



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING
SERVICES DIVISION

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors
FROM: Michael J. Johnson, AICP
Agency Director
DATE: October 8, 2013
SUBJECT: PLACER COUNTY HOUSING ELEMENT UPDATE

ACTION REQUESTED

1. Conduct a public hearing to consider approval of the 2013 Placer County Housing Element update.
2. Adopt the Negative Declaration prepared for the Placer County Housing Element update.
3. Adopt a Resolution amending Section 2, Housing, of the Placer County General Plan to approve the 2013 Placer County Housing Element update.

Mintier Harnish Planning Consultants has been retained to assist with the Housing Element Update in the amount of \$41,770 in budgeted County costs. There will be additional budgeted costs for staff time to implement the Housing Element during the Planning Period (2013 through 2021).

BACKGROUND

As required by California Government Code Article 10.6, commencing with Section 65583, staff has prepared a Draft Housing Element for consideration by the Board of Supervisors. The Draft Housing Element was prepared by a collaboration of County departments and Mintier & Associates, a planning consultant, along with input by the public. The Element provides goals, policies, and implementation programs for the planning and development of housing throughout unincorporated Placer County.

Based on State law, every jurisdiction in California must adopt a General Plan, and every General Plan must contain a Housing Element. While jurisdictions review and revise all elements of their General Plan regularly to ensure that the documents remain up to date, California law is much more specific in regard to the schedule for updating the Housing Element, requiring an update at least every eight years. Under California law (Govt. Code §65588 (e)(3)), Placer County's Housing Element has to be submitted to the California Department of Housing and Community Development for review and certification by October 31, 2013. The current Housing Element planning period runs from 2013 through 2021.

As set forth in section 65583 (Housing Element Content) of the California Government Code, the law is also specific in terms of the issues that the Housing Element must address, including:

1. An evaluation of the results from housing programs implemented during the previous review period; (i.e., with the County's current Housing Element);

2. An assessment of the County's existing and projected housing needs based on housing, land use, population, demographic and employment trends;
3. An analysis of housing opportunities within the County, including an inventory of suitable sites and the County's capacity to meet regional fair-share goals;
4. An analysis of constraints to providing housing and mitigating opportunities for those constraints; and,
5. A set of goals, policies, resources, and programs for the preservation, improvement and development of housing.

Failure to secure a certified Housing Element from HCD can result in loss of funding for housing projects as well as potential legal challenges. The ramifications of a legal challenge range from court-mandated actions to a moratorium on development until the County's Housing Element is certified by the State.

CHANGES TO DRAFT HOUSING ELEMENT

This 2013 through 2021 Draft Housing Element update was initiated in August 2012 with a public workshop conducted on October 25, 2012. The Housing Element Draft Background Report was released for public review and comment in January 2013. An overview of the Housing Element was also presented to ten Municipal Advisory Councils earlier this year.

Following public hearings before the Planning Commission and Board of Supervisors, the County submitted the original 2013 through 2021 Draft Housing Element on April 22, 2013 to the State Department of Housing and Community Development (HCD) for review. HCD completed its initial 60-day review in early June and provided the County with informal comments describing the revisions needed to comply with State Housing Element law.

Through additional discussions and submissions to HCD, staff revised background information, programs, and policies pursuant to the State's comments. All of the revisions to the Draft Housing Element were made to ensure that the County's Housing Element complies with State law.

Revisions made to the draft document respond to the State's comments but do not substantively alter the element as previously reviewed by the Board of Supervisors. The revisions do provide additional information and clarification as necessary to ensure compliance with State law. Changes made to the Background Report and Policy Document resulting from comments received from HCD included:

- Added more information to the density analysis, including:
 - Community area character descriptions (Background Report pp. 63-66)
 - Information about median rental rates in nearby cities (Background Report p. 68)
 - A discussion of the conversation County staff had with affordable housing developers at a meeting with SACOG (Background Report pp 69-70)
 - Information from the survey of affordable housing projects in the region compiled by SACOG (Background Report p. 70)
- Changes to the Sites Inventory combining the inventory for very low- and low-income into "lower-income" (Background Report pp. 90, 92-93; Table A-2)
- Added information regarding the transitional and supportive housing regulations (Background Report pp. 97-99)
- Added Program F-7 to the Policy Document regarding coordination with the Alta Center to better serve the needs of residents with developmental disabilities. (Policy Document p. 66)

- Added Program F-8 to the Policy Document (p. 66) and additional information on pp. 97-99 of the Background Report to address deficiencies in County regulations regarding transitional and supportive housing.

On June 13, 2013, HCD provided a conditional approval letter to the County stating the revised Draft Housing Element is in substantial compliance with State law (Attachment 4).

As required by State law, the County requested that the Airport Land Use Commission make a consistency determination for the draft Housing Element with the adopted Airport Land Use Compatibility Plan (ALUCP). Based upon the consistency review (Attachment 5), the following changes were made to the draft Housing Element:

- Added Policy A-8 to the Policy Document (p. 50) to emphasize that residential development within Airport Land Use Compatibility Zones C1 and C2 must conform with the criteria found in Table 2A of the Placer County Airport Land Use Compatibility Plan:
Residential projects proposed within Compatibility Zones C1 and C2 of any municipal airport shall conform to the criteria set forth in Table 2A of Chapter 2 of the Placer County Airport Land Use Compatibility Plan (2000). Potential development sites within these Zones have not been counted in the Housing Element Inventory of Vacant Parcels.
- Revised the terminology in the Vacant Parcel Inventory (Table A-2) to be consistent with current ALUCP terminology.

On August 28, 2013, the Placer County Airport Land use Commission determined that the Housing Element update is consistent with the adopted ALUCP.

HCD will review all of the proposed changes after adoption by the Placer County Board of Supervisors. HCD has 90 days in which to report its final written findings to the County, stating whether the Housing Element as adopted complies or does not comply with state requirements.

OUTREACH

Staff presented the Housing Element Draft to eight Municipal Advisory Councils (MAC) as an information item. The Sheridan and Rural Lincoln MACs requested and received a summary of the Housing Element Update for distribution to its members. Staff has also held a workshop with housing advocates and has kept Legal Services of Northern California apprised of the County's efforts to update the Housing Element.

PLANNING COMMISSION ACTION

On August 22, 2013, the Placer County Planning Commission adopted a motion (7-0-0-0) to recommend that the Board of Supervisors adopt the Housing Element and Negative Declaration.

The Commission had questions about Program F-5 that proposes the County increase by-right occupancy for residential care homes from six to eight or fewer residents. Staff explained that this was something the County would consider and that such a change would require a Zoning Text Amendment and therefore future hearings and separate discretionary review.

Commissioners also inquired about the applicability of State Housing Law in the Tahoe Basin. State Housing Law does not supersede Tahoe Regional Planning Agency rules and regulations. Additional measures to provide for affordable housing in the basin have been included in the recently adopted Tahoe Regional Planning Agency's Regional Plan and will also be incorporated into the Community Plan updates the County is currently working on.

No member of the public testified or submitted written comments.

CEQA COMPLIANCE

A Negative Declaration has been prepared for this project and has been finalized pursuant to CEQA (Attachment 3). The Negative Declaration was released for public comment on June 7, 2013 and the public comment period ended on July 8, 2013. Two comment letters were received. These were standard environmental review letters from the California Highway Patrol and the Public Utilities Commission and are provided in Attachment 3.

Based on the environmental assessment, the proposed project is not anticipated to have a significant impact on the environment. The Negative Declaration must be found to be adequate by the decision-making bodies to satisfy the requirements of CEQA, and findings for this purpose can be found at the end of this staff report.

FISCAL IMPACT

Approval of the Housing Element will have a positive fiscal impact on the County, as the County will be eligible to apply for various State and Federal grants and programs with a certified Housing Element. Mintier Harnish Planning Consultants has been retained to assist with the Housing Element Update in the amount of \$41,770. A total of \$37,045 in staff time and printing costs has been expended to date on the work program. There will be additional General Fund staff time cost to implement the Housing Element during the Planning Period (2013 through 2021). These additional staff costs have been included in the Agency's FY 2013/14 budget that was approved by the Board.

RECOMMENDATION

Staff recommends that the Board of Supervisors take the following actions:

1. Adopt the Negative Declaration prepared for the Housing Element Update based on the following findings:
 - A. The Negative Declaration has been prepared as required by and in accordance with the California Environmental Quality Act;
 - B. There is no substantial evidence in the record as a whole that the adoption of the updated Housing Element will have a significant effect on the environment; and,
 - C. The Negative Declaration as adopted reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
2. Adopt a Resolution, amending Section 2, Housing, of the Placer County General Plan adopted by the Board of Supervisors on May 21, 2013 to approve the Placer County Housing Element Update.

ATTACHMENTS:

Attachment 1: Public Review Draft Housing Element Background Report and Policy Document (*color copies available at Clerk of the Board's Office, 175 Fulweiler, Auburn, CA*)

Attachment 2: Adopting Resolution

Attachment 3: Negative Declaration and Correspondence

Attachment 4: CA Department of Housing and Community Development Correspondence

Attachment 5: Airport Land Use Compatibility Plan Consistency Review

cc: Paul Thompson - Deputy Director of Planning
Karin Schwab - County Counsel
Rebecca Taber - Engineering and Surveying Division
Laura Rath - Environmental Health Services
Tim Wegner - Chief Building Official
Kathie Denton - Health and Human Services
Housing Element Distribution Lists
All MAC's