# Staff Report

Meeting Date: December 6, 2022

To: Siskiyou County Board of Supervisors

From: Hailey Lang, Planning Director

Subject: Approval of the 2022 Draft Housing Element Update in order to submit to the Department of Housing and Community Development (HCD) for their review

## Background

California requires that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. California’s local governments meet this requirement by adopting Housing Elements as part of their General Plan. General Plans serve as the local government’s "blueprint" for how the city and/or county will grow and develop over a 15–20-year period and include a minimum of seven mandatory elements: land use, transportation, conservation, noise, open space, safety, and housing. The Housing Element must be consistent with the other elements of the General Plan. General Plans are updated approximately every 20 years, while Housing Elements are on 8-year cycles to ensure relevancy and accuracy, since the housing market and needs are most closely tied to shifts in the economy. The current Siskiyou County Housing Element was adopted in 2014 and covers the period of 2014-2022.

California’s Housing Element law acknowledges that, in order to address the spectrum of housing needs, local governments must adopt plans and regulatory systems that provide opportunities for and do not unduly constrain housing development. It also establishes that each city and county accommodate their fair share of affordable housing as an approach to distributing housing needs throughout the region and state.

California State law mandates that all localities adopt a Housing Element update every eight years. The law also requires that Housing Elements address the following issues, among others:

* Include all economic segments of the community in the planning process;
* Review the progress and effectiveness of previous Housing Elements;
* Assess housing needs, including those of special needs populations, such as seniors, individuals experiencing homelessness, female-headed households, large households, and persons with disabilities;
* Assess the fair housing issues and trends in four key areas, contributing factors to these issues and trends, as well as the local jurisdiction’s fair housing enforcement and outreach capacity;
* List units at risk of conversion from restricted rents to market rents;
* Inventory whether there are an adequate number of appropriately zoned sites to accommodate growth for all income groups, as projected by the State Department of Housing and Community Development;
* Describe available financial and energy efficiency resources;
* Address constraints to housing production; and
* Outline a housing program with goals, policies, and programs that are consistent with the General Plan and that address housing needs, constraints, and available resources, including any fair housing issues that have been identified. The housing program must include a timeline of programs during the planning period.

## Discussion

This Housing Element update covers the eight-year period from November 2022-November 2030. It is intended to provide the Siskiyou County with a comprehensive strategy to promote the production of safe, decent, and affordable housing for all residents. It assesses current and projected housing needs, constraints to housing production, and resources available to meet the needs. It then establishes a set of housing goals, policies, and programs which are targeted to meet the housing needs over the Housing Element planning period. A key part of the Housing Element lays out strategies to address the needs of community residents that are not typically met by the private market, including low-income households, seniors, homeless individuals, and people with disabilities. The county does not directly build or own housing, but facilitates production by guiding zoning policies, coordinating with community partners, and in the case of affordable housing, by partnering with developers, lenders, and nonprofits on funding opportunities.

Since the county’s Housing Element was last updated in 2014, several significant events have occurred that have impacted housing demand and cost, as well as the development of this Housing Element update: the 2014 Boles Fire, the 2020 Slater Fire, the 2021 Lava Fire, the 2022 McKinney Fire, the 2022 Mill Fire, and the 2020 COVID-19 pandemic.

The State Legislature has passed a significant number of laws which mandate new analyses or programs in each Housing Element, as well an entire slate of laws regarding Accessory Dwelling Units (ADUs). These new laws apply to the 2022-2030 Siskiyou County Housing Element update, and wherever available, HCD guidance memos have been followed in its development. These include, but are not limited to:

* ADUs (AB 3182, AB 671, AB 68, AB 587, AB 670, AB 881, SB 13)—These new laws limit local jurisdictions’ ability to restrict the development of ADUs in a variety of ways and mandate streamlined, ministerial approval of ADUs within defined conditions. For the purpose of the Housing Element, they clarify that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs. AB 671 specifically requires that Housing Elements include a plan to incentivize and promote the creation of ADUs that can offer affordable rents for very-low, low-, or moderate-income households.
* Affirmatively Furthering Fair Housing (AB 686)—All Housing Elements adopted on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) conducted in accordance with HCD program guidance, an analysis of the Adequate Sites Inventory, a matrix of identified contributing factors to fair housing issues, and a program of actions that promote and affirmatively further fair housing opportunities throughout the community.
* No Net Loss (SB 166)— As jurisdictions make decisions regarding zoning and land use, and as development occurs, jurisdictions must have a program to assess their ability to accommodate new housing on the remaining sites in their Housing Element site inventories. A jurisdiction must add adequate sites if land use decisions or development results in a shortfall of sufficient sites to accommodate its remaining housing need for each income category.
* Site Inventory (SB 6, AB 1397, AB 1486, AB 686, AB 725)—The Housing Element establishes a jurisdiction’s strategy to plan for and facilitate the development of housing over the planning period by providing an inventory of land adequately zoned or planned to be zoned for housing and programs to implement the strategy. These laws modified the content of the site inventory, including new analyses for capacity calculations, infrastructure requirements, suitability of non-vacant sites, size of site and density requirements, location requirements, sites identified in the previous Housing Element and rezone program requirements, among others.

## Environmental Review

The Housing Element Update is exempt from the California Environmental Quality Act (CEQA), under Section 15061 (b)(b). Section 15061 (b)(3) consists of activities covered by the "common sense exemption" that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Housing Element would not result in any direct or indirect physical changes to the environment. The Housing Element update is strictly a policy document and does not provide entitlements to any specific land use projects. The Housing Element Update does not make any changes to the General Plan land use map and would not modify any land use designations, allowed densities, or land use intensities established by the General Plan.

Because there is not substantial evidence, in light of the whole record before the County, that the proposed Housing Element may have a significant effect on the environment, staff is recommending that the Board make the finding that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to the “common sense exemption” of CEQA Guidelines Section 15061(b)(3), which states that “CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where is can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The proposed CEQA exemption must be considered together with any comments received during the public review process. Further, the exemptions can only be approved if the finding is made, based on the whole record before it, that there is not substantial evidence that there are unusual circumstances (including future activities) which might reasonably result in the project having a significant effect on the environment.

## Comments

One public was received as part of this Housing Element Update for review and discussion.

***Public Comment-– October 2022***

Public comment was received regarding the completeness of the Housing Element and its lack of attributing a realistic picture of the impact and effect of the short-term rental market within Siskiyou County, particularly southern Siskiyou County.

*Planning Response: The 2022-2030 Housing Element is a comprehensive state-mandated document with various legal requirements that need to be accounted for within the document. As part of the Housing Element update, the consultant (Housing Tools) conducted an analysis on the short-term rental market within Siskiyou County, the effects of that market, and possible policy recommendations for the County to consider. That item was also heard October 19, 2022 Planning Commission meeting and will be heard again at the December 21, 2022 Planning Commission meeting. After recommendation from the Planning Commission, this item will be on upcoming Board of Supervisors agendas for discussion and potential action.*

## Recommended Action

As detailed in the attached Resolution, the Board of approve the Draft 2022-2030 Siskiyou County Housing Element in order to submit to the Department of Housing and Community Development (HCD) for their review.

## Recommended Motions

I move to adopt the Resolution hereby taking the following action:

## Adopt the recommended resolution approving the draft 2022-2030 Siskiyou County Housing Element.

## Attachments

1. Draft Housing Element
2. Signed Resolution PC 2022-024
3. Comments
4. Draft BOS Resolution