



# TRINITY COUNTY PLANNING DEPARTMENT

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To: Planning Commission

From: Carson Anderson, Senior Planner

**Subject: Planning Commission Recommendations to the Board Concerning the Final Draft Housing Element and Initial Study/Negative Declaration**

The purpose of this staff report is both to update the Commission on actions taken since it last reviewed the administrative draft version of the Housing Element (HE) at its April 9, 2015 meeting—and received a brief update on October 8, 2015—and to request that the Commission recommend the HE/CEQA document to the Board of Supervisors for adoption. Since October, the draft HE was circulated for public comment and the public workshops were conducted in order to receive feedback. As briefly referenced above, the CEQA assessment of the Draft HE was prepared (Initial Study/Negative Declaration), and consultation with the State Housing and Community Development Department (HCD) also occurred. The results are summarized below.

A copy of the Draft Housing Element (HE) and the accompanying Initial Study/Negative Declaration is provided here for the Commission's review and for potential recommendation to the Board of Supervisors for adoption (Exhibits **A** and **B**).

### Legislative Context

In response to California's critical housing needs the legislature enacted housing element law (§ 65580-65589.8)(Article 10.6) with the goal of providing adequate safe and affordable housing for every Californian—those efforts requiring the cooperation and coordination of local and state governments. The California Government Code requires each city and county to adopt a general plan for its physical development consisting of a statement of development policies, diagrams and text that set forth objectives, principles, standards and plan proposals for the seven required elements—housing being among these (§ 65300 and 65302). Unlike the other seven elements of the general plan, however, the housing element is subject to detailed statutory requirements that govern its content, and that mandate it be updated every five years.

### Scope of Changes to Document

As proposed, the Draft HE contains only minor refinements of the policies presented in the existing 2009-2014 HE—this in response to current HCD guidance stipulating HE contents and methodologies for data collecting and sampling. Changes include a discussion of the current public participation process; updates to the demographic, economic and housing characteristics information; a Vacant Land Inventory; changes to the Regional Housing Needs Allocation (RHNA); discussion of governmental and non-governmental constraints to affordable housing creation, and; updated reporting on the implementation of programs proposed as part of the existing HE. Areas proposed for update, and those actually revised, were green-shaded in the administrative draft document seen by the Commission in April 2015.

Changes to the document since the time of the Commission's April 2015 review are limited chiefly to a detailed discussion of the public participation efforts that took place during October and November 2015 (Chapter 1), new Chapter 4 (Review and Revise) text, and what are essentially refinements of some of the policies and programs discussed in Chapter 5 (Housing Programs). These are related, in particular, to compliance with state density bonus law (Government Code 65915 *et seq.*)(Program 2.2), the needs of extremely low-income households/single-room occupancy accommodation (per AB 2634)(Program 2.7), and special needs groups—including those with developmental disabilities—consistent with current state law (SB 812)(Program 5.4). Text for Programs 2.2, 2.7, 2.8, 5.4 were changed accordingly.

Program 2.8 was added in response to discussion with HCD. It calls for the County to “..review and if necessary amend its Zoning Ordinance to determine whether the 25-foot height limit in the R-3 zone is a constraint to multi-family development.”

Program 5.5 was reworked to state that the County will review its Zoning Ordinance and amend as necessary to ensure employee/farmworker housing compliance with the state Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6).

Program 6.2 was also reworked to ensure that the definition of alternative housing in the Zoning Code complies with the state requirements, per SB 2, for transitional and supportive housing uses in all zones that allow residential uses without being subject to any restrictions not equally applicable within the zone.

#### CEQA Review

In late February, an Initial Study/Negative Declaration was prepared analyzing the environmental impacts anticipated in implementing the programs and policies proposed as part of the Draft HE. This was provided to the HCD and transmitted to the State Clearinghouse on March 16<sup>th</sup> to circulate on a 30-day period for public agency comment (Exhibit C). Only one agency provided responses, and no significant impacts were identified or concerns raised as part of the agency comment regarding the environmental document.

#### Public Participation

As discussed in the Draft HE, public workshops were held at the following locations and dates

October 16	Mad River Community Center
October 20	Weaverville Public Library
October 22	Trinity Center Elementary School and Odd Fellows Hall
October 26	Burnt Ranch Elementary School
November 2	Hayfork High School

Public Comments pertinent to the County as a whole included the following subject matter:

1. Concern was expressed that while the RHNA bar was set too high in the 2009 Element that the numbers are now too low given the supply of developable land and a consensus that there is a serious lack of affordable housing in the County

*Staff explained that the population growth projections in the 2009-2014 HE were based on pre-recession data sets and were unrealistic in the face of actual population loss over the past decade. The current RHNA, though modest, was arrived at through careful analysis and a consensus process and represents a minimum. The County hopes it can do more than the RHNA calls for if resources become available.*

2. The disparity between the government's fair housing market rates and our actual housing costs and a plea to find ways through our housing programs to bridge that gap.
3. Considering ways to actually fully exploit the density bonuses built into the Zoning Ordinance by re-evaluating permitting requirements that discourage housing development.
4. Defining new regulatory regimes for permitting Type K housing, RVs, cabins, yurts and straw bale construction that increase affordable housing supply but have appropriate code enforcement carrots and sticks

*Staff responded that has seen serious problems over the years with yurts and Type K housing stock. It is a benefit to the first owner but due to the cheap construction it quickly deteriorates, often resulting in significantly unsafe housing conditions and code enforcement issues for subsequent owners. Adequate snow load construction is often a serious deficiency.*

5. HRN a Trinity County private non-profit housing developer commented that they are keenly aware of the homeless population needs and the lack of adequate beds. They operate two duplexes with four units and emergency housing shelter with six beds only. One of these will be shut down due to lack of funding.
6. County was asked to post public comments on the HE and provide more detailed responses to them than could be provided in the workshop format.
7. There was curiosity about where the developable parcels for affordable housing are located and their distribution throughout the County.
8. Confusion was expressed about why it was necessary to update the 2009 HE

*Staff explained the state mandate to update housing elements every five years. The fact that the assumptions used in the 2009 Element were obsolete due to the effects of the recession, population decline, and new state data collection mandates.*

9. Concern expressed about the effect of nimbyism on low-income housing creation

*Staff responded that NIMBYs do make building new affordable housing more difficult, but that is because people often don't realize that there are four categories of affordable housing as referenced in the table in the Power Point presentation. This means that there are disabled people, senior citizens, low-paid professional people who benefit from efforts to provide more affordable housing, and there are lots of ways to achieve the goal besides building large apartment housing--which is what most people think. Section 8 housing vouchers and code enforcement were referenced as companion actions aimed at reducing the pace at which buildings become so run down that they get taken out of the housing market. The California DGS Weatherization program was another example mentioned at some of the workshops.*

10. There was curiosity about the various considerations that go into the siting of affordable housing and it was assumed that public funding is driven by proximity to services.
11. Despite the list of accomplishments described in the Power Point attendees frequently asked what material accomplishments have been made by the County in meeting its housing policy goals.

*Staff was prompted to consider more eye-catching ways in the future to describe the County's housing accomplishments and make certain we have captured all accomplishments and pending ones of interest.*

#### *Discussions Specific to Mad River Community*

12. Feeling expressed that the HE, because the policies are population density-weighted, might not be very relevant to the isolated very low density communities in the far South County area;
13. Feeling that the residents are subjected to regulations of the larger population centers that do not respond to their unique issues. For example, population growth is occurring there, in contrast with County as a whole, but it is quite seasonal;
14. Recommendation that the County craft building and planning regulations to better serve the need of seasonal residents. Require basic safety things, impose modest fees with reasonable permit processing turnaround times, and;
15. Some confusion about how General Plan Land Use Element and HE policies overlap and when they are separate and do not overlap.

#### *Discussion Specific to the Hayfork Community*

16. Concern voiced that despite the high demand for low/affordable housing that has been little such construction in Hayfork and how this might be driven by lack of government funding.

*Staff explained that federal and state monies have dried up and that the County no longer has grant monies. The State's DGS 2011-2012 weatherization program was mentioned as an example of proactive funding. It was explained however, that the bulk of their money came from the US Department of Energy and had essentially dried up by 2013.*

17. Concern was voiced that demographic data specific to Hayfork was difficult to extract from the draft HE.
18. Question was raised about whether a windshield survey was done of Hayfork and the rest of the County as part of the current HE update effort

*Staff explained that lack of staffing and funding precluded a detailed survey of that type this time around but that we anticipated doing a windshield survey as part of the next HE update.*

19. Due to the lack of low-income housing, and especially low-income rental housing, the development of our workforce is limited in Hayfork. Shouldn't the County go about things as a private developer rather than facing the competition and restrictions that come with federal (CDBG) monies?

*Staff responded that it can try to incentivize developers in the private sector but cannot induce developers to build affordable housing, as we have very little general fund money for that, even for the County's pressing code enforcement issues.*

20. Question was raised about whether the commercial zoning in Hayfork and elsewhere could best be used to accommodate more affordable housing as mixed use.

*Staff cautioned that it could proceed only as part of a mixed use development where we attempt to preserve 75% of the square footage for commercial and allot only 25% for residential use—the Board of Supervisors having been clear about preserving the very*

*limited amount of commercial districting in the county to encourage commercial development and investment.*

21. Question was raised about whether a mandate could be declared to create more multi-family housing zoning in the County.

*A group of attendees mentioned that they have been working on a community plan for Hayfork over many years' time, indicated that they would like to see the relevant portions of their community-generated plan incorporated into the HE update, and provided a copy of the draft document (the draft is included in HE Appendix 3).*

### Consultation with California HCD

During February, as part of its expedited review of the Trinity County Draft HE, HCD teleconferenced with the County Planning Department and our housing consultant Michael Baker International (Amy Sinsheimer and Jenny Gastelum). The HCD representative complimented the County on what he considered a successful public outreach effort and the caliber of the responses garnered from that effort. HCD also asked that discussion be added to the administrative draft HE to address the following topics:

1. Clarify the availability of infrastructure improvements that are proposed for the Lewiston water system (Chapter 3);
2. Add program to review whether the 25-foot height limit in the R-3 zone is a constraint to multi-family housing development (Chapter 5);
3. Review Farm Labor Housing discussion to assess consistency with state Employee Housing Act (Chapter 5);
4. Determine how many beds are allowed by right in emergency shelter per existing HE Program 6.2, and:
5. Add a program to allow transitional and supportive housing without any restriction on the number of persons in all zones that allow residential uses in the same way other residential uses are allowed in those zones (Program 6.2)(Chapter 5).

Please refer back to page 2 for discussion of the updates made to HE programs based on this input from HCD.

### Schedule

February 2016	Draft Housing Element (HE) submitted for HCD review
February 2016	Initial study/Negative Declaration completed and submitted to HCD
March 16, 2016	Initial Study/Negative Declaration submitted to State Clearinghouse (SCH)/agency public comment period opened
March 2016	County received a "conditional certification" letter from HCD
April 16, 2016	Agency public comment period closed at SCH
April - June 2016	Planning Commission review and Board of Supervisors adoption of final HE
June 2016	Submit adopted HE to HCD for final expedited review and certification

### Requested Commission Action

That the Planning Commission recommend adoption of the proposed Draft HE and Initial Study /Negative Declaration by the Board of Supervisors as meeting the specific requirements of Section 65300 et seq. and Article 10.6 of the State Government Code, the intent of the HCD guidelines and CEQA, and as being consistent with the County's General Plan.