



Legislation Details (With Text)

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Title: Supervisor Parlin recommending the Board:
 1) Consider documentation, staff information, and public comment regarding the proposed Native Directions/HomeCA Substance Use Disorder Treatment Centers;
 2) Approve and authorize the Chair to sign the attached letter to Senator Alvarado-Gil, Assemblyman Patterson, and other interested parties, requesting assistance with interfacing with the Department of Health Care Services (DHCS) and other pertinent agencies on how to prevent these proposed projects from negatively impacting our rural communities and/or relocating them to more suitable locations; and
 3) Provide direction to staff to collaborate with affected departments, agencies, and organizations to research and determine a path forward to either fully mitigate the negative impacts to the County and our communities or relocate the facilities.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Draft Letter to Senator and Assemblyman re Treatment Centers, 2. B - Public Comment - Letter to Governor 1-5-24, 3. C - DHCS BHCIP Joint-RFA-1, 4. D - BHCIP Native_Directions_R4_Application, 5. E - WIC_5960.3, 6. F - Press Release - Governor Newsom Announces 53 Million in New Housing Grants, 7. Public Comment BOS Rcvd. 1-30-2024, 8. Public Comment BOS Rcvd. 1-29-2024, 9. Public Comment BOS Rcvd. 1-26-2024, 10. Executed Letter to Senator and Assemblyman re Treatment Centers

Date	Ver.	Action By	Action	Result
1/30/2024	1	Board of Supervisors	Approved	Pass

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FUNDING: N/A

DISCUSSION / BACKGROUND

The District IV office is receiving inquiries regarding a proposed 30-40 bed treatment center on two residential parcels off Deer Valley Road. While the County understands the concerns and opposition

to a treatment center in a rural, residential 10-acre zoned neighborhood, the State Legislature undermined our local land use authority and increased mistrust of government when it passed Assembly Bill (AB) 172 (2021), which is the legislation that authorized the treatment centers. Here is a link to the legislation:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB172

Here are the excerpts from AB 172 where the State has taken away our local land use planning and is allowing large, commercial-type treatment centers in residential neighborhoods:

"SEC. 27.

Chapter 20 (commencing with Section 18999.97) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 20. Community Care Expansion Program

18999.97. (a) The Community Care Expansion Program is hereby established. Under the program, qualified grantees shall administer projects for the acquisition, construction, or rehabilitation of property to be operated as residential adult and senior care facilities, or to promote the sustainability of existing licensed residential adult and senior care facilities through the provision of capitalized operating subsidy reserves.

(l) Any project that receives funds pursuant to this section shall be deemed consistent and in conformity with any applicable local plan, standard, or requirement, and any applicable coastal plan, local or otherwise, shall be allowed as a permitted use, within the zone in which the structure is located, shall not be subject to a conditional use permit, discretionary permit, or any other discretionary reviews or approvals, and shall be deemed as a ministerial action under Section 15268 of Title 14 of the California Code of Regulations."

The Department of Health Care Services (DHCS) received the funding from the State to award to qualified applicants, as announced in the attached press release. The oversight and implementation by DHCS of the grant process and project development is concerning as it appears to rely on the applicant to self-determine compliance with CEQA exemptions and other grant requirements.

The public has raised many specific concerns, including but not limited to:

- **Traffic impact study on Deer Valley Road** - this is a dangerous road already, and these facilities bring significant increases in resident density and delivery/staff/emergency traffic. This endangers all the residents who have to utilize this road daily. We would like to see the county require any development of this scale to widen and improve Deer Valley Road for the 1.5 miles that are required to get to these facilities. The facilities are also planned to utilize community easement roads that are currently dirt, and less than two lanes wide. If these facilities were to be built, at a minimum they should be required to widen, and pave these roads.
- **Environmental Impact Study** - although this development is supposed to be immune to CEQA requirements, the county should definitely require the developer to prove this won't negatively impact the surrounding environment for these parcels.
- **Water Use Study** - these facilities will utilize significant water, and all the neighboring

residents utilize a shared water source that our wells tap into. Can our water source support facilities of this size, and medical nature? Residents who recently built houses nearby know the strict requirements that they needed to support in their development to obtain residential build permits. The requirements should be much higher in facilities of this size, and hopefully the county can rigorously enforce these. The county should ensure that if these facilities are built, there will be appropriate water available to support all the neighborhood community. Maybe the county should require that these parcels utilize EID water/sewer?

- **Emergency Service Availability** - the county should work with the Sheriff and Ambulance service providers to ensure increased availability of police and ambulance service for these facilities. Who will fund these increases?
- **Fire Safety and Egress** - Beyond the typical fire safety that would be required of any development, there are additional concerns regarding the roads and safety to the residents that live off of the two private roads that surround these parcels. The proposed development exacerbates Wildland Urban Interface (WUI) concerns. These residents have a single egress out of their rural residences (Sands Rd, north and south of these parcels) and that road faces the real possibility of becoming inaccessible should a wildfire ensue from the parcels proposed for these facilities. This scenario presents the real possibility of catastrophe and as far as we know, there has been no collaboration with Fire agencies to harden the environment and reduce the very real possibility of risk of loss and life.
- Community members have created a website regarding the projects:
<https://rescuedeervalley.com>

Direction to staff could include but are not limited to:

- 1) Collaborate with Rescue Fire Department to provide legal resources to proactively engage in this process;
- 2) Research whether the project is exempt from CEQA and what oversight is required for Notice of Exemption ;
- 3) Reach out to DHCS to inquire as to whether their intention is to place large, commercial treatment centers in rural, remote, neighborhoods and causing safety concerns;
- 4) Write a formal letter to the applicant that explains the County's concerns about the negative impacts and safety concerns of this project at the proposed location.

ALTERNATIVES

The Board could choose not to take any action on this issue. However, this legislation by the State Legislature is a clear example of government overreach, which erodes public trust. Our local residents expect us to do everything in our authority to prevent these proposed projects from negatively impacting our rural communities.

PRIOR BOARD ACTION

None

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Planning and Building, County Counsel, CAO

FINANCIAL IMPACT

N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS

Send an executed copy of the letter to Senator Alvarado-Gil and Assemblyman Patterson at: marie.alvarado-gil@sen.ca.gov and Joe.Patterson@asm.ca.gov

cc: Lauren Hernandez, District Director to Senator Alvarado-Gil at lauren.hernandez@sen.ca.gov

CONTACT

Supervisor Parlin