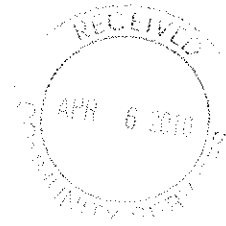


**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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April 5, 2010

Mr. Steve Geiger
Principal Planner
County of Sutter
1130 Civic Center Boulevard
Yuba City, CA 95993

Dear Mr. Geiger:

RE: Review of the County of Sutter's Draft Housing Element

Thank you for submitting Sutter County's draft housing element received for review on February 4, 2010 along with revisions received on March 22, 23, 24, 29 and 30, 2010. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with the County's consultant, Ms. Tracey Ferguson of PBS&J, facilitated the review. In addition, the Department received comments from California Rural Legal Assistance on April 1, 2010, pursuant to Government Code Section 65585(c). Pursuant to Government Code Section 65585(c), the Department must consider third party comments in the preparation of its findings. However, given the timing of these comments and the April 5th statutory deadline for the Department's findings, we were unable to effectively examine the information and consider the comments as part of the review.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). In particular, the element must include a complete analysis of identified sites and potential governmental constraints. The enclosed Appendix describes these and other revisions needed to comply with State housing element law.

The Department is committed to assist Sutter County in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Lindy Suggs, of our staff, at (916) 327-2641.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell".

Cathy E. Creswell
Deputy Director

Enclosure

cc: Tracey Ferguson, PBS&J

APPENDIX
COUNTY OF SUTTER

The following changes would bring Sutter County's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on the Department's website at www.hcd.ca.gov/hpd. Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, the Housing Element section contains the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements (Building Blocks)* available at www.hcd.ca.gov/hpd/housing_element2/index.php, the Government Code addressing State housing element law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Suitability of Non-Vacant Sites: The County has a regional housing needs allocation (RHNA) of 313 housing units, of which 143 are for lower-income households. The element is reliant on Site 21 to accommodate at least 91 units of the County's regional housing need for lower-income households; however, it does include a complete analysis of the site. The element indicates additional units could be added on the non-vacant site (Site 21) without razing structures. The element must include an analysis of the potential impact of existing uses on residential development of residential use. For example, the analysis should consider development trends, expressed interest in development, or standards to encourage additional residential development on this site. Refer to the sample analysis on the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php#nonvacant.

2. *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), 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) (Section 65583(a)(5)).*

Fees and Exaction: The element lists typical development costs in Table 7-5 based, in part, on a 1988 fee schedule (page 118); however, it should specify which fees have been included and account for the differences between development occurring inside and outside the unincorporated County urban areas. In addition, the element should list all relevant planning and impact fees including school district and infrastructure impact

fees. All fees should be based on the County's most current fee schedule. For further information and sample analyses, refer to the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/CON_fees.php.

Processing and Permit Procedures: While the element provides some information regarding permit processing times (pages 118-119), it must specifically describe and analyze approval procedures for typical multi- and single-family developments, including the level of discretionary action, for impacts on the cost and supply of housing, and approval certainty. The analysis must specifically address decision-making criteria, such as approval findings by permit type for residential uses, particularly multifamily. See the sample analysis on the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php.

On/Off-Site Improvements: While the element notes some level of on- and off-site infrastructure improvements may be required (page 116), it should identify the actual standards (e.g., minimum street widths) and analyze potential impacts on the cost and supply of housing. Please see the *Building Blocks'* website at http://www.hcd.ca.gov/hpd/housing_element2/CON_offsite.php.

B. Housing Programs

1. *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 rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding A-1, the element does not include a complete site analysis and therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the County may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

For your information, programs to address a shortfall of sites must comply with subdivisions (h) and (i) of 65583.2 for 100 percent of the remaining lower-income housing need with sites zoned to permit owner-occupied and rental multifamily uses by-right during the planning period. These sites must also be zoned with minimum density and development standards that permit at least 16 units per site at a density of at least 20 units per acre. Also, at least 50 percent of the remaining need must be planned on sites that exclusively allow residential uses.

2. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in Finding A-2, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the County may need to revise or add programs and address and remove or mitigate any identified constraints.