

Attachment 2

**POLICIES AND PROCEDURES
FOR THE HEALDSBURG RESIDENTIAL
GROWTH MANAGEMENT PROGRAM**

Adopted by Healdsburg City Council on February 19, 2008

SECTION 1. AUTHORITY AND PURPOSE.

These policies and procedures are for the express purpose of implementing Measure M, the residential growth management initiative passed by the voters of the city of Healdsburg on November 7, 2000. It also implements the Healdsburg General Plan Land Use Element, which sets forth that the City of Healdsburg shall establish an annual quantified limit on the rate of residential growth within its Urban Growth Boundary. The following policies and procedures provide the detailed provisions of the growth management program so that it can be fairly and equitably administered by city staff.

SECTION 2. APPLICABILITY.

The provisions of these policies and procedures shall apply to residential development for which a building permit is to be issued on or after January 1, 2001, excluding affordable housing units, second dwelling units, replacement or reconstruction of existing residences, homeless shelters, elderly care facilities, nursing homes, sanitariums and community care or health care facilities.

SECTION 3. DEFINITIONS.

Affordable Housing Unit - An affordable housing unit is a dwelling which is restricted for occupancy by households with incomes at or below 120% of the median household income for Sonoma County, as defined by HUD and used by the state Department of Housing and Community Development. Affordable housing units shall be made available at a monthly housing cost that does not exceed 30 percent of the applicable area median income with adjustments for household size made in accordance with the adjustment factors on which the income eligibility limits are based. However, the monthly housing cost can exceed 30 percent of the household income if alternative and beneficial financing of the unit(s) will be utilized to the satisfaction of the City Council.

Allocation Availability Table - A report prepared by the Planning & Building Director which gives the status of dwelling allocations reserved and unallocated under the Growth Management Program.

Category A Project - A project that created four (4) or fewer residential lots or four (4) or fewer dwelling units on an existing lot of record. An individual lot created under a Category B subdivision project, may be considered a Category A project if a time period of not less than five (5) years has passed since final map recordation.

Category B Project - A project that created five (5) or more residential lots, as defined by the California Subdivision Map Act, or five (5) or more dwelling units on an existing lot of record.

Community Care or Health Care Facility - A facility, place or building which is maintained and operated to provide non-medical residential care, day care, or home finding agency services for persons, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons, developmentally disabled, mentally disordered children and adults, court wards and dependents, neglected or emotionally disturbed children, alcohol or drug addicted children or adults, battered adults or children, and aged persons.

Development Agreement - An agreement between a developer and the City Council to allow for project development as authorized by Government Code Section 65864, et seq. and City Ordinance No. 721.

Dwelling Allocation - A time-limited entitlement issued by the Planning & Building Director to allow the issuance of a building permit for a dwelling units in accordance with the Growth Management Program.

Final Discretionary Approval - For purposes of determining the date of approval for a project with multiple discretionary actions by the City of Healdsburg, the action by the final decision-making authority entitling an applicant to use a definite number of dwelling units shall be considered the date of discretionary approval. In the case of a project requiring approval of both a subdivision map and a design review permit, the City Council's action on the subdivision map shall be considered final discretionary approval.

Dwelling Unit - One or more habitable rooms which are occupied, or which are intended or designed to be occupied, as a residence by one family, with facilities for living, sleeping, cooking, and dining.

Growth Management Program - Administration of the 2000 Measure M Initiative and the relevant goals and policies of the Healdsburg General Plan that regulate the number of residential dwelling units built on an annual basis within the Healdsburg city limits and these Growth Management Program policies and procedures.

Health Care Facility - A facility, place or building which is maintained and operated to provide medical care. Health care facilities shall include, but not necessarily be limited to, hospitals, nursing homes, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the State Department of Health Services, and defined in the California Health and Safety Code.

Homeless Shelter - Temporary emergency housing for persons or households of very low and low incomes.

Lot of Record - A lot that is part of a recorded subdivision or has been issued a Certificate of Compliance.

Median Income Household - A household whose combined income is at 100% of the median income for Sonoma County as established by HUD.

Replacement Residential Dwelling - The construction of a dwelling unit to replace a previously existing dwelling unit situated on the same lot that was demolished or destroyed.

Residential Building Permit - A permit issued by the Building Official to build a new residential dwelling in accordance with the Uniform Building Code and other local ordinances.

Secondary Dwelling Unit - A residential dwelling unit that provides complete independent living facilities and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a primary dwelling is situated in accordance with the Zoning Ordinance.

Waiting List - A list of projects that qualify for a Category B dwelling allocation, but cannot receive allocations because all available allocations have been issued.

SECTION 4. GENERAL PROVISIONS.

- A. Dwelling allocations shall be limited to an average of 30 per year beginning January 1, 2001 and in no case shall exceed 90 for any three-year period, where the initial three-year period commenced on January 1, 2001 and terminated December 31, 2003, and each successive three-year period follows in order.
- B. No building permit for a dwelling unit shall be issued by the Building Official unless the Planning & Building Director has issued a dwelling allocation under the provisions of these Policies and Procedures or determined that the proposed dwelling unit is exempt, as provided in Section 2 of this Growth Management Program.

- C. A developer of exempt affordable housing shall be required to enter into a regulatory agreement with the City Council as necessary to require that the housing remain affordable for a time period of at least ten (10) years after initial occupancy.
- D. These Policies and Procedures shall remain in effect for the duration of the initiative, unless amended by the City Council. In no case shall these policies and procedures conflict with the Measure M initiative or any subsequent voter approved changes to the initiative.

SECTION 5. ALLOCATION PROCEDURES.

The Planning & Building Director shall issue dwelling allocations in accordance with the limitations given under Sections 2 and 4 of these Policies and Procedures and the specific requirements that follow.

- A. Category A Dwelling Allocations. Ten (10) dwelling allocations shall be reserved at the beginning of each calendar year as Category A allocations. They shall be issued for the current year only (i.e., no assignments to future years) on a first-come, first-served basis to Category A projects at the time a building permit is issued for the project. A Category A dwelling allocation is valid until the associated building permit expires. If there are unassigned Category A allocations available at the end of any calendar year, they may be assigned as Category B allocations within the limits provided in Section 4A.
- B. Category B Dwelling Allocations. Twenty (20) dwelling allocations shall be reserved at the beginning of each calendar year as Category B allocations. Once a residential project requiring a Category B allocation has obtained final discretionary approval, available allocations can be issued for the project on a first-come, first-served basis by the Planning & Building Director. These dwelling allocations are valid for up to three calendar years or until the discretionary approval expires, whichever comes first. The three-year period shall commence on January 1st of the year the allocation is issued, regardless of when during the year it is issued.
- C. Allocation Phasing. A potential recipient of a Category B allocation can request that the allocations be phased over more than one calendar year for a maximum of two additional years, unless otherwise provided by for projects with a development agreement or where insufficient allocations are available, at which time allocations may be phased over more than three years. Except for projects with a development agreement, in no case can more than a total of ten (10) future year allocations per year be reserved by the Planning & Building Director, regardless of the number of such requests.
- D. Partial Allocations. If the Planning & Building Director determines that the granting of a requested allocation would exceed the remaining dwelling allocations in the subject calendar year, the Director may grant a partial allocation. Those projects denied allocations in one calendar year shall be placed, upon request, on a waiting list and have priority for issuance of allocations in the following calendar year in order of the earliest date of denial of the full allocation, within the limits provided in Section.
- E. Allocation Carryover. Unassigned or lapsed allocations may be carried over an additional two years, provided that during the applicable three-year period, the number of total allocations issued does not exceed 90.
- F. Allocation Re-assignment. The Planning & Building Director shall have the discretion to re-assign dwelling allocations from one calendar year to another in order to prevent unused and active allocations from expiring, provided that the number of allocations does not exceed 90 during the applicable three-year time period and that the re-assignment is acceptable to the applicant.
- G. Allocation Assignment per Development Agreement. A development project that contains

residential dwelling units that is subject to a Development Agreement may be granted allocations or existing or future years as deemed appropriate by the City Council, provided the General Provisions of Section 4 are observed.

In anticipation of such a development agreement, starting in calendar year 2007, a total of seventy (70) allocations are reserved from Category B allocations through 2011 for projects subject to a Development Agreement.

SECTION 6. ADMINISTRATION.

- A. The City Council, by resolution, may from time to time adopt or amend policies, procedures, rules and requirements to implement and administer the provisions of this Growth Management Program.
- B. The Planning & Building Director shall prepare an annual report to the Planning Commission and City Council on the Growth Management Program that shall include the following:
 - (1) The number of dwelling allocations issued during the prior year.
 - (2) The number of dwelling allocations reserved for future years.
 - (3) The number of building permits issued for dwelling units during the prior year.
 - (4) The number of building permits for dwelling units issued to date and the number of dwelling allocations issued to date.
 - (5) A description of any significant problems that arose during the prior year in administering the Growth Management Program.
 - (6) Recommendations with regard to changes or revisions to these Policies and Procedures to improve its effectiveness and/or administration.
- C. A Growth Management Program "Allocation Availability Table" shall be updated on an annual basis or as determined appropriate by the Planning & Building Director or City Council.

SECTION 7. APPEALS.

An applicant, or any other interested person, or any City official who considers a decision made by the Planning & Building Director under the provisions of these Policies and Procedures to be erroneous, may appeal the same to the City Council.

- A. The appeal shall be filed with the City Clerk within ten (10) working days from the date on which the decision was made and issued in written form by the Planning & Building Director.
- B. The appeal shall be made in writing and shall specifically describe the decision which is being appealed, the grounds which the appellant is relying upon in making the appeal, and the specific action which the appellant wants the City Council to take.
- C. A timely filed appeal shall stay all actions resulting from the decision. Any allocations issued under the decision shall be preserved pending the Council's decision on the appeal; any allocations requested by an appellant which were denied by the decision shall also be preserved (or reserved) pending the Council's determination of the appeal to the extent that corresponding entitlement are still available for allocation at the time the City Clerk notifies the Planning & Building Director of the filing of the appeal.
- D. Upon the filing of an appeal, the City Clerk shall immediately notify the Planning & Building Director of the appeal and shall forward to the Director a copy of the appeal.
- E. A timely-filed appeal shall be heard and a decision made by the City Council within thirty (30) days of its filing.