES-4

Development facilitated by the project would create new sources of light or glare that could adversely affect the visual environment.

Finding

The County finds that with incorporation of Mitigation Measure AES-2, which would set exterior lighting requirements and limitations to reduce impacts related to light and glare. Impacts related to light and glare would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the

Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Agriculture and Forestry Resources

Impact AG-3

The project would rezone some sites that are adjacent to agricultural uses, and may indirectly impact those uses.

Finding

The County finds that with incorporation of Mitigation Measure AG-1, which would require agricultural buffers to be put into place for development adjacent to active agricultural operations, impacts related to adjacent agriculture sites would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Air Quality

Impact AQ-2

Project construction would temporarily increase air pollutant emissions, possibly creating localized areas of unhealthy air pollution levels or air quality nuisances.

Finding

The County finds that with incorporation of Mitigation Measure AQ-1 and AQ-2, which would require BAAQMD's basic construction and additional construction mitigation measures to be implemented into projects facilitated by the Housing Element Update, impacts related to air quality during construction would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Biological Resources

Impact BIO-1

Future development facilitated by the project could impact special status species and their habitat during construction and/or operation.

Finding

The County finds that with incorporation of Mitigation Measures BIO-1 through BIO-12, which would require biological resource screening and assessment, special-status plant species surveys, avoidance of endangered/threatened species and special status plant species, avoidance of non-listed special status animal species, avoidance of the Western Pond Turtle and the American Badger, pre-construction surveys for nesting birds, a worker environmental awareness program, and an invasive weed prevention and management program, impacts related to special status species and their habitat would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section

15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact BIO-2

Future development facilitated by the project could impact riparian habitat or sensitive natural communities during construction and/or operation.

Finding

The County finds that with incorporation of Mitigation Measures BIO-13 and BIO-14, which would require development facilitated by the Housing Element Update to avoid sensitive natural communities and complete restoration for any impacts to sensitive natural communities, impacts to riparian habitat or sensitive natural communities would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact BIO-3

Future development facilitated by the project could impact jurisdictional state or federally protected wetlands during construction and/or operation.

Finding

The County finds that with incorporation of Mitigation Measures BIO-15 and BIO-16, which would require jurisdictional delineation and general avoidance and minimization measures to protect jurisdictional wetlands, impacts to protected wetlands would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact BIO-6

Development facilitated by the project within the Santa Rosa Plain Conservation Strategy Area could conflict with the Plan.

Finding

The County finds that with incorporation of Mitigation Measures BIO-17, which would require development facilitated by the Housing Element Update to incorporate the mitigation measures included in Chapter 5 of the Santa Rosa Plain Conservation Strategy, impacts related to a conflict between the project and the Santa Rosa Plan Conservation Strategy would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Cultural Resources

Impact CUL-2

Development facilitated by the project has the potential to cause a substantial adverse change in the significance of an archaeological resource, including those that qualify as historical resources.

Finding

The County finds that with incorporation of Mitigation Measure CUL-3 through CUL-9, which would require architectural history evaluation and mitigation, Phase I studies for all projects that include ground disturbing activities, additional XPI, Phase II, and Phase III studies when deemed necessary by a Phase I study, archeological site avoidance, cultural resources monitoring, and the cessation of any work on site in the event that archaeological resources are uncovered on site while the resources are evaluated, impacts to archaeological and historic resources would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Geology and Soils

Impact GEO-6

Development facilitated by the project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature during ground disturbing activities.

Finding

The County finds that with incorporation of Mitigation Measure GEO-1 through GEO-6, which would require paleontological review of project plans, incorporation of a Paleontological Resources Mitigation and Monitoring Program if deemed necessary by paleontological review, incorporation of a Paleontological Worker Environmental Awareness Program, paleontological monitoring, fossil curation, and creation of a Final Paleontological Mitigation Report, impacts related to paleontological resources would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Noise

Impact NOI-1

Construction activities associated with development facilitated by the project could result in noise level increases that would exceed applicable construction noise standards at nearby noise sensitive receivers. Operational noise impacts from HVAC units and generators would potentially exceed County standards if located near noise-sensitive land uses.

Finding

The County finds that with incorporation of Mitigation Measure NOI-1 through NOI-6, which would require noise reduction measures for construction activity, pile drivers, vibration, breakers, blasting, HVACs, and generators, impacts related to construction and operational noise would be mitigated

to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact NOI-2

If pile driving or blasting is performed during construction, vibration from this equipment may exceed applicable standards.

Finding

The County finds that with incorporation of Mitigation Measures NOI-2 and NOI-4, which would require noise reduction measures for breakers, blasting, and HVACs, impacts related to vibration from pile driving or blasting would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Impact NOI-4

Rezoning Sites located near industrial sources, within the 60 and 65 dB Ldn contours of nearby roadways, and/or located near railroad line/crossing may exceed the County's acceptable noise levels of 60 dB Ldn or less in outdoor activity areas and interior noise levels of 45 dB Ldn or less with windows and doors closed.

Finding

The County finds that with incorporation of Mitigation Measure NOI-7, which would require compliance with the County's noise standards, impacts related to noise from industrial uses and/or roadways would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Population and Housing

Impact PH-2

Development facilitated by the project could displace existing housing or people, necessitating the construction of replacement housing elsewhere.

Finding

The County finds that with incorporation of Mitigation Measure PH-1, which would require the creation of a relocation plan, impacts related to displacing existing housing or people would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

Tribal Cultural Resources

Impact TCR-1

Development facilitated by the project has the potential to impact tribal cultural resources.

Finding

The County finds that with incorporation of Mitigation Measures TCR-1 through TCR-5, which would require tribal cultural resource consultation, avoidance of tribal cultural resources, the creation of a tribal cultural resources plan to be implemented in the event that an unanticipated archaeological resource is uncovered on site, Native American monitoring, and consultation with local California Native American tribe(s) on the decision to employ a canine forensics team for any development on project sites expected to contain human remains, impacts related to tribal cultural resources would be mitigated to less than significant levels. Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the Sonoma County Housing Element Update that avoid or substantially lessen the significant environmental effect to the extent feasible.

4.4 Significant Impacts

The following impacts are described in detail in the EIR under the titles listed below. The EIR's descriptive discussions of each of these impacts and policies, and programs from the Sonoma County General Plan and Housing Element that avoid or lessen environmental impacts are incorporated by reference. The analysis of impacts compares the existing environment to the level of development that is anticipated to be built during the period from 2023 to 2031, the Housing Element Update's planning horizon.

Aesthetics

Impact AES-1

The proposed project would facilitate development on four sites (GEY-1, SAN-4, PEN-2, and PEN-7) where public views of scenic vistas are afforded. Full buildout of these sites could block public views or obstruct them.

There are no feasible mitigation measures which would reduce this impact.

Finding

The County finds that there are no feasible mitigation measures to reduce impacts to public views of scenic vistas as development facilitated by the project cannot be made to comply with subjective design guidelines to ensure preservation of public views of surrounding hillsides, forested lands, and areas near scenic vistas. Existing County Code design regulations will apply to the extent that they are objective. Zoning-compliant development on the Rezoning Sites would be subject to design review, as applicable, but design review would be limited to ensuring compliance with applicable objective standards. The 2023-2031 Housing Element includes Program 12b, which requires the County to develop Objective Design and Development Standards (ODDs) for multi-family and mixed-use projects by December 2025. However, this impact would remain significant and unavoidable.

Impact AES-2

Rezoning Sites in Forestville and Graton border a State scenic highway, and Rezoning Sites in Guerneville and Glen Ellen are proximate to State scenic highways (GUE-1, FOR-1, FOR-3, FOR-5, GRA-3, GRA-5, GLE-1, GLE-2, AGU-1, and AGU-2). Therefore, scenic resources could be affected if individual projects are visible from these roadways.

There are no feasible mitigation measures which would reduce this impact.

Finding

The County finds that there are no feasible mitigation measures to reduce impacts to public views of State scenic highways as development facilitated by the project cannot be made to comply with subjective design guidelines, and thus it cannot be guaranteed that projects on these ten sites would not remove or damage scenic resources within a State-designated highway, particularly by changing the character of visual resources. Thus, this impact would remain significant and unavoidable.

Impact AES-3

Individual projects implemented on 25 Rezoning Sites with high site sensitivity and where development would be dominant or co-dominant have the potential to adversely affect public views and community aesthetic character (GEY-1, GUE-4, LAR-7, FOR-1, FOR-2, FOR-3, FOR-4, FOR-5, FOR-6, GRA-3, GRA-5, GLE-1, GLE-2, PEN-1, PEN-2, PEN-3, PEN-4, PEN-5, PEN-7, PEN-8, PEN-9, PET-1, PET-2, PET-3, and PET-4).

Finding

The County finds that with incorporation of Mitigation Measure AES-1, which would require screening vegetation to be incorporated into project landscape plans, impacts on public views and community aesthetic character would be reduced. However, because development facilitated by the project cannot be made to comply with subjective design guidelines, it cannot be guaranteed that projects on these 25 sites would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. No additional mitigation measures to reduce this impact to less than significant levels are feasible. This impact would be significant and unavoidable.

Cultural Resources

Impact CUL-1

The project has the potential to cause a significant impact on a historic resource if development facilitated by the project would cause a substantial adverse change in the significance of that resource.

Finding

The County finds that with incorporation of Mitigation Measure CUL-1 and CUL-2, which would require architectural history evaluation and mitigation, impacts to historic resources would be reduced. However, it is possible that development facilitated by the project may not be able to avoid impacts to a historical resource. Should a future project result in the demolition or substantial alteration of a historical resource, it would have the potential to materially impair the resource.

Therefore, even with mitigation such as the Historic American Building Survey report, impacts may not be reduced to a less than significant level, and the impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible.

Greenhouse Gas Emissions

Impact GHG-1

Development facilitated by the Housing Element Update would not meet State GHG goals for 2030 or 2045.

Finding

The County finds that with incorporation of Mitigation Measure GHG-1, which would require projects facilitated by the Housing Element Update to comply with BAAQMD project-level land use thresholds, impacts related to greenhouse gas emissions would be reduced. However, due to the nature of residential development, there is no feasible mitigation available to reduce GHG emissions from fuel consumption associated with light-duty vehicles to a less than significant level, and therefore some projects may not comply with the thresholds. Thus, this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible.

Hazards and Hazardous Materials

Impact HAZ-5

Development facilitated by the project could expose people or structures to risk of loss, injury, or death involving wildland fires.

Finding

The County finds that with incorporation of Mitigation Measures WFR-1 through WFR-3, which would require wildfire risk reduction measures to be incorporated into construction activities and landscape plans for projects and the incorporation of site constraints to limit wildfire risk, impacts related to wildland fires would be reduced. However, it is not possible to prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires. Thus, this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible. This impact would be significant and unavoidable.

Transportation and Traffic

Impact TRA-1

The addition of vehicle miles traveled (VMT) by drivers coming from development facilitated by the project would result in an exceedance of VMT thresholds and conflict with policies seeking to reduce VMT in Sonoma County.

Finding

The County finds that with incorporation of Mitigation Measures TRA-1 and TRA-2, which would require a transportation demand management program and a construction traffic management plan

to be created for all development facilitated by the Housing Element Update, impacts related to VMT would be reduced. Mitigation Measure TRA-1 would reduce home based VMT per resident. However, the reduction would not be sufficient to reduce impacts to less than significant. TDM effectiveness research indicates that the implementation of all feasible TDM measures in suburban and rural environments would result in a maximum effectiveness of 10 percent (CAPCOA 2010). Implementation of Mitigation Measure TRA-1 would reduce impacts, but not below the significance threshold, and therefore impacts would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible.

Utilities and Service Systems

Impact UTIL-1

Impacts related to stormwater drainage, electric power, natural gas, and telecommunication infrastructure would be less than significant. Impacts related to water and wastewater facilities would be significant due to Rezoning Sites that are not located adjacent to existing wastewater collection infrastructure; impacts would be less than significant with implementation of mitigation measures. However, water supply impacts would be significant and unavoidable, even with implementation of mitigation measures.

Finding

The County finds that with implementation of Mitigation Measure UTIL-1, development on Rezoning Sites GUE-1, GUE-2, FOR-1, FOR-2, FOR-4, FOR-6, GRA-1 through GRA-5, LAR-1 through LAR-8, PEN-2, PEN-4, PEN-9, PET-1, SAN-1, SAN-3, SAN-5 through SAN-8, SAN-10, and SON-1 through SON-4 would be adequately served by water and wastewater service providers. However, there is not substantial evidence to determine that development on Rezoning Sites GEY-1 through GEY-4 would be adequately served by California American Water – Geyserville. Therefore, impacts would be significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible.

Wildfire

Impact WFR-2

The project includes Rezoning Sites that are in or near Moderate, High, and Very High FHSZs. Development facilitated by the project would expose project occupants and structures to wildfire risks for sites located in or near (within 2 miles of) SRAs or Very High FHSZs.

Finding

The County finds that with incorporation of Mitigation Measures WFR-1 through WFR-3, which would require wildfire risk reduction measures to be incorporated into construction activities and landscape plans for projects and the incorporation of site constraints to limit wildfire risk, impacts related to wildfire would be reduced. However, it is not possible to prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires,. Thus, this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to less than significant levels are feasible. This impact would be significant and unavoidable.

5 Recirculation Not Required

The revisions made to the Draft EIR, and Housing Element policies are intended to reflect comments made by the public or the Planning Commission to enhance resource protection, and clarify plan policies or EIR analysis. No overall change in program, land uses, or infrastructure or other development not previously included in the Public Review Draft Housing Element Update has been made. These do not result in substantive changes that would rise to the level of “significant new information” requiring recirculation. Under Section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. Pursuant to CEQA Guidelines § 15088.5, “significant new information” requiring recirculation includes, for example, a disclosure showing that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*) CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new, and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) “CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes to the Draft EIR are exactly the kind of revisions that the case law recognizes as legitimate and proper

because they offer clarifying information to the reader and do not result in an exacerbation of existing impacts or create new impacts for the reasons set forth in Final EIR.

DRAFT

6 Statement of Overriding Considerations

According to CEQA Guidelines 15021 (d), “CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.”

This statement of overriding considerations describes the project benefits that outweigh its environmental impacts. It is adopted in accordance with Public Resources Code section 21081(b) and CEQA Guidelines Section 15093:

- A. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- B. When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. The EIR for the Housing Element Update the changes to the existing environment that would occur as development facilitated by the Housing Element Update is built-out over time to the 2031 planning horizon. The significant, unavoidable impacts are described below. These are detailed in the respective sections of the Draft EIR.
 - Aesthetics
 - Cultural Resources
 - Greenhouse Gas Emissions
 - Hazards and Hazardous Materials
 - Transportation and Traffic
 - Utilities and Service Systems
 - Wildfire

These impacts are outweighed individually and collectively by the following benefits of the Sonoma County Housing Element Update.

- Through numerous legislative actions in the past several years, the State of California has identified the lack of housing as a significant area of public concern, leading to an unsustainable lack of housing affordability, increased homelessness, social stress related to increased poverty and a reduction in economic prosperity for many state residents. In the current RHNA cycle, Sonoma County is allocated 3,824 units between 2023 and 2031. The 3,312 units estimated in the Housing Element Update provide for development of the RHNA units and creates an important level of flexibility to allow market forces to efficiently develop the required units.
- Under State law, the County must adopt a Housing Element Update which meets its assigned RHNA requirement and allow for future growth and development.
- The project creates the regulatory framework to improve and develop households of various sizes to meet the needs of residents at different income levels. To meet the targets set by Regional Housing Needs Assessment (RHNA), the County must accommodate the production of abundant and affordable new housing in a wide diversity of forms.
- The proposed project would preserve existing housing and prevent displacement through policies that would help to prevent displacement of lower-income households and increase the availability of affordable housing.
- The project would encourage the development of higher-density housing in the County throughout the urban areas of the unincorporated county within an established, General Plan-designated Urban Service Area where public sewer and water service is available, near jobs, transit, services, and schools, and if near an incorporated city, within that city's voter-approved Urban Growth Boundary.

7 Conclusion

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Board of Supervisors of the County of Sonoma find that the significant unavoidable impacts may be considered "acceptable" due to the specific considerations listed herein, which outweigh the impacts.

The Board of Supervisors has considered the information presented in the EIR, as well as public testimony, and the record of proceedings in which the Housing Element Update was considered.

Recognizing that significant unavoidable impacts exist in aesthetics, cultural resources, greenhouse gas emissions, hazards and hazardous materials, transportation and traffic, utilities and service systems, and wildfire, the Board nevertheless finds that the benefits of the Sonoma County Housing Element Update outweigh the impacts of the Project. Having included all feasible mitigation measures in the Draft EIR, and recognized all unavoidable significant impacts, the Board hereby finds that each of the separate benefits of the Housing Element Update, as stated herein, are determined to be unto themselves separated overriding considerations, independent of other benefits, and warrant adoption of the Sonoma County Housing Element Update.

Based on the foregoing findings, the Board of Supervisors hereby determines that:

1. All significant environmental impacts due to the adoption of the Sonoma County Housing Element Update have been eliminated or substantially lessened where feasible.
2. There are no feasible alternatives to the Project which would mitigate or substantially lessen the impacts while attaining most or all of the Project objectives.
3. Any remaining unavoidable significant environmental impacts are acceptable due to the factors stated herein, with adoption for a Statement of Overriding Considerations.

EXHIBIT B
CEQA Statement of Overriding Considerations
for
Sonoma County Housing Element Update
Pursuant to CEQA Sections 15091 and 15093
and Public Resources Code Section 21081

The following Statement of Overriding Considerations is made in connection with the approval of the Sonoma County Housing Element Update (hereafter referred to as the “Proposed Project”), to allow for the rezoning of 59 housing inventory sites in order to allow the County to meet their 2023-2031 RHNA requirement.

The Board of Supervisors of the County of Sonoma finds that the economic, social and other benefits of the Proposed Project outweigh the significant and unavoidable environmental impacts identified in the EIR and in the record. In making this finding, the Board of Supervisors has balanced the benefits of the Proposed Project against its significant and unavoidable environmental impacts in the following areas, which are further described in the FEIR and Findings of Fact:

1. Aesthetics:
 - a. Impact AES-1: The proposed project would facilitate development on four sites where public views of scenic vistas are afforded. Full buildout of these sites could block public views or obstruct them.
 - b. Impact AES-2: Rezoning Sites in Forestville and Graton border a State scenic highway, and Rezoning Sites in Guerneville and Glen Ellen are proximate to State scenic highways. Therefore, scenic resources could be affected if individual projects are visible from these roadways.
 - c. Impact AES-3: Individual projects implemented on 25 Rezoning Sites have the potential to adversely affect public views and community aesthetic character.
2. Cultural Resources:
 - a. Impact CUL-1: The project has the potential to cause a significant impact on a historic resource if development facilitated by the project would cause a substantial adverse change in the significance of that resource.
3. Greenhouse Gas Emissions:
 - a. Impact GHG-1: Development facilitated by the Housing Element Update would not meet State GHG goals for 2030 or 2045.
4. Hazards and Hazardous Materials:
 - a. Impact HAZ-5: Development facilitated by the project could expose people or structures to risk of loss, injury, or death involving wildland fires.

5. Transportation and Traffic

- a. Impact TRA-1: The addition of vehicle miles traveled (VMT) by drivers coming from development facilitated by the project would result in an exceedance of VMT thresholds and conflict with policies seeking to reduce VMT in Sonoma County.

6. Utilities and Service Systems

- a. Impact UTIL-1: Impacts related to stormwater drainage, electric power, natural gas, and telecommunication infrastructure would be less than significant. Impacts related to water and wastewater facilities would be significant due to Rezoning Sites that are not located adjacent to existing wastewater collection infrastructure; impacts would be less than significant with implementation of mitigation measures. However, water supply impacts would be significant and unavoidable, even with implementation of mitigation measures.

7. Wildfire

- a. Impact WFR-2: The project includes Rezoning Sites that are in or near Moderate, High, and Very High FHSZs. Development facilitated by the project would expose project occupants and structures to wildfire risks for sites located in or near (within 2 miles of) SRAs or Very High FHSZs.

The Board of Supervisors finds that each one of the following benefits of the Proposed Project independently warrant approval of the Proposed Project notwithstanding the unavoidable environmental impacts of the Proposed Project.

1. Through numerous legislative actions in the past several years, the State of California has identified the lack of housing as a significant area of public concern, leading to an unsustainable lack of housing affordability, increased homelessness, social stress related to increased poverty and a reduction in economic prosperity for many state residents. In the current RHNA cycle, Sonoma County has been allocated 3,824 units between 2023 and 2031. The 3,312 units estimated in the Housing Element Update provide for development of the RHNA units and creates an important level of flexibility to allow market forces to efficiently develop the required units.
2. Under State law, the County must adopt a Housing Element Update which meets its assigned RHNA requirement and allow for future growth and development. Significant penalties flow from failure to have a certified Housing Element.
3. The project creates the regulatory framework to improve and develop housing of various sizes to meet the needs of residents at different income levels. To meet the targets set by Regional Housing Needs Assessment (RHNA), the County must accommodate the production of abundant and affordable new housing in a wide diversity of forms.
4. The proposed project would preserve existing housing and prevent displacement through policies that would help to prevent displacement of lower-income households and increase the availability of affordable housing.
5. The project would encourage the development of higher-density housing in the County throughout the urban areas of the unincorporated county within an established, General Plan-designated Urban Service Area where public sewer and water service is available, near jobs, transit, services, and schools, and if near an incorporated city, within that city's voter-approved Urban Growth Boundary.