



Agenda Date: 12/19/2006

Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Britt Ferguson for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Andrew Carey, Management Analyst, 253-4477
SUBJECT: Napa County sponsored regional housing needs allocation legislation

RECOMMENDATION

Approval of and authorization for the Chair to sign a letter of support for AB 82, Local Planning - Agricultural Land.

EXECUTIVE SUMMARY

The County has had serious concerns over the past several years with the State mandated "Regional Housing Needs Allocation" (RHNA) process because the process has created a conflict between local land use policies (for example preservation of agricultural lands and city-centered growth policies) and State and regional mandates to create more housing.

AB 82, which was introduced by Assembly Member Noreen Evans on December 6, 2006, is intended to make the preservation of agricultural land the first priority of land use in agricultural counties such as Napa. The Legislative Subcommittee recommends Board support for AB 82. (A copy of AB 82 has been attached to this staff report.)

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The County has had serious concerns over the past several years with the State mandated "Regional Housing Needs Allocation" (RHNA) process because the process has created a conflict between local land use policies (for example preservation of agricultural lands and city-centered growth policies) and State and regional mandates to create more housing.

The County's concerns were significantly increased as a result of the RHNA methodology adopted by the Association of Bay Area Governments (ABAG) for the period of 1999-2006. The RHNA methodology adopted by ABAG for this period placed a significantly greater emphasis on anticipated job growth than in the past and thereby resulted in a significant increase in the housing allocation assigned to the unincorporated areas of Napa County, despite constraints on the availability of land suitable for housing development in the unincorporated areas of the County and despite local policies to preserve agricultural land and to direct growth toward the incorporated cities within the County.

The passage of State legislation in the form of AB 2158 (2004) provided some relief for agricultural counties such as Napa because the bill, which amended RHNA statutes, required Councils of Governments (COGS) to develop a new methodology for allocation of regional housing needs. With the passage of AB2158, for the first time, local constraints on development were to be acknowledged in the RHNA process. However, there is no compelling language in the amended RHNA statutes that controls the extent to which COGS must recognize local constraints and local land use policies in developing RHNA methodologies. Thus, seeking modifications to the RHNA statutes or other Planning statutes of the California Government Code has been a recurring issue in the County's Legislative Platform since 1999.

On January 9, 2006, the Board's Legislative Subcommittee voted to recommend that the County initiate Napa specific legislation to protect Napa County's agricultural land from excessive State-mandated housing allocations. On January 24, 2006, the Board of Supervisors directed staff to submit draft legislation to the State Legislature that would create special housing allocation provisions for Napa County and the municipalities within the County's boundaries. Legislation designed to achieve this objective was subsequently crafted with the assistance of Assembly Member Noreen Evans and her staff. However, the draft bill did not move through the Legislature due to the political complexities related to gaining support for changes to the RHNA statutes.

AB 82, which was introduced by Assembly Member Noreen Evans on December 6, 2006, is intended to make the preservation of agricultural land the first priority of land use in agricultural counties such as Napa. AB 82 encourages recognition of the importance of agricultural production to the State and local economies and encourages the preservation of agricultural land through the local planning process. The Legislative Subcommittee recommends Board support for AB 82.

It is anticipated that AB 82 will undergo additional amendments as the Legislative process unfolds, and it is expected that the Legislative Subcommittee will periodically report to the Board concerning AB 82's progress in the Legislature.

SUPPORTING DOCUMENTS

A . AB 82

B . Letter of Support

CEO Recommendation: Approve

Reviewed By: Maiko Klieman