



# ABAG-MTC Staff Response to *County of Sonoma* RHNA Appeal

ABAG Administrative  
Committee

October 29, 2021

# Overview of **County of Sonoma** Appeal

## Appeal Request:

- Reduce allocation by 1,971 units (51%) from 3,881 units to 1,910 units.
- Transfer 60 units to Cloverdale (annexation)

## Staff Recommendation:

- Deny the appeal.

## Appeal bases cited:

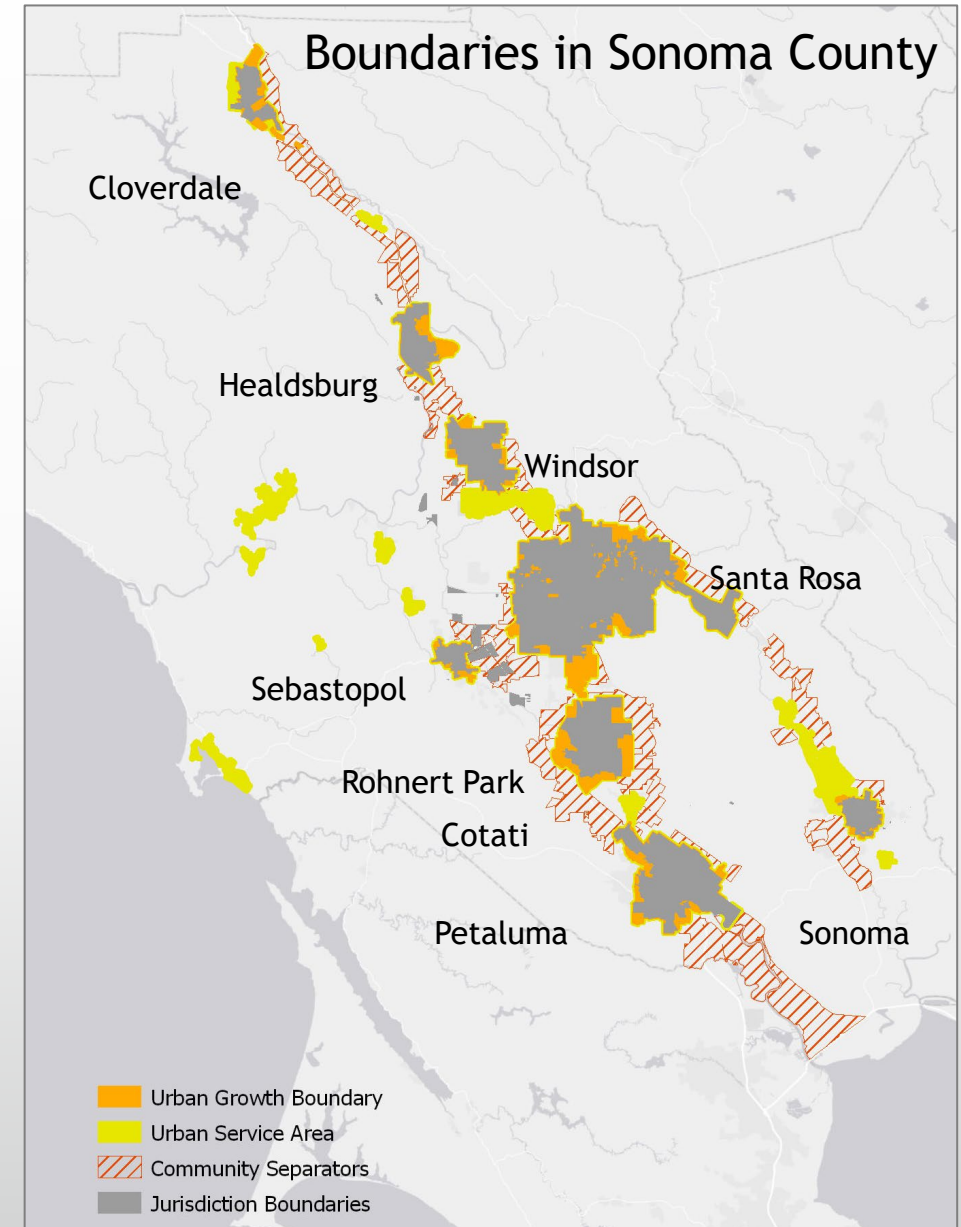
- ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey.
- ABAG failed to determine the jurisdiction's Draft Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine, the RHNA Objectives.
- A significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted in the Local Jurisdiction Survey.

# Issue #1 and #3: Lack of Available Land, Water/Sewer Capacity

*Jurisdiction Argument: ABAG failed to adequately consider information in Local Jurisdiction Survey about availability of land suitable for urban development because Plan Bay Area 2050 Final Blueprint did not incorporate County's Urban Service Areas and Community Separators.*

## **ABAG-MTC Staff Response:**

- Development constraints were considered in Plan Bay Area 2050 Final Blueprint, the baseline allocation for RHNA.
- Final Blueprint integrates strategies related to agricultural/open space preservation and limiting development to urban growth boundaries; using Urban Service Areas would have allowed growth in more areas.
- Some growth is forecasted outside the urban growth boundary in the County's Airport Priority Development Area (PDA) near SMART station.
- Government Code Section 65584.04(e)(2)(B) states that jurisdictions must consider underutilized land, opportunities for infill development, and increased residential densities as a component of available land for housing.





# Issue #2: Areas at Risk of Natural Hazards

*Jurisdiction Argument: ABAG failed to adequately consider information about FEMA flood areas in the County of Sonoma.*

***ABAG-MTC Staff Response:***

- Areas at risk of natural hazards generally not identified in Housing Element Law as a constraint to housing development.
- The County has not provided evidence that FEMA or Department of Water Resources has determined the County's flood management infrastructure is inadequate to avoid risk of flooding.
- Given variety of natural hazard risks in Bay Area, it is not possible to address region's housing needs and avoid planning for new homes in places at risk. The County has authority to plan for housing in places with lower risk.
- Government Code Section 65584.04(e)(2)(B) states:
  - ABAG may not limit consideration of suitable housing sites to a jurisdiction's existing zoning and land use restrictions and must consider potential for increased residential development under alternative zoning ordinances and land use restrictions.
  - Jurisdictions must consider underutilized land, opportunities for infill development, and increased residential densities as a component of available land for housing.
- The County does not provide evidence it is unable to consider underutilization of existing sites, increased densities, ADUs, and other planning tools to accommodate its assigned need.

# Issue #4: Affirmatively Furthering Fair Housing

*Jurisdiction Argument: ABAG's failure to consider information in the Local Jurisdiction Survey results in an allocation that will force County of Sonoma to locate lower-income units in disadvantaged communities with higher exposure to flooding, which fails the statutory requirement to affirmatively further fair housing.*

## **ABAG-MTC Staff Response:**

- This argument challenges the final RHNA methodology adopted by ABAG and approved by HCD, and thus falls outside the scope of the appeals process.
- HCD has authority to determine if the RHNA methodology furthers the statutory objectives and concluded ABAG's RHNA methodology achieves statutory objective to promote affirmatively furthering fair housing.
- The County has authority over where it sites lower-income RHNA in its Housing Element update. RHNA methodology does not dictate where lower-income units are located within unincorporated Sonoma County.
- ABAG-MTC staff commends County's commitment to siting lower-income housing away from areas at risk of hazards. However, some housing in hazard risk areas may be necessary and County can choose locations at lower risk. With modern building standards, residents in new housing are likely to be safer.
- Similarly, the County is to be commended for focusing lower-income housing in areas with most access to opportunity. However, affirmatively furthering fair housing can include providing affordable housing in areas where low-income residents of disadvantaged communities are most vulnerable to displacement.

# Issues #5, #6, #7, and #8: Methodology Does Not Further RHNA Objectives

*Argument #5: The methodology fails to increase housing supply in all jurisdictions in an equitable manner (RHNA Objective 1) because the County does not have major transit facilities, major job centers, nor a high degree of divergence from regional norms, yet it has one of the highest percentages of RHNA increase in the entire Bay Area.*

*Argument #6: The methodology fails to further RHNA Objective 2 because it fails to protect environmental and agricultural resources and encourages sprawl rather than infill development.*

*Argument #7: The methodology does not balance disproportionate household income distributions (RHNA Objective 4) because the allocation will force the County to zone for a disproportionately high concentration of its lower-income population in areas on the outskirts of cities, where poverty rates are highest and socioeconomic outcomes are lowest.*

*Argument #8: The methodology fails to affirmatively further fair housing (RHNA Objective 5) as County will be forced to concentrate sites for lower-income units in areas that are already under-resourced.*

## **ABAG-MTC Staff Response:**

- These arguments challenge the Final RHNA Methodology adopted by ABAG and approved by HCD, and thus fall outside the scope of the appeals process. HCD has authority to determine if the RHNA methodology furthers the statutory objectives and HCD found that ABAG's methodology does further the objectives.

# Issue #9: Drought

*Jurisdiction Argument: Drought has constrained surface water supplies in Sonoma County and the Russian River watershed, which represents a change in circumstances necessitating a reduction in the County of Sonoma's RHNA.*

## **ABAG-MTC Staff Response:**

- Government Code Section 65584.04(e)(2)(A) states:
  - ABAG must consider opportunities and constraints to development of housing due to “lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.”
- The County has not demonstrated it is precluded from accommodating its RHNA allocation because of a decision by its water service provider.
- HCD's comments on Bay Area appeals note that “ABAG's allocation methodology encourages more efficient land-use patterns which are key to adapting to more intense drought cycles and wildfire seasons.”
- Drought poses significant challenges to Bay Area communities, but these issues do not affect one city or county in isolation. Action can be taken to efficiently meet the region's future water demand, even in the face of additional periods of drought.

# Issue #10: Change in Circumstances - Annexation

***Jurisdiction Argument:** County of Sonoma requests a transfer of 60 units from County to Cloverdale due to annexation of unincorporated land by Cloverdale approved by LAFCO and recorded in May 2021. The County asserts this annexation is a change in circumstance meriting a revision of its allocation.*

## **ABAG-MTC Staff Response:**

- The four annexed parcels have no households in 2050 in the Plan Bay Area 2050 Final Blueprint.
- These parcels do not contribute to 2050 households (the baseline allocation in the RHNA methodology) for either the County of Sonoma or Cloverdale.
- Thus, the annexation by Cloverdale has not impact on the RHNA for either jurisdiction, and does not represent a change in circumstances meriting a revision of the County's allocation.
- ABAG-MTC staff is available to assist Sonoma County and the City of Cloverdale with a transfer of units in accordance with Government Code Section 65584.07(a).



# Recommended Action for County of Sonoma Appeal

**Deny** the appeal filed by the County of Sonoma to reduce its Draft RHNA Allocation by 2,031 units.

- ABAG considered information submitted in the local Jurisdiction Survey consistent with how the methodology factors are defined in Government Code Section 65584.04(e).
- The jurisdiction's Draft RHNA Allocation is in accordance with the Final RHNA Methodology adopted by the ABAG Executive Board and approved by HCD and furthers the RHNA Objectives identified in Government Code Section 65584(d).
- No significant and unforeseen change in circumstances has occurred in the local jurisdiction that merits a revision of the information submitted in the Local Jurisdiction Survey.