RECOMMENDED ACTION AND JUSTIFICATION:
This is an advertised public hearing to accept public testimony and to consider adoption of an amendment to the 2009 – 2014 Housing Element of the General Plan. State law requires that Mariposa County submit its adopted Housing Element for certification by the State Department of Housing and Community Development (HCD). This amendment, based upon final comments from HCD, would bring the 2009-2014 Housing Element into compliance with State housing element law. The Planning Commission and staff are recommending adoption of the proposed amendment.

BACKGROUND AND HISTORY OF BOARD ACTIONS: On December 8, 2009, the Board of Supervisors adopted the 2009-2014 Housing Element. This action included the adoption of a Negative Declaration, and direction to submit the adopted Housing Element to the State Department of Housing and Community Development (HCD) for certification in compliance with State law.

The adopted Element was submitted to HCD on December 23, 2009 for the mandated 90 days review period. On March 22, and June 8, 2010, HCD responded with their comments on revisions that are needed for the element to comply with the State housing element law. This letter is included in the attached staff report. The letter concluded that once the element is revised to adequately address these requirements, it will comply with State housing element law.

Following the Board’s action to adopt the recommended amendments, HCD has confirmed that they will issue a final letter of compliance.

The Planning Commission considered these changes at a Public Hearing on May 21, 2010. There was no public input at the hearing, and following a short discussion, the Planning Commission adopted a resolution recommending that the Board of Supervisors approve General Plan Amendment 2010-035 with proposed findings.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
A failure to diligently pursue and complete the adoption and HCD certification of the Housing Element Update could result in the suspension of certain State housing programs and funding, such as community development block grants.

| Financial Impact? | ☑ | Yes | ( ) No | Current FY Cost: $ |
| Budgeted In Current FY? | ☑ | Yes | ( ) No | ( ) Partially Funded |
| Amount in Budget: | $ |
| Additional Funding Needed: | $ |
| Source: | |
| Internal Transfer | $ |
| Unanticipated Revenue | $ |
| Transfer Between Funds | $ |
| Contingency | $ |

( ) General ( ) Other

List Attachments, number pages consecutively

Staff Report:
1. March 23, 2010 HCD comment letter
2. Staff's proposed changes in response to HCD comments
3. Government Code Excerpts
4. June 8, 2010 HCD e-mail on final edits and letter of certification
5. Planning Commission Resolution 2009-016
6. Draft Board of Supervisors Resolution

Revised Dec. 2002
The foregoing instrument is a correct copy of the original on file in this office.

Attest: MARGIE WILLIAMS, Clerk of the Board
        County of Mariposa, State of California

By: Deputy

Revised Dec. 2002
TO: KRS SCHENK, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: PUBLIC HEARING to Consider General Plan Amendment No. 2010-035, an Amendment to the 2009-2014 Housing Element of the Mariposa County General Plan. The Amendment Proposes Changes to the Adopted Housing Element in Response to Final Comments from the State Department of Housing and Community Development (HCD). Recommended Action Includes Adopting a Resolution Approving the Amendment to the 2009-1014 Housing Element of the Mariposa County General Plan, with Findings

RES. 10-323

THE BOARD OF SUPERVISORS OF MARIPONA COUNTY, CALIFORNIA

ADOPTED THIS Order on June 22, 2010

ACTION AND VOTE:

Planning
PUBLIC HEARING to Consider General Plan Amendment No. 2010-035, an Amendment to the 2009-2014 Housing Element of the Mariposa County General Plan. The Amendment Proposes Changes to the Adopted Housing Element in Response to Final Comments from the State Department of Housing and Community Development (HCD). Recommended Action Includes Adopting a Resolution Approving the Amendment to the 2009-1014 Housing Element of the Mariposa County General Plan, with Findings

BOARD ACTION: Kris Schenk and Mark Niskanen, Senior Planner with J. B. Anderson Land Use Planning, presented the staff report; and responded to questions from the Board relative to clarifying the third comment from HCD concerning addressing the needs of extremely low-income families. The public portion of the hearing was opened and there was no input. The public portion of the hearing was closed. (M)Bibby, (S)Allen, Res. 10-323 was adopted approving General Plan Amendment No. 2010-035, with findings as recommended/Ayes: Unanimous. The hearing was closed.

Cc: Jim Rydingsword, Human Services Director
File
MARIPOSA COUNTY RESOLUTION NUMBER 10-323

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA ADOPTING GENERAL PLAN AMENDMENT NO. 2010-035, AN AMENDMENT TO THE 2009–2014 HOUSING ELEMENT, WITH FINDINGS

WHEREAS, State law requires cities and counties to prepare and adopt a General Plan to guide the future development of a city or county; and

WHEREAS, a General Plan must contain certain elements, including a Housing Element which sets forth goals, policies and programs to encourage the development of housing for all income groups and persons with special needs; and

WHEREAS, State law requires that cities and counties comprehensively update their General Plan Housing Element every five years to ensure their plans can accommodate future demand for housing; and

WHEREAS, on December 8, 2009, the Mariposa County Board of Supervisors adopted the 2009-2014 Housing Element Update to the Mariposa County General Plan and forwarded the adopted Element to the State Department of Housing and Community Development (HCD) for consistency review in accordance with State housing element law; and

WHEREAS, in a letter dated March 22, 2010, and via e-mail dated June 8, 2010, HCD provided Mariposa County with final comments on the adopted 2009-2014 Housing Element; and

WHEREAS, HCD in their comment letters stated that if the Housing Element was revised to adequately address their comments, it would comply with State housing law; and

WHEREAS, responses to the HCD comments were prepared and submitted to HCD for review as to adequacy; and

WHEREAS the Mariposa County Planning Commission, on May 21, 2010, conducted a duly noticed and properly advertised public hearing to take public testimony and to consider draft amendments proposed in response to the HCD comments; and

WHEREAS, the Planning Commission approved Resolution Number 2010-008 recommending that the Board of Supervisors adopt General Plan Amendment 2010-035; and

WHEREAS, the County conducted an environmental analysis on the adopted 2009–2014 Housing Element update per the requirements of the California Environmental Quality Act; and said analysis concluded that the proposal would not have significant environmental impacts; and
WHEREAS, on December 8, 2009 the Mariposa County Board of Supervisors adopted a Negative Declaration for the 2009-2014 Housing Element Update and a Notice of Determination was filed in accordance with State law; and

WHEREAS, the recommended 2010 amendments are minor and technical in character and do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment, the Negative Declaration adopted by the Board of Supervisors for the 2009-2014 Housing Element adequately addressed the potential environmental impacts of the project. No changes are necessary to the Initial Study and the adopted Negative Declaration; without evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment; and

WHEREAS a duly noticed public hearing of the Mariposa County Board of Supervisors was scheduled for the 22nd day of June 2010; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the staff report; and

WHEREAS, the Board of Supervisors finds that adoption of this Amendment to the adopted 2009-2014 Housing Element is consistent with the Mariposa County General Plan; and

WHEREAS, the adoption of General Plan Amendment No. 2010-035, along with another General Plan Amendment proposal that may be considered by the Board of Supervisors at the same public meeting, constitutes the first round of General Plan Amendment to be considered in calendar year 2010.

THEREFORE BE IT RESOLVED that the Board of Supervisors hereby adopts General Plan Amendment No. 2010-035, amending the 2009–2014 Housing Element of the Mariposa County General; and

THEREFORE BE IT FURTHER RESOLVED that the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Supervisor Bibby, seconded by Supervisor Allen, this resolution is duly passed and adopted this 22nd day of June, 2010 by the following vote:

AYES: ABORN, TURPIN, BIBBY, CANN, ALLEN

NOES: NONE

ABSENT: NONE
ABSTAIN: NONE

Kevin Cann, Chairman
Mariposa County Board of Supervisors

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

Steven W. Dahlem
County Counsel
EXHIBIT 1
FINDINGS OF APPROVAL

1. **The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.**

These amendments to the Housing Element have been prepared to meet the legislative intent of providing for the availability of housing, expanding housing opportunities, and accommodating the housing needs of all economic segments in the County. The Housing Element is intended to identify the County’s responsibilities in attaining the state housing goals, while recognizing that Mariposa County is best capable of determining what local efforts are required for the attainment of the state housing goal and regional housing needs.

In requiring the periodic update to the Housing Element of the General Plan, the legislative intent is clearly stated in Section 65581 of the Government Code regarding the County’s responsibilities to prepare these amendments. The Legislature has determined that compliance with the State Housing Element laws is necessary and in the public interest to provide for housing opportunities for all economic segments in the County.

The certification of the Housing Element is necessary to continue receiving State and Federal funds for programs and activities that assist all economic segments with expanded housing opportunities and needs. These amendments will meet the requirements of HCD for certification of the 2009-2014 Housing Element. It is in the general public’s health, safety, peace and welfare to continue receiving the State and Federal funds.

These amendments to the Housing Element are in the public interest and will not have a significant adverse affect on the general public health, safety, peace and welfare.

2. **The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.**

The Housing Element Update provides for a five-year planning period, and legislation requires that the Element be updated periodically. These amendments will bring the adopted 2009-2014 Housing Element into compliance with State housing law and gain Certification from the State Department of Housing and Community Development. The amendments to the Housing Element will provide long-term policies and programs that will assist in efforts to provide affordable housing for all economic segments of the community, particularly for disabled persons and those in need of
supportive housing. The potential amendments to Title 17, Zoning, that are required by these amendments will provide regulations that will improve the day-to-day decision making process. The adopted 2009-2014 Housing Element five year planning horizon, combined with the periodic amendments as proposed, establishes guidelines for meeting housing needs in the immediate future, and also insures that there will be long-term guidelines as the General Plan is implemented over the next decade and beyond.

3. The amendment conforms to the requirements of state law and county policy.

The processing of these amendments has been in accordance with all requirements pursuant to state law, County ordinance, and County policy. Native American tribes were provided an opportunity for consultation on the 2009-2014 Housing Element, in accordance with the Tribal Consultation Guidelines of the General Plan Guidelines, although no tribes requested consultation. The Native American Tribes have been notified of these proposed amendments and the public hearings conducted (Government Code Section 65092). These text amendments are not of a substantial nature and will not affect any cultural places in Mariposa County.

4. The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County General Plan as follows:

The 2009-2014 Housing Element was found to be consistent with the Mariposa County General Plan based upon identified policies and implementation measures. These amendments make minor, technical changes to the adopted 2009-2014 Housing Element in order to bring it into full compliance with State housing law. There are no policies within the adopted Housing Element or the other Elements of the General Plan in conflict with these amendments. Any proposed changes to Title 17, Zoning, as a result of these amendments must be found consistent with the Mariposa County General Plan.

5. Environmental Review

Based upon the Initial Study prepared for the 2009-2014 Housing Element Update, the Board of Supervisors adopted a Negative Declaration in December, 2009, and a Notice of Determination was filed on the project in accordance with State law. These amendments represent minor, technical changes to the adopted 2009-2014 Housing Element. The proposed amendments do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Negative Declaration adopted by the Board of Supervisors adequately addressed the environmental issues of the project, and no changes are necessary to the Initial Study and the adopted Negative Declaration. Absent evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.
On December 8, 2009, the Board of Supervisors adopted the 2009-2014 Housing Element. This action included the adoption of a Negative Declaration, and direction to submit the adopted Housing Element to the State Department of Housing and Community Development (HCD) for certification in compliance with State law.

The adopted Element was submitted to HCD on December 23, 2009 for the mandated 90 days review period. On March 22, 2010, HCD responded with their comments on revisions that are needed for the element to comply with the State housing element law. This letter is included as Attachment 1. The letter concluded that once the element is revised to adequately address these requirements, it will comply with State housing element law.

In response to the HCD comments, staff and the County’s housing consultant prepared amendments to the Housing Element. These amendments have been forwarded to HCD for their review and comment. A letter from the County’s consultant, identifying the proposed changes/amendments to the Housing Element, is included as Attachment 2.

The Planning Commission considered these changes at a Public Hearing on May 21, 2010. There was no public input at the hearing, and following a short discussion, the Planning Commission adopted the attached Resolution (Attachment 5),
recommending that the Board of Supervisors approve General Plan Amendment 2010-035 with suggested findings. Subsequent to the Planning Commission action, HCD responded to the proposed changes/amendments to the Housing Element with very minor edits, which is discussed below under Project Analysis.

Project Analysis

A. Proposed Amendments as a Result of HCD Comments

The HCD comment letter identified three (3) specific areas where revisions are necessary. The comments deal with the following matters:

1) The need for additional information on housing constraints for persons with disabilities in group homes of seven or more
2) The need to include supportive housing in Program 8.3 of the adopted Housing Element
3) The need to provide examples of how the County is addressing the needs of extremely low-income families and households in Programs 2.1 and 5.2 of the adopted Housing Element.

In response, amendments to the element were proposed and provided to the State for their review (Attachment 2). HCD responded to the proposed changes with minor edits that clarified the legislative intent for items 1 and 2 above (Attachment 4).

In the proposed amendment text below, the edits requested by HCD are shown in *underlined italics* for added text, and strikethrough for deleted text.

**Comment 1** – The County does not have any provisions in zoning that specifically recognize group homes of seven or more persons with disabilities. While State law (SB 520) does not mandate that a local jurisdiction provide such facilities, it does require an analysis of the County’s land use regulations with respect to housing for persons with disabilities. Excerpts from the Government Code that were modified by SB 520 are provided in Attachment 3.

The response (Attachment 2) proposed additional text for page 43 as the last paragraph in the "Housing for Persons with Disabilities" section of the element, and added Program 8.6. In response HCD as requested the following edit to the introduction paragraph of Program 8.6 in Chapter 6:
Program 8.6 - Analyze and Adopt, as necessary, amendments to the zoning ordinance to consider the (permitting, standards, regulation and processing) to allow of 24 hour community care facilities (group homes) for seven or more persons with disabilities.

This change has no direct impact to the adoption of the other policies and programs in the Housing Element, and does clarify legislative intent with respect to affordable housing for persons with disabilities. As part of an overall plan to address the program requirements of the Housing Element, these amendments to Title 17 will be considered by the Planning Commission and Board of Supervisors at a future date.

Comment 2 – State law is clear in that supportive housing must be included in Program 8.3. Supportive housing, in its broadest definition, is housing linked with social services tailored to the needs of the population being housed. These supportive services can be both on-site and off-site, and are often provided in group homes or supervised residences. This program, based upon State law, requires the County to amend its land use regulations so that transitional and supportive residential uses are permitted use in zoning districts where residential uses are permitted. Transitional and supportive housing were discussed in the body of the Element. However, Program 8.3, as sent to the State for their review, overlooked supportive housing in the Program text. Program 8.3 should be revised to explicitly include supportive housing, and reads as follows:

Program 8.3 - Revise the zoning ordinance to define and clearly outline regulations for uses providing transitional and supportive housing. In accordance with Chapter 633, Statutes of 2007 (Senate Bill 2), revise the zoning ordinance to clarify where permit transitional and supportive housing is as a residential use permitted by right. Ensure that such revisions to the zoning ordinance include language prohibiting a discretionary approval process required for transitional and supportive housing. The County shall commit that said amendment to the zoning ordinance will ensure uses that serve as transitional and supportive housing, are only subject to those restrictions that apply to other residential uses of the same type in the same zone district. The zoning ordinance shall be revised/amended to implement this housing program within one (1) year following adoption of the Housing Element.

This change is very minor and clarifies the intent of the program to permit transitional and supportive housing as a permitted residential use, which is the intent of the Program.

Comment 3 – The Human Services Department has a program to assist extremely low-income families and households to find housing. In response, Programs 2.1 and
5.2 are proposed to be amended so that they include information on this program (Attachment 2). HCD did not have any suggested changes to the responses provided.

B. Compliance and Certification of the Housing Element

At the December 8, 2009 hearing before the Board of Supervisors for adoption of the 2009-2014 Housing Element, the Board discussed and directed that all of the comments received on the Draft Housing Element should be included in the final document sent to the State for certification. The Board wanted to ensure that HCD would have the opportunity to review comments that questioned compliance with State law, since HCD would have the opportunity to agree or disagree with such comments on adequacy. The March 22, 2010 letter from HCD mentions the names of some of those who submitted comment letters, although it does not mention all of the comment letters that were sent with the final documents to HCD for their 90-day review. Nevertheless, all of the written comment letters received on the 2009-2014 Housing Element Update, from the public workshop held in May 2009 to the December 8, 2010 Board public hearing, were sent to the State.

The HCD letter identified minor revisions that are necessary to comply with State housing law and to receive certification on the 2009-2014 Housing Element. The letter is also clear that HCD considered comments that questioned the Housing Element's adequacy and compliance with State Housing Element law. HCD did not sustain any of the comments that questioned the adequacy of the adopted Housing Element submitted to HCD for certification. Staff and the housing consultant conclude that HCD believed that such comments did not have relevance or merit with regard to their certification of the Mariposa County Housing Element; and HCD did not require the County to modify the Housing Element based upon these comments.

The matter before the Board of Supervisors is the proposed amendment and changes discussed in Section A above and Attachment 2. These amendments represent what is required for the 2009-2014 Housing Element to be in compliance with State Housing Element law. No additional amendments are recommended at this time.

C. Public Participation and Agency Comments

At the time that this staff report was prepared there were no written comments received

D. Responses to Public Comments

No responses necessary at this time.

E. Environmental Determination

4
The Housing Element is a General Plan Element subject to environmental review pursuant to the California Environmental Quality Act (CEQA). Based upon the Initial Study prepared for the element, the Board of Supervisors adopted a Negative Declaration in December, 2009. At that time a Notice of Determination was filed on the project in accordance with State law.

These amendments to the Housing Element represent minor, technical amendments to the adopted Housing Element. The proposed amendments do not present environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical changes in the environment. The Negative Declaration adopted by the Board of Supervisors in 2009 adequately addressed the environmental issues of the project, and no changes are necessary to the Initial Study. Absent evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Staff is and the Planning Commission is recommending that a finding be made that the proposed amendments are of a minor, technical nature, and that the Negative Declaration adopted by the Board of Supervisors for the 2009-2014 Housing Element adequately analyzes potential environmental impacts.

F. Findings

The Mariposa County General Plan and the Mariposa County Zoning Ordinance establish findings which must be made before a General Plan Amendment application may be approved.

Recommended findings supporting approval of the project are provided in this report.

G. General Discussion In Support of the Recommendation

Staff's recommendation is based upon the following:

Consistency
The amendments identify housing programs that have the potential to assist in providing affordable housing for the disabled and for those in transitional and supportive housing programs. The amendments also provide additional information on the efforts of the County to provide housing for extremely low-income households. These amendments augment the programs and policies of the adopted 2009-2014 Housing Element. The proposed amendments do not create constraints on the existing policies and programs of the Housing Element. The amendments are internally consistent with the adopted Housing Element and all other Elements of the Mariposa County General Plan. The Housing Element and the proposed amendments provide additional technical changes that comply with the provisions of the State Housing Element law.
State Law
The Housing Element and these amendments have been prepared in conformance with State Law and the Housing Element Guidelines. The Element represents housing needs, identifies opportunities and constraints in developing affordable housing, and proposes program for the next five years to improve opportunities for development of such housing. Based upon the review by HCD of the 2009-2014 Housing Element, adopted by the County in December 2009, with these amendments the revised Element can be certified as complying with the housing element law.

H. General Plan Amendment Schedule and Action
State law states that

"...no mandatory element of the general plan shall be amended more frequently that four times during any calendar year. Subject to that limitation, and amendment may be made at any time, as determined by the legislative body. Each amendment may include more than one change to the General Plan."

The proposed changes represent the first amendment to the Housing Element in 2010 and together with General Plan Amendment (GPA) 2010-041 is the first General Plan Amendment in 2010. GPA 2010-041 proposes to amend the Land Use Element of the General Plan. Both the Housing and Land Use Elements are mandatory elements. While there are separate resolutions for each, as each amends a different mandatory element, they constitute one amendment to the General Plan.

I. Summary and Recommendation

Staff recommends the Board of Supervisors adopt a resolution approving General Plan Amendment No. 2010-035 based upon the recommended findings.
Recommended Findings to Approve General Plan Amendment No. 2010-035 Amendment to the 2009-2014 Housing Element

Mariposa County Zoning Ordinance, Section 17.128.050, establishes findings which must be approved in order to amend the General Plan. A finding is also included regarding the environmental review.

Staff recommends General Plan Amendment Application No. 2010-035 be approved based upon the following findings:

1. The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

These amendments to the Housing Element have been prepared to meet the legislative intent of providing for the availability of housing, expanding housing opportunities, and accommodating the housing needs of all economic segments in the County. The Housing Element is intended to identify the County’s responsibilities in attaining the state housing goals, while recognizing that Mariposa County is best capable of determining what local efforts are required for the attainment of the state housing goal and regional housing needs.

In requiring the periodic update to the Housing Element of the General Plan, the legislative intent is clearly stated in Section 65581 of the Government Code regarding the County’s responsibilities to prepare these amendments. The Legislature has determined that compliance with the State Housing Element laws is necessary and in the public interest to provide for housing opportunities for all economic segments in the County.

The certification of the Housing Element is necessary to continue receiving State and Federal funds for programs and activities that assist all economic segments with expanded housing opportunities and needs. These amendments will meet the requirements of HCD for certification of the 2009-2014 Housing Element. It is in the general public’s health, safety, peace and welfare to continue receiving the State and Federal funds.

These amendments to the Housing Element are in the public interest and will not have a significant adverse affect on the general public health, safety, peace and welfare.
2. The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.

The Housing Element Update provides for a five-year planning period, and legislation requires that the Element be updated periodically. These amendments will bring the adopted 2009-2014 Housing Element into compliance with State housing law and gain Certification from the State Department of Housing and Community Development. The amendments to the Housing Element will provide long-term policies and programs that will assist in efforts to provide affordable housing for all economic segments of the community, particularly for disabled persons and those in need of supportive housing. The potential amendments to Title 17, Zoning, that are required by these amendments will provide regulations that will improve the day-to-day decision making process. The adopted 2009-2014 Housing Element five year planning horizon, combined with the periodic amendments as proposed, establishes guidelines for meeting housing needs in the immediate future, and also insures that there will be long-term guidelines as the General Plan is implemented over the next decade and beyond.

3. The amendment conforms to the requirements of state law and county policy.

The processing of these amendments has been in accordance with all requirements pursuant to state law, County ordinance, and County policy. Native American tribes were provided an opportunity for consultation on the 2009-2014 Housing Element, in accordance with the Tribal Consultation Guidelines of the General Plan Guidelines, although no tribes requested consultation. The Native American Tribes have been notified of these proposed amendments and the public hearings conducted (Government Code Section 65092). These text amendments are not of a substantial nature and will not affect any cultural places in Mariposa County.

4. The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County General Plan as follows:

The 2009-2014 Housing Element was found to be consistent with the Mariposa County General Plan based upon identified policies and implementation measures. These amendments make minor, technical changes to the adopted 2009-2014 Housing Element in order to bring it into full compliance with State housing law. There are no policies within the adopted Housing Element or the other Elements of the General Plan in conflict with these amendments. Any proposed changes to Title 17, Zoning, as a result of these amendments must be found consistent with the Mariposa County General Plan.

5. Environmental Review

Based upon the Initial Study prepared for the 2009-2014 Housing Element Update, the Board of Supervisors adopted a Negative Declaration in December, 2009, and a
Notice of Determination was filed on the project in accordance with State law. These amendments represent minor, technical changes to the adopted 2009-2014 Housing Element. The proposed amendments do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Negative Declaration adopted by the Board of Supervisors adequately addressed the environmental issues of the project, and no changes are necessary to the Initial Study and the adopted Negative Declaration. Absent evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.

Attachments to Staff Report:

1. March 22, 2010 letter with comments from the State Department of Housing and Community Development
2. Proposed Responses to March 22, 2010 HCD Comments
3. Excerpts from Government Code regarding housing for persons with disabilities
4. June 8, 2010 e-mail from HCD on final edits and final letter of certification
5. Planning Commission Resolution recommending adoption
6. Draft Board of Supervisor Resolution
March 22, 2010

Mr. Richard Benson
County Administrative Officer
Mariposa County
P.O. Box 784
Mariposa, CA 95338

Dear Mr. Benson:

RE: Review of County of Mariposa’s Adopted Housing Element with draft revisions

Thank you for submitting the County of Mariposa’s housing element, adopted November 19, 2009 and received for review on December 8, 2009 with subsequent draft revisions received March 17, 2010. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). The Department also considered comments from the Building Industry Association of Central California, Live Oak Associates, Petrouakis Jensen & Friedrich, LLP, Starchman & Bryant, and Steven Planning Group Inc. pursuant to Government Code Section 65585(c). Several telephone conversations with Mr. John Mark Niskanen, J.B. Anderson, the County’s consultant, facilitated the review.

The adopted element addresses some of the statutory requirements described in the Department’s September 3, 2009 review; however, the following revisions are still needed to comply with State housing element law (Article 10.6 of the Government Code):

1. Analyze potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7). The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7) (Section 65583(e)(5)).

Constraints on Persons with Disabilities: The element was revised to include Program 8.5 to develop a procedure to provide reasonable accommodation for persons with disabilities. However, the element was not revised to include an analysis of the
permitting processing requirements of group homes for seven or more persons for impacts on timing, cost and approval certainty for housing for persons with disabilities (see prior review).

2. Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including transitional and supportive housing (Section 65583(c)(1)).

Program 8.3: Pursuant to Chapter 633, Statutes 2007 (SB 2), the element must be revised to treat both transitional and supportive housing as residential uses and only subject to those restrictions that apply to other residential uses of the same type in the same zone (see prior review). Please note transitional and supportive housing should not be limited to one zone.

2. The housing element shall contain programs which "assist in the development of adequate housing to meet the needs of extremely low-, low- and moderate-income households (Section 65583(c)(2)).

Although Programs 2.1 and Program 5.2 were revised to indicate the County will encourage efforts to seek new funding for affordable housing, it does not describe how the County will encourage the development of units to address the needs of extremely low-income (ELI) families and households. For example, the County could prioritize some funding for the development of housing affordable to ELI households, and/or offer financial incentives or regulatory concessions to encourage the development of housing types, such as single-room occupancy units, which address the needs of this income group (see prior review).

Once the element has been revised to adequately address these requirements, it will comply with State housing element law. Please note, pursuant to Government Code Section 65583(c)(7), the County must continue to make a committed effort to include residents and community stakeholders during both the revision and adoption of the element in the months to come and the adopted element should describe these efforts.

The Department is committed to facilitate your efforts to bring the element into compliance. If you have any questions or would like assistance, please contact Mario Angel, of our staff, at (916) 445-3485.

Sincerely,

Cathy E. Creswell
Deputy Director

cc: Mark Niskanen, J.B. Anderson Land Use Planning
    Kris Schenk, Planning Director
    Larry Enrico, Senior Planner
MEMORANDUM

TO: MR. MARIO ANGEL [CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
FROM: MARK NISKANEN
SUBJECT: COUNTY OF MARIPOSA 2009-2014 HOUSING ELEMENT UPDATE – RESPONSE TO HCD LETTER, DATED MARCH 22, 2010
DATE: APRIL 26, 2010

On behalf of the County of Mariposa, the following narrative reflects revisions to the County of Mariposa 2009-2014 Housing Element Update in response to the Department of Housing and Community Development Letter, dated March 22, 2010 (attached as reference). Please note that the revised language below is noted in “underlined” font.

ITEM NO. 1 – CONSTRAINTS FOR PERSONS WITH DISABILITIES

HOUSING FOR PERSONS WITH DISABILITIES (PAGES 42 AND 43 OF DECEMBER 2009 DRAFT)

Independent living challenged individuals with conditions that prevent independent living functions may require assisted care or group home environments. Individuals with disabilities may require financial assistance to meet housing needs. Within this special population, a higher percentage are low-income than the population at large, and their housing needs are often more costly than conventional housing.

Disabled persons often require special housing features to accommodate physical limitations. Some disabled persons may have financial difficulty due to the cost of having their special needs met or due to difficulty in finding appropriate employment. Although California Administrative Code Title 24 requires all public buildings to be accessible to the public through architectural standards such as ramps, large doors, and restroom modifications to enable handicap access, not all available housing units have these features.

The County regularly updates its building codes to reflect new provisions facilitating accessibility for the disabled. County staff is empowered to approve modifications to structures needed to accommodate the needs of the disabled. This service is routinely requested with new construction, renovation, or rehabilitation on behalf of those needed the accommodations.
The County of Mariposa Human Services Department provides assistance to the disabled in terms of providing information, resources, and financial grants or loans for special housing needs.

County staff accommodates special needs by approving at staff level minor exceptions to accommodate structure modifications that are appropriate to accommodate the needs of the disabled. This is a standard part of the building permit review process. The County’s zoning and subdivision regulations contain no provisions limiting the siting, placement, number, and location of group homes and other special need housing. There are no special processes for issuing permits for these facilities in that the development is not constrained and is treated equally with other housing.

Because the County currently does not have provisions or process within its Zoning Ordinance to provide for, or expedite the development of housing for persons with disabilities, Program 8.5, in Chapter 6, has been incorporated in the 2009-2014 Housing Element. Program 8.5 allows for a future amendment to the Zoning Ordinance to define how housing for persons with disabilities will be reviewed and considered by the County. The County’s definition of “family,” which is in compliance with Federal and State law, will be integrated into this amendment to the Zoning Ordinance.

At this time the County does not have any specific zoning ordinance provisions for the location, standards, costs or processing for group homes of seven or more persons with disabilities. The lack of any ordinances permitting such facilities is a potential constraint that needs to be further analyzed as part of a zoning ordinance amendment. To be in compliance with the State statutes and in particular SB 520, Program 8.6 has been added to the Housing Element Update. Program 8.6 will require that Mariposa County analyze this constraint in light of the requirement of SB 520 that local jurisdictions reduce or eliminate constraints on the development of housing specific for the disabled, and where possible, amend the County’s Zoning Ordinance in accordance with SB 520.

8.6 Analyze and adopt, as necessary, amendments to the zoning ordinance to consider the permitting, standards, regulation and processing of 24 hour community care facilities (group homes) for seven or more persons with disabilities.

The County does not have any specific regulations regarding the permitting of group homes that provide 24-hour care to seven or more persons with disabilities. Lacking any specific provisions for this type of group homes for the disabled, this is seen as a constraint on the development of affordable housing for the disabled. SB 520 specifically requires that local jurisdictions analyze their zoning and land use regulations to remove constraints for the development of housing for the disabled.
This program is intended to analyze the current lack of specific zoning regulations and provisions within the County for the permitting of group homes of seven or more persons with disabilities. This program will analyze the fundamental question of how the use is permitted, in addition to the identification of zoning districts and possible zoning code definitions related to group homes and similar community care facilities.

Responsibility: Planning Department/Planning Commission/Board of Supervisors

Funding Source: General Fund

Timing: 2010 - 2011

ITEM NO. 2 – PROGRAM 8.3 (PAGE 123 OF DECEMBER 2009 DRAFT)

Program 8.3 has been revised to read as follows:

8.3 Revise the zoning ordinance to define and clearly outline regulations for uses providing transitional and supportive housing. In accordance with Chapter 633, Statutes of 2007 (Senate Bill 2), revise the zoning ordinance to clarify where transitional and supportive housing is permitted by-right. Ensure that such revisions to the zoning ordinance include language prohibiting a discretionary approval process required for transitional and supportive housing. The County shall commit that said amendment to the zoning ordinance will ensure uses that serve as transitional and supportive housing, are only subject to those restrictions that apply to other residential uses of the same type in the same zone district. The zoning ordinance shall be revised/amended to implement this housing program within one (1) year following adoption of the Housing Element.

ITEM NO. 3 – PROGRAMS 2.1 AND 5.2 (PAGES 111 AND 118 OF DECEMBER 2009 DRAFT)

Programs 2.1 and 5.2 have been revised to read as follows:

2.1 The County shall continue its support of the Mariposa County Housing and Community Actions Program (HCAP) of the County’s Human Services Department and the Consultant retained by the HCAP whose duty it is to seek out funding and development opportunities for lower income housing. The County shall continue to encourage the Department’s ongoing efforts to seek new funding opportunities for affordable housing, and specifically, housing for lower income households (i.e. extremely low, very low, and low-income) by providing financial and personnel resources to the HCAP. Specifically, the County and its Consultant shall focus their
efforts towards the development and administration of Extremely Low-Income Housing.

Responsible Agency: Board of Supervisors.

Time Frame: Ongoing.

Funding: Allowable administrative expenses from grant programs operated by the HCAP, General Fund.

5.2 The County will encourage nonprofit, for-profit organizations, and individuals to include within their projects, housing units for special needs groups by providing assistance in accessing state and federal funds for special needs housing and supportive services and the results of the special housing needs assessment. The County shall provide assistance such as providing assistance in seeking out sites for affordable housing and seeking and obtaining Federal and/or State funding available for the provision of affordable housing, as well as personnel resources in assisting said organizations and individuals. The County shall prioritize such assistance to organizations and individuals proposing to develop housing for Extremely Low-Income households.

Responsible Agency: Mariposa County Planning Department, HCAP (Mariposa County Human Services Department).

Time Frame: Ongoing.

Funding: Child Care Facilities Finance Program, USDA Rural Housing Services (Rural Rental Housing, Community Facilities grants and loans), CDBG.
Attachment 3

Excerpts from Chapter 3, Article 10.6 of the Government Code, Housing Elements

65583(a)(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

65583(c)(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.
Mark here are the suggested revisions (underlined and highlighted) to Program 8.3 and 8.6 that would tighten the program efforts:

8.6 Adopt amendments to the zoning ordinance (permitting, standards, regulations and processing) to allow 24 hour community care facilities (group homes) for seven or more persons with disabilities."

8.3 Revise the zoning ordinance to define and clearly outline regulations for uses providing transitional and supportive housing. In accordance with Chapter 633, Statutes of 2007 (Senate Bill 2),
revise the zoning ordinance to permit transitional and supportive housing as a residential use. ....... [remaining text OK]
WHEREAS, State law requires cities and counties to prepare and adopt a General Plan to guide the future development of a city or county; and

WHEREAS, a General Plan must contain certain elements, including a Housing Element which sets forth goals, policies and programs to encourage the development of housing for all income groups and persons with special needs; and

WHEREAS, State law requires that cities and counties comprehensively update their General Plan Housing Elements every five years to ensure their plans can accommodate future demand for housing; and

WHEREAS, on December 8, 2009, the Mariposa County Board of Supervisors adopted the 2009-2014 Housing Element Update to the Mariposa County General Plan and forwarded the adopted Element to the State Department of Housing and Community Development (HCD) for consistency review in accordance with State housing element law; and

WHEREAS, in a letter Dated March 22, 2010 HCD provided Mariposa County with comments on the 2009-2014 Housing Element; and

WHEREAS, HCD in their comment letter stated that if the Housing Element was revised to adequately address their comments, it would comply with State housing law; and

WHEREAS, responses to the HCD comments were prepared and submitted to HCD for review as to adequacy; and

WHEREAS, a duly noticed Planning Commission public hearing was scheduled for the 21st day of May, 2010; and

WHEREAS, the County conducted an environmental analysis on the adopted 2009-2014 Housing Element update per the requirements of the California Environmental Quality Act; and said analysis concluded that the proposal would not have significant environmental impacts; and

WHEREAS, on December 8, 2009 the Mariposa County Board of Supervisors adopted a Negative Declaration for the 2009-2014 Housing Element Update and a Notice of Determination was filed in accordance with State law; and
WHEREAS, the proposed amendments are minor and technical in character and do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment; the Negative Declaration adopted by the Board of Supervisors for the 2009-2014 Housing Element adequately addressed the potential environmental impacts of the project; no changes are necessary to the Initial Study and the adopted Negative Declaration; without evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment; and

WHEREAS, a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, and local administrative procedures; and

WHEREAS, the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report; and

WHEREAS, the Planning Commission finds that adoption of these Amendments to the adopted 2009-2014 Housing Element is consistent with the Mariposa County General Plan; said adoption occurring as part of the first amendment to the General Plan in calendar year 2010; and

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve General Plan Amendment No. 2010, Amendments 2009-2014 Housing Element, County of Mariposa, proponent.

BE IT THEREFORE FURTHER RESOLVED THAT the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Commissioner Ross, seconded by Commissioner Marsden, this resolution is duly passed and adopted this 21st day of May, 2010 by the following vote:

AYES: Ross, Tucker, Rudzik, Francisco, Marsden

NOES: None

EXCUSED: None

ABSTAIN: None

Attest:

[Signature]
Judy Mueller, Secretary to the
Mariposa County Planning Commission

Bob Rudzik, Chairman
Mariposa County Planning Commission
EXHIBIT 1 - RECOMMENDED FINDINGS OF APPROVAL

Mariposa County Zoning Ordinance. Section 17.128.050 establishes findings which must be approved in order to amend the General Plan.

The Planning Commission recommends General Plan Amendment Application No. 2010-035 be approved based upon the following findings:

1. The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.

These amendments to the Housing Element have been prepared to meet the legislative intent of providing for the availability of housing, expanding housing opportunities, and accommodating the housing needs of all economic segments in the County. The Housing Element is intended to identify the County’s responsibilities in attaining the state housing goals, while recognizing that Mariposa County is best capable of determining what local efforts are required for the attainment of the state housing goal and regional housing needs.

In requiring the periodic update to the Housing Element of the General Plan, the legislative intent is clearly stated in Section 65581 of the Government Code regarding the County’s responsibilities to prepare these amendments. The Legislature has determined that compliance with the State Housing Element laws is necessary and in the public interest to provide for housing opportunities for all economic segments in the County.

The certification of the Housing Element is necessary to continue receiving State and Federal funds for programs and activities that assist all economic segments with expanded housing opportunities and needs. These amendments will meet the requirements of HCD for certification of the 2009-2014 Housing Element. It is in the general public’s health, safety, peace and welfare to continue receiving the State and Federal funds.

These amendments to the Housing Element are in the public interest and will not have a significant adverse affect on the general public health, safety, peace and welfare.

2. The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.

The Housing Element Update provides for a five-year planning period, and legislation requires that the Element be updated periodically. These amendments will bring the adopted 2009-2014 Housing Element into compliance with State housing law and gain Certification from the State Department of Housing and Community Development. The amendments to the Housing Element will provide long-term policies and programs that will assist in efforts to provide affordable housing for all economic segments of the community, particularly for disabled persons and those in need of supportive housing. The potential amendments to Title 17, Zoning, that are required by these amendments will provide regulations that will improve the day-to-day decision-making process. The adopted 2009-2014 Housing Element five year planning horizon, combined with the periodic amendments as proposed, establishes guidelines for meeting housing needs in the immediate future, and also insures that there will be long-term guidelines as the General Plan is implemented over the next decade and beyond.
3. **The amendment conforms to the requirements of state law and county policy.**

The processing of these amendments has been in accordance with all requirements pursuant to state law, County ordinance, and County policy. American tribes were provided an opportunity for consultation on the 2009-2014 Housing Element, in accordance with the Tribal Consultation Guidelines of the General Plan Guidelines, although no tribes requested consultation. The Native American Tribes have been notified of these proposed amendments and the public hearings conducted (Government Code Section 65092). These text amendments are not of a substantial nature and will not affect any cultural places in Mariposa County.

4. **The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County General Plan as follows:**

The 2009-2014 Housing Element was found to be consistent with the Mariposa County General Plan based upon identified policies and implementation measures. These amendments make minor, technical changes to the adopted 2009-2014 Housing Element in order to bring it into full compliance with State housing law. There are no policies within the adopted Housing Element or the other Elements of the General Plan in conflict with these amendments. Any proposed changes to Title 17, Zoning, as a result of these amendments must be found consistent with the Mariposa County General Plan.

5. **Environmental Review**

Based upon the Initial Study prepared for the 2009-2014 Housing Element Update, the Board of Supervisors adopted a Negative Declaration in December, 2009, and a Notice of Determination was filed on the project in accordance with State law. These amendments represent minor, technical changes to the adopted 2009-2014 Housing Element. The proposed amendments do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Negative Declaration adopted by the Board of Supervisors adequately addressed the environmental issues of the project and no changes are necessary to the Initial Study and the adopted Negative Declaration. Absent evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.
MARIPOSA COUNTY RESOLUTION NUMBER 10-

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA ADOPTING GENERAL PLAN AMENDMENT NO. 2010-035, AN AMENDMENT TO THE 2009–2014 HOUSING ELEMENT, WITH FINDINGS

WHEREAS, State law requires cities and counties to prepare and adopt a General Plan to guide the future development of a city or county; and

WHEREAS, a General Plan must contain certain elements, including a Housing Element which sets forth goals, policies and programs to encourage the development of housing for all income groups and persons with special needs; and

WHEREAS, State law requires that cities and counties comprehensively update their General Plan Housing Element every five years to ensure their plans can accommodate future demand for housing; and

WHEREAS, on December 8, 2009, the Mariposa County Board of Supervisors adopted the 2009-2014 Housing Element Update to the Mariposa County General Plan and forwarded the adopted Element to the State Department of Housing and Community Development (HCD) for consistency review in accordance with State housing element law; and

WHEREAS, in a letter dated March 22, 2010, and via e-mail dated June 8, 2010, HCD provided Mariposa County with final comments on the adopted 2009-2014 Housing Element; and

WHEREAS, HCD in their comment letters stated that if the Housing Element was revised to adequately address their comments, it would comply with State housing law; and

WHEREAS, responses to the HCD comments were prepared and submitted to HCD for review as to adequacy; and

WHEREAS the Mariposa County Planning Commission, on May 21, 2010, conducted a duly noticed and properly advertised public hearing to take public testimony and to consider draft amendments proposed in response to the HCD comments; and

WHEREAS, the Planning Commission approved Resolution Number 2010-008 recommending that the Board of Supervisors adopt General Plan Amendment 2010-035; and
WHEREAS, the County conducted an environmental analysis on the adopted 2009-2014 Housing Element update per the requirements of the California Environmental Quality Act; and said analysis concluded that the proposal would not have significant environmental impacts; and

WHEREAS, on December 8, 2009 the Mariposa County Board of Supervisors adopted a Negative Declaration for the 2009-2014 Housing Element Update and a Notice of Determination was filed in accordance with State law; and

WHEREAS, the recommended 2010 amendments are minor and technical in character and do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment, the Negative Declaration adopted by the Board of Supervisors for the 2009-2014 Housing Element adequately addressed the potential environmental impacts of the project. No changes are necessary to the Initial Study and the adopted Negative Declaration; without evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment; and

WHEREAS a duly noticed public hearing of the Mariposa County Board of Supervisors was scheduled for the 22nd day of June 2010; and

WHEREAS, the Board of Supervisors did hold a public hearing on the noticed date and considered all of the information in the public record, including the staff report; and

WHEREAS, the Board of Supervisors finds that adoption of this Amendment to the adopted 2009-2014 Housing Element is consistent with the Mariposa County General Plan; and

WHEREAS, the adoption of General Plan Amendment No. 2010-035, along with another General Plan Amendment proposal that may be considered by the Board of Supervisors at the same public meeting, constitutes the first round of General Plan Amendment to be considered in calendar year 2010.

THEREFORE BE IT RESOLVED that the Board of Supervisors hereby adopts General Plan Amendment No. 2010-035, amending the 2009 –2014 Housing Element of the Mariposa County General; and

THEREFORE BE IT FURTHER RESOLVED that the recommendations for project approval are based upon the findings set forth in Exhibit 1.

ON MOTION BY Supervisor __________, seconded by Supervisor __________, this resolution is duly passed and adopted this ___ day of June, 2010 by the following vote:

AYES:
NOES:

ABSENT:

ABSTAIN:

___________________________
Kevin Cann, Chairman
Mariposa County Board of Supervisors

ATTEST:

___________________________
Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

___________________________
Steven W. Dahlem
County Counsel
EXHIBIT 1
FINDINGS OF APPROVAL

1. *The amendment is in the general public interest, and will not have a significant adverse affect on the general public health, safety, peace, and welfare.*

These amendments to the Housing Element have been prepared to meet the legislative intent of providing for the availability of housing, expanding housing opportunities, and accommodating the housing needs of all economic segments in the County. The Housing Element is intended to identify the County’s responsibilities in attaining the state housing goals, while recognizing that Mariposa County is best capable of determining what local efforts are required for the attainment of the state housing goal and regional housing needs.

In requiring the periodic update to the Housing Element of the General Plan, the legislative intent is clearly stated in Section 65581 of the Government Code regarding the County’s responsibilities to prepare these amendments. The Legislature has determined that compliance with the State Housing Element laws is necessary and in the public interest to provide for housing opportunities for all economic segments in the County.

The certification of the Housing Element is necessary to continue receiving State and Federal funds for programs and activities that assist all economic segments with expanded housing opportunities and needs. These amendments will meet the requirements of HCD for certification of the 2009-2014 Housing Element. It is in the general public’s health, safety, peace and welfare to continue receiving the State and Federal funds.

These amendments to the Housing Element are in the public interest and will not have a significant adverse affect on the general public health, safety, peace and welfare.

2. *The amendment is desirable for the purpose of improving the Mariposa County general plan with respect to providing a long-term guide for county development and a short-term basis for day-to-day decision-making.*

The Housing Element Update provides for a five-year planning period, and legislation requires that the Element be updated periodically. These amendments will bring the adopted 2009-2014 Housing Element into compliance with State housing law and gain Certification from the State Department of Housing and Community Development. The amendments to the Housing Element will provide long-term policies and programs that will assist in efforts to provide affordable housing for all economic segments of the community, particularly for disabled persons and those in need of supportive
housing. The potential amendments to Title 17, Zoning, that are required by these amendments will provide regulations that will improve the day-to-day decision making process. The adopted 2009-2014 Housing Element five year planning horizon, combined with the periodic amendments as proposed, establishes guidelines for meeting housing needs in the immediate future, and also insures that there will be long-term guidelines as the General Plan is implemented over the next decade and beyond.

3. The amendment conforms to the requirements of state law and county policy.

The processing of these amendments has been in accordance with all requirements pursuant to state law, County ordinance, and County policy. Native American tribes were provided an opportunity for consultation on the 2009-2014 Housing Element, in accordance with the Tribal Consultation Guidelines of the General Plan Guidelines, although no tribes requested consultation. The Native American Tribes have been notified of these proposed amendments and the public hearings conducted (Government Code Section 65092). These text amendments are not of a substantial nature and will not affect any cultural places in Mariposa County.

4. The amendment is consistent with the goals, policies, and implementation measures of the Mariposa County General Plan as follows:

The 2009-2014 Housing Element was found to be consistent with the Mariposa County General Plan based upon identified policies and implementation measures. These amendments make minor, technical changes to the adopted 2009-2014 Housing Element in order to bring it into full compliance with State housing law. There are no policies within the adopted Housing Element or the other Elements of the General Plan in conflict with these amendments. Any proposed changes to Title 17, Zoning, as a result of these amendments must be found consistent with the Mariposa County General Plan.

5. Environmental Review

Based upon the Initial Study prepared for the 2009-2014 Housing Element Update, the Board of Supervisors adopted a Negative Declaration in December, 2009, and a Notice of Determination was filed on the project in accordance with State law. These amendments represent minor, technical changes to the adopted 2009-2014 Housing Element. The proposed amendments do not create environmental impacts, and will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Negative Declaration adopted by the Board of Supervisors adequately addressed the environmental issues of the project, and no changes are necessary to the Initial Study and the adopted Negative Declaration. Absent evidence to the contrary, it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment.