



Agenda Date: 8/7/2007
Agenda Placement: 10A

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Molly Rattigan for Nancy Watt - County Executive Officer
County Executive Office
REPORT BY: Molly Rattigan, Management Analyst, 253-4112
SUBJECT: SB 303-Local Government: Land Use Planning

RECOMMENDATION

Discussion and possible action related to SB 303 (Ducheny)-Local Government: land use planning. (Unanimous vote of the Board members present required.)

EXECUTIVE SUMMARY

SB 303 was last amended on June 25, 2007 and is currently being held by the Assembly Committee on Local Government. This bill requires the housing element of the general plan to identify land to accommodate a 10 year supply of housing, requires local governments to zone for five years of housing within one year of adopting the housing element, changes requirements related to the conservation and open-space elements of the general plan, and specifies that all other general plan elements be updated every 10 years. The California State Association of Counties and the Regional Council of Rural Counties have opposed this bill.

It is expected that the Board will discuss whether to send a letter of support or opposition concerning SB 303.

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

SB 303 introduced by Senator Ducheny, is a complicated bill which makes numerous substantive and technical changes to laws relating to general plans and housing elements. The technical changes are too numerous to address here. Rather, staff has included a general discussion of the key concepts that the bill seeks to implement. Among them are the following:

General Plan

- | Requires a jurisdiction's general plan and each of its elements, except for the housing element, to encompass a planning and projection period of at least 20 years. This would not be a significant change from current law.
- | Requires each element, except for the housing, conservation and open space elements, to be updated at least every 10 years. This changes current law in that the State currently recommends that each element, except the housing element, be updated when the County determines that an element is out of date, inadequate or legally problematic. The mandate to update these elements every 10 years will likely require the addition of County staff or costly consultants.
- | Requires each jurisdiction to designate in its land use element sufficient land for residential use to accommodate the jurisdiction's 10-year housing need. This would be a new requirement in state law.

Housing Element:

- | Requires the housing element to continue to be updated every 5 years, beginning two years after the Council of Governments adopts the final housing allocation.
- | Defines "regional housing need" and "existing and projected housing need" to mean the minimum amount of housing needed over the next 10 year period.
- | Requires each program of actions in the housing element to specify the date by which each action will be accomplished.
- | Requires jurisdictions to permit specified statutory densities in their land inventory of sites that would accommodate housing for lower income households. Under existing law, a jurisdiction has the option of demonstrating how its own adopted densities (not a statutorily mandated density) would accommodate the jurisdiction's share of the regional housing need for lower income households. It appears that SB 303 eliminates this as an option and leaves in the required minimum densities. For nonmetropolitan counties, unincorporated areas in nonmetropolitan areas, and suburban jurisdictions, as defined by the U.S. Census Bureau, the minimum required density would be at 15, 10 and 20 units per acre respectively.
- | Requires the housing element to include a program to zone sites to accommodate the unaccommodated portion of the regional housing need allocation for very low and low income households from the prior planning period (in other words, if the jurisdiction did not have an adequate inventory of sites in the prior planning period, it must identify sites that will accommodate the prior unmet need). Under current law, the unaccommodated portion of the regional housing need allocation expires at the end of a planning period. The requirement of rolling over the unaccommodated portion of the regional housing need in addition to the newly established regional housing need could potentially increase the burden on the County to provide housing.
- | Requires the housing element to identify policies and incentives to promote infill and requires those incentives to include fee waivers, among other things.
- | Requires each jurisdiction to utilize the guidelines and any interpretive memoranda adopted by the State Department of Housing and Community Development.

Conservation and Open Space Elements:

- | Requires the conservation and open space elements to be updated concurrently with the housing element update.
- | Establishes specific items that must be included in the open space element such as an inventory of open-space land, a statement of goals, policies and financial resources and scheduled programs for the acquisition and preservation of open-space land, and a program of actions to implement the policies and objectives, among other things. This is a significant increase in the amount of detail required and adds implementation aspects. The County would need to hire additional staff and/or consultants to meet these new requirements.
- | Requires the planning agency to consider the guidelines adopted by the Office of Planning and Research when preparing the open-space element.

Zoning:

- | Requires jurisdictions to identify actions that shall be taken during the first year of the planning period to make sites available with appropriate zoning for affordable housing for the planning period. Current law does not require these actions to be taken in the first year.
- | Requires a jurisdiction's ordinances to be consistent with the general plan by the date of the next housing element update and thereafter. This would not be a significant change.
- | Requires a jurisdiction to designate in its land use element sufficient land for residential use to accommodate the jurisdiction's 10-year housing need and concurrently to zone sites for residential use to accommodate the jurisdiction's 5 year housing need. These actions must be taken within one year from the date the jurisdiction submits its draft housing element to the State. This would be a new requirement.

Other:

- | The mandate to update the open space and conservation elements concurrent with the housing element every five years, and to update all the other elements every 10 years has the potential to be very costly. It takes 2-3 years to complete any General Plan update, and requires the County to retain expensive consultants and/or more staff for the duration. If this bill succeeds, the County would be perpetually updating one or more element and never have a stable and coherent blue print for land use decision making.

SB 303 was last amended on June 25, 2007 and is currently being held in the Assembly Committee on Local Government. It is anticipated that SB 303 will become a two year bill, however Napa County's Legislative Advocate indicated that given Senator Ducheny's position as Legislative Budget Committee Chair, the bill might be included as part of the Fiscal Year 2007-2008 State Budget.

SB 303 is sponsored by the California Major Builders Council. The bill is opposed unless amended by the California State Association of Counties (CSAC), Regional Council of Rural Counties and the League of California Cities. The Legislative Subcommittee has reviewed this bill and has recommended that the County of Napa oppose SB 303.

SUPPORTING DOCUMENTS

A . SB 303

B . Letter from CSAC and RCRC

C . Floor Alert from RCRC

CEO Recommendation: Approve

Reviewed By: Karen Gratton