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Planning Services Division

MEMORANDUM

Agenda Item No. 2

TO: Solano County Planning Commission

FROM: Matt Walsh, Principal Planner

SUBJECT: **2015 Housing Element Update (2015-2023)**

DATE: April 16, 2015

RECOMMENDATION

That the Planning Commission:

1. Open a public hearing; and
2. Adopt a Resolution, recommending that the Board of Supervisors adopt the Negative Declaration and approve the updated Housing Element.

BACKGROUND

The Housing Element is one of seven elements mandated under state law to be included in the General Plan. The purpose of the Housing Element is to establish a comprehensive plan to address housing needs in the unincorporated area of Solano County. The Element addresses the housing needs of all economic segments of the county including low and moderate income households and populations with special housing needs.

The Housing Element is considered the primary policy document for any given jurisdiction to guide the development, rehabilitation, and preservation of housing for all economic segments of the County's population. Accordingly, the County's Housing Element includes the identification and analysis of the existing and projected housing needs of the County. The document also contains goals, policies, and objectives along with implementation programs for the preservation, improvement, and development of the range of housing needs. Per HCD's guidelines, the Association of Bay Area Governments (ABAG) determined that the County's new housing need over the Housing Element period of 2015-2023 totals 103 dwelling units through the Regional Housing Needs Allocation process (RHNA). State housing law requires that the County's Housing Element include site-specific data showing that adequate land is available to meet its housing need as determined by ABAG.

The County entered into contract with the planning firm PMC in April 2014 to prepare the updated Housing Element, the required CEQA document, and facilitate coordination with HCD. PMC and staff have compiled, updated, and analyzed demographic, economic, and housing data to update the Housing Element's Needs Assessment. Efforts have also included updating the County's housing development potential, identifying governmental and non-governmental constraints to meeting the County's housing needs, and evaluating the past performance of the current Housing Element.

A publicly noticed study session was held before the Planning Commission on August 7, 2014 to obtain comments from both the public and the Commission. A similar study session was held before the Board of Supervisors on November 4, 2014. After the Planning Commission and Board study sessions with public testimony, PMC examined, refined, updated, and incorporated policies and programs, as necessary, to the Housing Element that will focus the County's efforts on removing constraints and taking the most effective steps towards meeting the housing needs of the community over the next five years. A draft Housing Element has been generated and has been sent to HCD for the state to preliminarily review and provide comments. The comments are attached and indicate that the Housing Element in its current state meets HCD's requirements and is suitable to adopt.

To meet CEQA requirements, a draft Initial Study and Negative Declaration has been prepared, published, and circulated for public comment. The public comment period ended on April 4, 2015. A comment letter was submitted by the Central Valley Regional Water Quality Control Board (attached). This letter does not identify any potential significant impacts or raise any issues with the draft environmental analysis. It does contain general State Water Board permitting requirements for site specific projects. However the proposed Housing Element update is programmatic in nature and does not propose any construction activity.

DISCUSSION

The updated draft Housing Element does not propose significant changes. The notable changes include the necessary review and analysis of the RHNA. The current Housing Element (2007-2014) addresses the most recent legislation relating to housing requirements. The zoning text amendments being considered by the Planning Commission implement the legislative requirements. No new legislative mandates have occurred since that time.

Regional Housing Needs Allocation

The RHNA assignment from ABAG for the 2014 to 2022 planning period totals 103 units and is broken down according to income level as follows:

Income Level	Units	Percentage
Extremely Low	13	13%
Very Low	13	13%
Low	15	14%
Moderate	19	18%
Above Moderate	43	42%
Total	103	100%

The County must ensure that policies and programs are included in the Housing Element identifying how the County will meet these requirements. Though RHNA does not require the units to be built, it does require that the County's zoning identify sites that have the ability to accommodate the minimum number of units in each income category. As of November 2014, nine units have actually been constructed. Taking into consideration the amount of vacant parcels in the County that can accommodate single family homes and factoring in the ability of the County to accommodate farm labor housing and secondary living units, HCD determined that the County has the ability to meet these requirements by the end of the planning period.

The primary programs proposed in the updated Housing Element include programs that the County has operated in the past and continues to operate:

- As demand necessitates, apply for CDBG funding to provide housing rehabilitation assistance to income qualified homeowners to improve the quality of the County's housing stock.
- Continue to operate a high performing Section 8 voucher program to provide tenant financial assistance.
- Continue to promote the County's ability to provide for farm labor housing in its agricultural areas.
- Continue to allow for manufactured homes to be utilized as second living units in both residential and agricultural zones.
- Continue to review permitting procedures to ensure that they don't pose any undue or unnecessary constraints.

Approval Process

The draft Housing Element has been sent to HCD for comments. HCD has submitted its comments, and has stated that the updated Housing Element will comply with state requirements subject to incorporating the state's comments. The current draft of the document (previously forwarded to the Commission under separate cover) incorporates HCD's comments.

At the conclusion of the Planning Commission's public hearing, the Commission will be asked to recommend to the Board of Supervisors approval of the draft updated Housing Element. The Board of Supervisors will then conduct a public hearing prior to adoption of the Housing Element. The adopted Housing Element will then be submitted back to HCD for final certification that the Housing Element is consistent with the requirements of State Law. HCD has 90 days to certify the Housing Element.

Environmental Review

A Negative Declaration was prepared for the updated Housing Element. The Negative Declaration has been published and circulated through the State Clearinghouse and made available for public review. The Negative Declaration did not identify any significant impacts to the environment related to the adoption of the updated Housing Element.

Attachments:

Exhibit A - Updated Draft Housing Element (previously forwarded to Planning Commission) Also available online at: http://www.solanocounty.com/depts/rm/boardscommissions/solano_county_planning_commission/staff_reports.asp

Exhibit B - Draft Initial Study/Negative Declaration (previously forwarded to Planning Commission) Also available online at: http://www.solanocounty.com/depts/rm/boardscommissions/solano_county_planning_commission/staff_reports.asp

Exhibit C - Letter from the CVRWQCB

Exhibit D - Draft Resolution

RECEIVED



APR 06 2015
COUNTY OF SOLANO
RESOURCE MANAGEMENT



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

30 March 2015

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COMMENTS TO REQUEST FOR REVIEW FOR THE NEGATIVE DECLARATION, SOLANO COUNTY HOUSING ELEMENT AND PUBLIC HEALTH AND SAFETY CHAPTER PROJECT, SCH# 2015032023, SOLANO COUNTY

Pursuant to the State Clearinghouse's 6 March 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Negative Declaration* for the Solano County Housing Element and Public Health and Safety Chapter Project, located in Solano County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



EXHIBIT C

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

**SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. XX**

WHEREAS, Government Code Section 65302 (c) requires the County of Solano to adopt a housing element as provided in Article 10.6 commencing with Section 65580 for the identification and documentation of housing needs and the development of a housing program to address identified needs; and

WHEREAS, Solano County is required to update and revise its existing Housing Element pursuant to Government Code Section 65588; and

WHEREAS, the Housing Element Update process has included conducting two public hearings, designed to solicit public input, held on August 7, 2014 before the Planning Commission and on November 4, 2014 before the Board of Supervisors; and

WHEREAS, in conformance with State guidelines the Solano County Department of Resource Management has prepared the Draft Solano County Housing Element; and

WHEREAS, the Solano County Planning commission has reviewed the report of the Department of Resource Management and heard testimony relative to the Draft Housing Element at a duly noticed public hearing held on April 16, 2015; and

WHEREAS, in response to comments received during public review and hearings on the Draft Element, including comments from the State Department of Housing and Community Development, revisions have been incorporated into the Draft Solano County Housing Element dated April 2015; and

WHEREAS, a Negative Declaration of environmental impact was prepared and circulated by the Department of Resource Management pursuant to the California Environmental Quality Act.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby recommend that the Solano County Board of Supervisors ADOPT the Negative Declaration and APPROVE the updated Solano County Housing Element attached as Exhibit A to this resolution.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on April 16, 2015 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

By: _____
Bill Emlen, Secretary