

**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** February 24, 2022

**Staff:** Bret Sampson, Planning Manager  
C.J. Freeland, Administrative Analyst II

**General Plan Amendment**

**FILE NUMBER:** GPA21-0004

**APPLICANT:** El Dorado County

**REQUEST:** Amendments to the 2021-2029 Housing Element Update of the County General Plan

**ENVIRONMENTAL DOCUMENT:** Revision to the Addendum to El Dorado County's General Plan Environmental Impact Report (EIR), certified in July 2004 (State Clearinghouse Number 2001082030) demonstrating that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project and the proposed project would not trigger any of the conditions described in the California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared by staff.

**RECOMMENDATION:** Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the revised Addendum to El Dorado County's General Plan Environmental Impact Report (EIR), certified in July 2004 (State Clearinghouse Number 2001082030) demonstrating that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project and the proposed project would not trigger any of the conditions described in the California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared by staff; and

2. Approve General Plan GPA21-0004 amending the 2021-2029 Housing Element of the General Plan based on the Findings.

## **BACKGROUND / HISTORY**

In accordance with Section 65588(e)(3) of the Government Code the Board of Supervisors adopted the 2021-2029 Housing Element Update of the County General Plan on August 31, 2021, consistent with the recommendation of the Planning Commission. The adopted Housing Element was submitted to the California Department of Housing and Community Development (HCD) for review and certification on September 7, 2021.

Staff has been working with HCD in response to their comments concerning the review in order to establish consistency with state law. The County received written comments from HCD on December 6, 2021, that make clear amendments to the adopted 2021-2029 Housing Element are required to attain state certification. According to the letter attached as Exhibit B, “The adopted element with draft revisions ... meets the statutory requirements described in HCD’s August 6, 2021 review. The housing element will comply with State Housing Element Law (Article 10.6 of the Government Code) when it is re-adopted, submitted to, and approved by HCD, in accordance with Government Code section 65585.”

## **ENVIRONMENTAL REVIEW**

The General Plan is the foundation development policy document of El Dorado County. It defines the framework by which the physical, economic, and human resources of the County are to be managed and used over time. The General Plan acts to clarify and articulate the intentions of the County with respect to the rights and expectations of the public, property owners, and prospective investors and business interests. The General Plan informs these citizens of the goals, objectives, policies, and standards for development of the County and the responsibilities of all sectors in meeting these. While the General Plan EIR did not address the current or proposed Housing Element, the policies in the General Plan address all physical impacts resulting from development in El Dorado County.

As a policy document, the Amended Housing Element does not result in physical changes to the environment but encourages the provision of affordable housing within the projected housing development consistent within the existing land use designations in the Land Use Element of the General Plan. None of the policies in the proposed project would change the existing land use pattern, as established by the General Plan and evaluated in the General Plan EIR. All future construction within El Dorado County must comply with the General Plan, zoning ordinance, state and federal permits, and local development standards. In addition, future discretionary actions (i.e., use permits, site plan review) require independent and project-specific environmental review to comply with CEQA.

The revised Addendum to El Dorado County’s General Plan EIR, certified in July 2004 (State Clearinghouse Number 2001082030), Exhibit A, demonstrates that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project and the proposed project would not trigger any of the conditions described in

CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration.

## **STAFF ANALYSIS**

The Housing Element is a comprehensive report by El Dorado County describing the housing needs of the unincorporated area and how the County's plans, policies, programs and regulations facilitate the development, improvement and preservation of housing for all economic segments of the community. State law requires that the Housing Element consist of "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement and development of housing."

The Housing Element sets forth the County's strategy for enhancing and preserving the housing stock, for expanding housing opportunities for various economics segments, and along with the Land Use Element, provides policy guidance for decision-making related to housing. The Housing Element also provides implementation strategies for effectively addressing the housing needs of the unincorporated area during the 2021-2029 planning period.

Each jurisdiction is required by state law to ensure that sufficient land with appropriate zoning is available to accommodate its fair share of the region's future housing needs for all income groups for the 2021-2029 planning period. SACOG is the agency tasked with identifying housing needs for each jurisdiction, consistent with state-approved regional forecast totals. On March 19, 2020, the SACOG Board of Directors adopted the Cycle 6 (2021-29) Regional Housing Needs Plan, which includes the Regional Housing Needs Assessment (RNHA) that provides the number of total housing units that each jurisdiction in the SACOG region must zone for during the 8-year period in accordance with the state requirement to determine the number of housing units cities and counties must plan for in their Housing Element Updates.

Through this process, SACOG determined that the new housing need for the El Dorado County unincorporated West Slope area is 4,994 additional housing units for this planning period, representing 3.27% of the region's total allocation of 153,512 units. The new housing need for the unincorporated East Slope/Tahoe Basin is 359 additional housing units. This need is allocated to four income categories as shown in Table 1. There is no change to the housing allocation as a result of the proposed amendments.

Because the Tahoe Basin is subject to federal law and to the land use authority of the Tahoe Regional Planning Agency (TRPA), the local governments in Placer and El Dorado Counties have no land use authority to manage growth rates. While SACOG has no authority to determine the number of overall units allocated to the areas in the Tahoe Basin, SACOG coordinated with TRPA for its housing projections and applied the same income category distribution methodology to the overall number of units assigned to these jurisdictions.

Table 1

Income Category	Unincorporated EDC	Tahoe Basin	Zoning Required to Meet Need
Very Low Income (<50% of AMI*)	1350	91	High density residential (20-30 units/acre min.)
Low Income (50% to 80% of AMI)	813	55	High density residential (20-30 units/acre min.)
Moderate Income (81% to 120% of AMI)	840	63	Any residential density
Above Moderate (>120% of AMI)	1991	150	Any residential density
Total	4994	359	

\*Area Median Income

A key assumption of the RHNA requirements is that the higher the allowed density in the zoning, the more likely it is to be able to accommodate affordable housing. While above moderate-income RHNA can be accommodated on single family zoned sites, the lower income categories (very low- and low-income) can only be accommodated on sites zoned for higher densities (zoned multi-family, typically 20 or 30 units per acre). If a jurisdiction does not have enough zoning capacity to accommodate all income categories of its RHNA, it must identify sites and rezone them by 2024.

## PROPOSED REVISIONS

The proposed amendments primarily concern the Fair Housing Analysis. As expected, HCD requires additional analysis in Section 3 of the Housing Element along with additional language in the Implementation Measures in Section 5 to address the state’s Fair Housing concerns in accordance with State Government Code Section 65583 (10)(A)(ii). Other significant amendments include a reduction in the County’s projected development of Accessory Dwelling Units and minor staff changes related to formatting or spelling. Proposed amendments to the adopted Housing element are reflected in a clean version as Exhibit C and as track changes on Exhibit X1. A summary of proposed amendments is also attached as Exhibit D

In all, the 2021-2029 Housing Element includes 40 Implementation Measures; 17 are from the prior Housing Element that have been amended or revised, 13 are in progress or ongoing and have been rolled over from the previous Housing Element, and 10 new Measures, including the addition of proposed Measure HO-40.

## PUBLIC PARTICIPATION

Opportunities for residents to provide input on housing issues and recommend strategies are critical to the development of appropriate and effective housing programs.

On February 10, 2022, the County posted the proposed amendments to the 2021-2029 Housing element on the County’s web site as well as posting and publishing a public notice for the proposed hearing.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and ongoing SB 2 funding (Permanent Local Housing Allocation) consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the County now meets housing element requirements for these and other funding sources.

Any additional changes to the proposed amended Housing Element would result in additional HCD review and cause further delays in obtaining Certification and could jeopardize the County's eligibility for housing and transportation grant funding.

## **RATIONALE FOR RECOMMENDATION**

Staff has revised the Housing Element with amendments to address HCD comments and required revisions and upon adoption by the Board, will secure final finding by HCD of substantial compliance with the State Housing Element law.

The State of California has determined that housing is of vital importance to the economic, environmental, and social quality of life in California. As a result the state imposes consequences for failure to timely adopt and obtain certification of the Housing Element. For example, should the amended Housing Element not be adopted, the County would not be eligible to apply for upwards of \$9.0 million in funding opportunities for various housing, recreation and transportation grant programs.

## **NEXT STEPS**

Following this Planning Commission public hearing, staff will review and prepare comments received from the public and the Planning Commission to bring to the Board of Supervisors. Staff will present the proposed Housing Element Amendment and the Planning Commission recommendation for the Board of Supervisors consideration and approval. The Board of Supervisors public hearing is expected on March xx, 2022.

## **SUPPORT INFORMATION**

Attachments

Findings

**Exhibits**

- Exhibit A ..... CEQA – Revised Addendum to El Dorado County’s General Plan EIR. EIR, certified in July 2004 (State Clearinghouse Number 2001082030) - Clean
  
- Exhibit A1 ..... CEQA – Revised Addendum to El Dorado County’s General Plan EIR EIR, certified in July 2004 (State Clearinghouse Number 2001082030) - Track Changes
  
- Exhibit B.....HCD Conditional Certification Letter December 6, 2021
  
- Exhibit C .....Amended 2021-2029 Housing Element – Clean
  
- Exhibit C1 .....Amended 2021-2029 Housing Element – Track Changes
  
- Exhibit D.....Summary of Amendments to the adopted 2021-2029 Housing Element