

2006 LEGISLATIVE PRIORITIES

The following are the legislative priorities for Napa County established by the Board of Supervisors for the year 2006. They have been identified either as being Priority Level 1, 2, or 3. This reflects a relative ranking based upon two primary criteria – first, the level of importance and urgency of the item, as determined by the Board; second, the likelihood of achieving success as measured by the passage of new legislation intended to achieve the desired outcome.

NAPA SPECIFIC ISSUES

Issue: Housing Element Law; Priority 1

The issue of securing an appropriate and reasonable housing allocation in the future from the State and/or from the Association of Bay Area Governments (ABAG) continues to be a challenge in Napa County.

A major problem in determining an appropriate and reasonable housing allocation is that the State treats counties such as Napa as urban reserves rather than as a prime agricultural resource requiring protection. State law requires allocating a “fair share” of anticipated housing growth to counties independent of internal county job growth and of local jobs/housing ratio, of which Napa County’s is the most balanced in the Bay Area. Napa’s proximity to the Bay Area results in it receiving a fair share allocation of the Bay Area’s projected housing growth. The state “fair share” allocation of housing to the County and the municipalities within the county comprises a significant portion of the housing allocation for those six jurisdictions. The resulting conflict around the potential reduction of prime agricultural lands to accommodate this housing and exposure to litigation that this creates forces Napa County to convert from being a prime agriculture resource to just one more bedroom community.

The County has collaborated with all five of its municipalities -- through a process initiated in 2001 by Assemblymember Wiggins -- and formed the Napa County League of Governments (NCLOG). Through that process, the County was able to preserve agricultural land by reallocating some of its state-imposed housing burden to two of its cities. This approach better reflects the County’s basic policy of maintaining agricultural and open space use outside of its cities, and focusing most development within them. This collaborative approach also considers housing needs in an integrated fashion, along with land use, transportation, and resource issues, which results in overall better long-range planning. This has served the

County well as an interim solution. However, the continued imposition of a “fair share” housing allocation will ultimately force either these cities to sprawl or the county to engage in urban development on agricultural lands.

In response to similar complaints from other cities and counties, the State created the Housing Element Working Group to review, study, and offer consensus resolution to the issues involved in current local housing element law. Housing element legislation was temporarily put on hold while the working group addressed these problems. The recommendations of this Group resulted in the passage of AB 2158 which, among other things, acknowledges the necessity for regional Councils of Government (e.g., ABAG) to consider local constraints and conditions when determining Regional Housing Need Allocations.

According to the language of AB 2158, regional Councils of Government should take a number of issues into consideration when establishing regional housing allocations, including:

- Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns.
- Promoting an improved intraregional relationship between jobs and housing.
- Each member jurisdiction's existing and projected jobs and housing relationship.
- County policies to preserve prime agricultural land within an unincorporated area.
- Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

However, it is unclear how the Department of Housing and Community Development (HCD), ABAG, and other regional Councils of Government will implement the provisions of AB 2158 in determining future regional housing allocations. Thus, further strengthening of the law may be necessary to protect Napa County’s agricultural land.

Actions:

Options to be considered for securing an appropriate and reasonable housing allocation may include any combination of the following actions:

1. Continue efforts at the administrative level (ABAG and HCD) to assure that future housing allocations are consistent with the provisions of AB 2158 concerning jobs/housing balance, preservation of prime agricultural land, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, etc.
2. Continue to work collaboratively with the municipalities in Napa County to ensure future regional housing allocations established through either administrative or legislative action, are fair, equitable, and consistent with existing agreements to share housing allocations.
3. Continue efforts to assure that housing legislation requires consistency with other state policies, including those regarding transportation, water supply, and preservation of agricultural land.
4. Sponsor either Napa specific or more general legislation that:
 - a. Requires the state and regional Councils of Government (ABAG), in making their determinations of the “fair share” of housing, to eliminate any allocation beyond that indicated by the internal job growth rate in counties such as Napa, including its cities therein. Such legislation should clearly make the preservation of agricultural land the first priority of land use.
 - b. Clarifies and makes explicit that each regional Council of Government should determine a maximum allocation to agricultural counties, such as Napa, and therefore be required to use a defined formula that relates housing allocation directly to internal job growth only. The allocation may be further reduced based on local constraints and considerations such as lack of infrastructure, vacancy rates, plant closures, and existing jobs/housing balance.

Issue: Subvention for Napa River / Napa Creek Flood Protection Project;
Priority 1

State subvention funding is essential to the adequate funding of the Napa River Flood Control Project. By law, the state is required to pay a portion of the local share of any federally funded flood control project. The state did not meet its commitment for several years and fell in arrears with respect to subvention payments to local agencies within the state. Napa County has submitted \$55 million in subvention claims to DWR, and expects to submit an additional \$22