



Agenda Date: 4/24/2007
Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Howard Siegel for Watt, Nancy - County Executive Officer
Community Partnership Program
REPORT BY: Howard Siegel, Community Partnership Manager, 253-4621
SUBJECT: Napa County sponsored Regional Housing Needs Allocation legislation

RECOMMENDATION

County Executive Officer to present an update on the status of Assembly Bill (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. A letter of support was sent by your Board later in December.

Since that time, the bill was referred to the Committees on Housing and Community Development and Local Government on April 9, 2007 and amended by Assemblywoman Evans and re-referred to the Committee on Housing & Community Development the following day.

It is scheduled to be heard again by the Assembly's Local Government Committee on Wednesday, April 25, 2007 and, if successful there, will be heard once again by the Committee on Housing & Community Development the following week (May 2, 2007). A followup letter of support has been prepared for Chair Moskowitz's signature.

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. An important facet of this proposed legislation is that it is not intended to create any adverse impacts on the cities of Napa County (i.e. via increased allocations), but merely to reflect the limited ability of the unincorporated area to absorb a significant portion of the County's overall requirements. The Legislative Subcommittee has previously recommended Board support for AB 82, as expressed in a letter sent later in December 2006.

Since that time, the bill was referred to the Committees on Housing and Community Development and Local Government on April 9, 2007 and amended by Assemblywoman Evans and re-referred to the Committee on Housing & Community Development the following day. It is scheduled to be heard again by the Assembly's Local Government Committee on Wednesday, April 25, 2007 and, if successful there, will be heard once again by the Committee on Housing & Community Development the following week (May 2, 2007). A followup letter of support has been prepared for signature by the Chair.

On April 12, 2007 ABAG notified the County that the State-imposed RHNA allocation for the entire 9-County Bay Area region was actually lower than anticipated (214,500) as well as lower than the 1999-2006 cycle (230,000). Therefore, given the recently-approved methodology for allocating those region-wide numbers to the 9 counties and 100 cities in the Bay Area, Napa County's unincorporated area's RHNA allocation is estimated to be approximately 657 (pending appeals from other jurisdictions and potential changes by ABAG). This figure would only be one-third of the allocation during the previous cycle (1,969). Nevertheless, the County's position is that this will continue to be a long-term challenge unless legislative protection is provided. In fact, the proportionate share allocated to the unincorporated area (of the entire County's aggregate figure) is still over 17% (or one of about every six units).

It is anticipated that AB 82 may 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 . Proposed Legislation - AB82

CEO Recommendation: Approve

Reviewed By: Karen Gratton