

Item 2 Review of the Countywide 6th Cycle Housing Element Update to the Amador County General Plan and possible adoption of a Resolution recommending that the Board of Supervisors adopt the Update.

Applicant: County of Amador

Supervisorial District(s): All

Location: All unincorporated Amador County

- A. BACKGROUND:** The County has prepared an update to the Housing Element of the General Plan to as required by Government Code Section 65583. The County and its associated cities are on an 8-year cycle, established by the CA Department of Housing and Urban Development (HCD), to update their respective Housing Elements. The current cycle is identified by HCD as the “6th Cycle” since the Housing Element law was adopted.

The purpose of the Housing Element is to identify policies that the County can implement to affirmatively accommodate the unincorporated area’s 377-unit Regional Housing Needs Allocation (RHNA) for the 2021-2029 Housing Element cycle. The content of the Housing Element update is structured for consistency with the requirements set forth in state law. In addition to responding to requirements of state law, the Housing Element also demonstrates the County’s strategies to meeting the County’s locally determined housing needs, and that these needs are addressed through policies and programs outlined within the Housing Element.

- B. ANALYSIS:** The purpose of the Housing Element is to identify policies that the County can implement to affirmatively accommodate the unincorporated area’s 377-unit Regional Housing Needs Allocation (RHNA) for the 2021-2029 Housing Element cycle. The content of the Housing Element update is structured for consistency with the requirements set forth in state law. In addition to responding to requirements of state law, the Housing Element also demonstrates the County’s strategies to meeting the County’s locally determined housing needs, and that these needs are addressed through policies and programs outlined within the Housing Element.

The County’s 2021-2029 Housing Element was prepared with the benefit of community and stakeholder input and discussion. The Countywide jurisdictions conducted two open houses in March 2022 and eight public workshops to present the Draft Countywide Housing Element over the course of the preparation period.

Following revisions based on public comment, the draft Housing Element was submitted to HCD for its 90-day review on February 9, 2023. Based upon HCD’s comments, received May 8, 2023, draft Housing Element was further revised to

include additional information and analysis. Staff believes that the draft element substantially complies with adopted State Housing Element policies.

- C. Planning Commission Action:** Following the public hearing, the Planning Commission make a recommended finding on the adequacy of the environmental review document, proposed to be a Categorical Exemption per Sections 15162, 15163, and 15262 of the California Environmental Quality Act (CEQA) Guidelines. None of the circumstances necessitating further CEQA review or preparation of a subsequent or supplemental EIR are present with respect to the proposed changes to the General Plan, and the project involves only feasibility or planning studies for possible future actions which have not been approved or adopted. The project is also exempt per Section 15061(b)(3), which exempts activities that can be seen with certainty to have no possibility of causing a significant effect on the environment.

Subsequent to recommending approval of a Categorical Exemption, staff recommends that the Planning Commission adopt a resolution recommending that the Board of Supervisors approve a resolution adopting the 6th Cycle Housing Element update to the County General Plan. Recommended findings are included in the attached resolution.

PLANNING COMMISSION RESOLUTION NO. 2023-1

A RESOLUTION OF THE AMADOR COUNTY PLANNING COMMISSION RECOMMENDING THAT THE AMADOR COUNTY BOARD OF SUPERVISORS ADOPT A GENERAL PLAN AMENDMENT TO UPDATE THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE 6TH CYCLE PERIOD OF 2021-2029 TO AFFIRMATIVELY FURTHER FAIR HOUSING AND SUBSTANTIALLY COMPLY WITH STATE HOUSING ELEMENT LAW.

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the Board of Supervisors adopt a Housing Element for the eight-year period 2021-2029 to accommodate the unincorporated area's Regional Housing Needs Allocation (RHNA) of 377 housing units, comprised of 109 very-low income units, 62 low-income units, 72 moderate-income units, and 134 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, Amador County has worked in conjunction with the cities of Amador City, Lone, Jackson, Plymouth, and Sutter Creek (collectively "the Countywide jurisdictions") to prepare the Housing Element Update (the Housing Element) for the 2021 to 2029 period; and

WHEREAS, as provided in Government Code Section 65350 et. seq., the Housing Element constitutes a General Plan Amendment; and

WHEREAS, the County has prepared the Housing Element in accordance with State Housing Element Law; and;

WHEREAS, State law requires that the County take meaningful steps to promote and affirmatively further fair housing (Gov. Code Section 65583(c)(5)); and

WHEREAS, State law requires that the County make zoning available for all types of housing, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, the Housing Element must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety of housing types for all income levels, including multifamily housing (Gov. Code Sections 65583.2 and 65583(c)); and

WHEREAS, California Government Code Section 65583 requires that the Housing Element Update contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of these needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element Update; and

WHEREAS, the Housing Element has been prepared to comply with State law, accommodate the RHNA, affirmatively further fair housing, facilitate and encourage a variety of

housing types for all income levels, including multifamily housing, and include a diligent effort to include all economic segments of the community; and

WHEREAS, the County and the Countywide jurisdictions conducted extensive community outreach over the last 20 months including two open houses conducted in March 2022 open to any member of the public, eight workshops and meetings held throughout the Countywide jurisdictions to present the Draft Countywide Housing Element Update to all economic segments and interested parties of the Countywide jurisdictions, one Planning Commission public hearing, and one City Council public hearing and at each of the 12 meetings the public was provided an opportunity to comment; and

WHEREAS, the draft Housing Element was made available for public comment initially from November 10, 2022 through December 14, 2022 with the comment period extended to January 9, 2023 to make all economic segments of the Countywide jurisdictions and all interested parties had an opportunity to comment and during which time eight public meetings were held to provide an opportunity to comment; and

WHEREAS, all public comments on the draft Housing Element were considered, revisions were made to the draft Housing Element to address public comments, and Appendix C was added to the Housing Element to identify comments received, changes made to the Housing Element to address public comments, and respond to each comment; and

WHEREAS, in accordance with Government Code Section 65585 (b), on February 8, 2023, the County submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on May 8, 2023, the Countywide jurisdictions received a letter from HCD providing its findings regarding the draft Housing Element (Findings Letter); and

WHEREAS, on May 18, 2023, HCD discussed with the County and Housing Element consultant the contents of the Findings Letter, and based on the Findings Letter and the result of the call, the draft Housing Element was revised to include additional information and data; and

WHEREAS, the Housing Element has been reviewed and analyzed by the County pursuant to the California Environmental Quality Act (CEQA), it has been determined that there is no substantial evidence that the 6th Cycle Housing Element may have a significant effect on the environment, and the Housing Element is therefore exempt from the provisions of CEQA as set forth in Sections 15061(b)(3), 15162, 15163, and 15262 of the CEQA Guidelines; and

WHEREAS, on October 10, 2023, the Planning Commission conducted a duly and properly noticed public hearing, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the County's response to HCD's findings, and modifications made in response to the HCD May 8, 2023 comment letter, the staff report and all attachments, and oral and written public comments; and determined the Housing Element to be consistent with State law and the General Plan of the County.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Housing Element is exempt from the requirements of the California Environmental Quality Act ("CEQA") under the general rule of CEQA Guidelines, Section 15061(b)(3), in that there is no possibility that the Housing Element may have a significant negative physical impact on the environment. The Housing Element is also exempt per Sections 15162, 15163, and 15262 of CEQA Guidelines in that none of the circumstances necessitating further CEQA review or preparation of a subsequent or supplemental EIR are present with respect to the proposed changes to the General Plan, and the project involves only feasibility or planning studies for possible future actions which have not been approved or adopted.
3. The County/City has prepared, noticed, and made the Housing Element available pursuant to Government Code Sections 65350 through 65359.
4. The proposal is consistent with the General Plan. The proposed Housing Element update is internally consistent with the goals, objectives, and policies of the General Plan and will not significantly change the type or intensity of land use in the future.
5. Approval of the Housing Element update will not create conditions materially detrimental to the public health, safety and general welfare and will not result in a substantial change on the conditions of the unincorporated area.
6. The Housing Element substantially complies with State Housing Element Law and has been revised to address the findings identified by HCD in its letter dated May 8, 2023.
7. Based on substantial evidence provided in the Housing Element, knowledge of County staff regarding the readiness of approved and pending projects, , opportunities for streamlined infill development, expressed interest from property owners or developers, site characteristics including the existing uses, and a commitment from the County to implement programs that incentivize and promote the development of sites, the Planning Commission finds that sites identified in the element to accommodate the RHNA can be available and ready for development during the Planning Period, and, where applicable, the existing uses on the sites identified to accommodate the County's RHNA do not impede residential development during the period covered by the Housing Element.
8. The Planning Commission has considered the findings made by the Department of Housing and Community Development included in the Department's letter to the Countywide jurisdictions dated May 8, 2023, consistent with Government Code Section 65585(f), and as described in Exhibit B to this resolution, incorporated herein by this reference, and finds that the revisions to the Housing Element in response to the findings of HCD fully address the comments and that the County has changed the Housing Element to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.

9. The Planning Commission recommends that the Board of Supervisors amend the General Plan to repeal the 5th Cycle Housing Element update in its entirety and adopt the 6th Cycle Housing Element Update attached hereto as Exhibit A.
10. The Planning Commission recommends that the County Administrative Officer or designee be authorized to make minor modifications to the Housing Element to address comments provided by the Department of Housing and Community Development on this Housing Element, provided that the modifications would not exceed the total amount of development accommodated by the General Plan prior to revisions.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the Board of Supervisors approve the 2021-2029 Housing Element in its current form, including the revisions to address HCD's findings.

The foregoing resolution was duly passed and adopted by the Planning Commission of the County of Amador at a regular meeting thereof, held on the 10th day of October, 2023, by the following vote:

AYES:
NOES:
ABSENT:

Dave Wardall, Chairman
Planning Commission

ATTEST:

Chuck Beatty
Planning Director