



City of Wheatland

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PLANNING COMMISSION MEETING STAFF REPORT

Date: April 7, 2020
Agenda Item: 1

Subject: Consideration to recommend City Council adoption of the City of Wheatland 4-Year (2017-2021) Housing Element Update Initial Study/Mitigated Negative Declaration (IS/MND), Mitigation Monitoring Program (MMP), and approval of the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update.

Prepared by: Tim Raney, Community Development Director

Recommendation

Adopt the attached resolution recommending the Wheatland City Council adopt the City of Wheatland 4-Year (2017-2021) Housing Element Update IS/MND (Attachment 1) and approve the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update.

Background and Discussion

State Housing Element law (Government Code Section 65583) requires each local government entity to adopt a comprehensive long-term general plan for the physical development of their city or county. The Housing Element is one of the seven mandated elements composing the General Plan. State law, through the Housing Element, addresses the existing and projected housing needs within all economic segments of the State's various communities, including the City of Wheatland. The legal mandate recognizes that in order for the private sector to adequately address housing needs, local governments must adopt land use plans and other planning programs to create opportunities that do not constrain development of affordable housing. Housing policy in the State is dependent on the effective development and implementation of local general plans and particularly housing elements.

In 2014, The City of Wheatland received a grant from the Sacramento Area Council of Governments (SACOG) to conduct background research and public outreach in preparation for

the City's Housing Element Update. City staff prepared the City of Wheatland 2013-2021 Housing Element Update and an associated IS/MND for the project.

On June 27, 2017, the Wheatland City Council adopted the City of Wheatland 2013-2021 Housing Element Update IS/MND and approved the City of Wheatland 2013-2021 Housing Element Update.

City staff submitted the adopted Housing Element Update to the California Department of Housing Community Development (HCD) for review and certification, and on December 19, 2017, the City of Wheatland received a comment letter from HCD stating the following:

The revised draft housing element meets the statutory requirements described in the Department's September 15, 2017 review. However, the housing element cannot be found in compliance with State housing law until the City demonstrates adequate sites needed to accommodate the 343-unit shortfall of the sites needed to accommodate the Regional Housing Need Allocation for lower income households during the 4th planning period.

HCD determined, the available land within the Johnson Rancho and Hop Farm Annexation Area does not meet the State's requirements to accommodate the Regional Housing Need Allocation (RHNA) for lower income households during the previous planning period.

Therefore, after coordinating with HCD and discussing potential alternatives to receive certification, city staff has prepared the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update (Attachment 2). The Draft City of Wheatland 4-Year (2017-2021) Housing Element Update includes revised programs requiring the City to process the following General Plan Amendments and Zoning Amendments in order for HCD to certify the 4-Year Housing Element Update:

- Amend the General Plan to allow a maximum dwelling units per acre (du/ac) increase from 16 du/ac to a maximum of 30 du/ac in the High-Density Residential Land Use Designation (Housing Element Program 2);
- Amend the General Plan Map for three properties totaling 21.75 acres to High-Density Residential (Housing Element Program 12);
- Amend the Zoning Code to allow a maximum du/ac increase from 18 du/ac to a maximum of 30 du/ac in the (Multi-family) R-3 Zoning District (Housing Element Program 3);
- Rezone three properties totaling 21.75 acres to the R-3 Zoning District (Housing Element Program 11); and
- Create an Emergency Shelter Combining District, which would permit emergency shelters without a conditional use permit or other discretionary action in accordance with SB 745 (Housing Element Program 4).

On March 4, 2020, the City posted a Notice of Availability (NOA) for the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update. The City of Wheatland 4-Year (2017-2021) Housing Element Update was made available for public review at the City of Wheatland, City Hall and is also currently available on the City of Wheatland's website at <http://www.wheatland.ca.gov/>.

On March 31, 2020, the City of Wheatland held a public meeting to solicit public input and encourage public participation in the Housing Element Update process. Notice of the public

meeting was posted publicly on the City of Wheatland website and in the local newspaper to ensure that a variety of residents could participate. City staff did not receive any comments from the public regarding the City of Wheatland 4-Year (2017-2021) Housing Element Update.

CEQA Review

The City prepared an IS/MND (Attachment 3) for the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update in accordance with the California Environmental Quality Act (CEQA).

The Housing Element IS/MND determined that the Draft City of Wheatland 4-Year (2013-2021) Housing Element Update and the associated General Plan Amendments and Zoning Amendments identified above would not result in a significant effect on the environment because the City's Housing Element Update is a long-range planning, policy-level document intended to assist the City of Wheatland in meeting the housing needs established by the State of California, and does not include any specific development proposals, nor does the project grant any entitlements for development.

On March 10, 2020, the City posted a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update, and was routed for public review from March 10, 2020 to April 8, 2020. To date, the City has not received any comments on the IS/MND.

Conclusion

Based on the information contained in the staff report, staff recommends that the Planning Commission adopt the attached resolution recommending City Council adoption of the City of Wheatland 4-Year (2017-2021) Housing Element Update IS/MND, MMP, and approval of the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update.

Attachments

1. Planning Commission Resolution recommending the Wheatland City Council adopt the City of Wheatland 4-Year (2017-2021) Housing Element Update IS/MND and approve the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update.

Exhibit A – Mitigation Monitoring Program

2. Draft City of Wheatland 4-Year (2017-2021) Housing Element Update.
3. City of Wheatland 4-Year (2017-2021) Housing Element Update IS/MND.

Attachment 1

PLANNING COMMISSION RESOLUTION NO. 2020-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WHEATLAND RECOMMENDING CITY COUNCIL ADOPTION OF THE CITY OF WHEATLAND 4- YEAR (2017-2021) HOUSING ELEMENT UPDATE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING PROGRAM, AND APPROVAL OF THE DRAFT CITY OF WHEATLAND 4-YEAR (2017-2021) HOUSING ELEMENT UPDATE

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration ("IS/MND"), to evaluate the potential environmental impacts of the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the IS/MND was circulated for a 30-day review period, with the public review period commencing on March 10, 2020 and ending on April 8, 2020; and

WHEREAS, the Planning Commission has reviewed the IS/MND and the comments received during the comment period;

WHEREAS, the Planning Commission gave notice of public hearing as required by law;

WHEREAS, on April 7, 2020, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended adoption to the City Council of the IS/MND and Mitigation Monitoring Program ("MMP"); and

WHEREAS, the custodian of the IS/MND is the Community Development Department and the IS/MND is available for public review on the City of Wheatland's website at <http://www.wheatland.ca.gov/> and the MMP is attached as Exhibit A to this Resolution.

WHEREAS, the adoption of this Draft City of Wheatland 4-Year (2017-2021) Housing Element Update will not adversely affect the comprehensive General Plan and it is consistent with the General Plan and carries out the purposes of the General Plan.

NOW THEREFORE, BE IT RESOLVED that in recommending adoption to the City Council of the City of Wheatland 4-Year (2017-2021) Housing Element Update IS/MND and approval of the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update, the Planning Commission makes the following findings, which are based on its review and consideration of the entire record, including the recitals above and any oral or written testimony provided at the hearing:

1. The Planning Commission of the City of Wheatland hereby FINDS, on the basis of the whole record before it (including the IS/MND and all comments received) that:
 - a. The City of Wheatland exercised overall control and direction over the CEQA review for the project, including the preparation of the IS/MND, and independently reviewed the IS/MND and MMP; and
 - b. There is no substantial evidence that the project will have a significant effect on the environment once mitigation measures have been followed; and
 - c. The IS/MND and MMP reflect the City's independent judgment and analysis.
2. The Planning Commission hereby RECOMMENDS that City Council of the City of Wheatland APPROVE AND ADOPT the Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Report Program, and the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council adopts the City of Wheatland 4-Year (2017-2021) Housing Element Update Initial Study/Mitigated Negative Declaration and approves of the Draft City of Wheatland 4-Year (2017-2021) Housing Element Update.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Wheatland at a regular meeting thereof held on the 7th day of April 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

LISA THOMASON
City Clerk

EXHIBIT A
MMP

City of Wheatland 4-Year (2017-2021) Housing Element Update and Associated General Plan Amendments and Zoning Amendments Mitigation Monitoring Program

– April 2020

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the City of Wheatland 4-Year (2017-2021) Housing Element Update and Associated General Plan Amendments and Zoning Amendments are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

**MITIGATION MONITORING PROGRAM
CITY OF WHEATLAND 4-YEAR (2017-2021) HOUSING ELEMENT UPDATE AND ASSOCIATED GENERAL PLAN
AMENDMENTS AND ZONING AMENDMENTS**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
IV. (a-d.)	<p>Would the project have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; any riparian habitat or other sensitive natural community identified in local regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, or hydrological interruption, or other means; or interfere substantially with the movement of any resident or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?</p>	<p>Biological Resources</p> <p><i>Prior to any ground disturbance related activities, a USFWS/CDFW-approved biologist shall conduct a preconstruction survey of Sites A, B, D, E, and F as identified in the City of Wheatland 4-Year (2017-2021) Housing Element. The surveys shall establish the presence or absence of on-site special status-species. Preconstruction surveys shall be conducted within 30 days of ground disturbance. The survey results shall be submitted to the City of Wheatland Community Development Department. If no special-status species are discovered, further mitigation is not required.</i></p> <p><i>If special-status species are discovered, appropriate mitigation shall be applied, as determined by the approved biologist and the City of Wheatland Community Development Department. Mitigation would include, but would not be limited to, the following:</i></p> <ul style="list-style-type: none"> <i>Avoid construction activities during breeding seasons;</i> 	City of Wheatland Community Development Department	Prior to any ground disturbance related activities	

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		<ul style="list-style-type: none"> • Establish appropriate buffers; and • Relocate special-status species, pending consultation with appropriate agencies. 			
Cultural Resources					
V. (b,c.)	<p>Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5, or disturb any human remains, including those interred outside of dedicated cemeteries?</p>	<p><i>V-1.</i> In the event of the accidental discovery or recognition of any human remains on Sites A, B, D, E, and F as identified in the City of Wheatland 4-Year (2017-2021) Housing Element, the City shall be notified and further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5©(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the Yuba County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants</p>	City of Wheatland Community Development Department Yuba County Coroner Native American Heritage Commission	During subsurface earthwork activities	

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>who may recommend treatment of the remains and any grave goods. The potential exists that the Native American Heritage Commission may be unable to identify a most likely descendant, the most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner. In such a case, the landowner or their authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department. The language of this mitigation measure shall be included on final improvement plans and/or building plans, subject to review and approval by the City.</i></p>			

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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>V-2. <i>In the event a potentially significant cultural resource is encountered during subsurface earthwork activities on Sites A, B, D, E, and F as identified in the City of Wheatland 4-Year (2017-2021) Housing Element, the City shall be notified and all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the find. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The qualified archeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, culturally appropriate temporary and permanent treatment, which may include avoidance of cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. If avoidance is determined to be infeasible,</i></p>	<p>City of Wheatland Community Development Department California Historical Resources Regional Information Center North Central Information Center State Historic Preservation Office</p>	<p>Included on final improvement plans and/or building plans, and in the event a potentially significant cultural resource is encountered during subsurface earthwork activities on Sites A, B, D, E, and F</p>	

MITIGATION MONITORING PROGRAM CITY OF WHEATLAND 4-YEAR (2017-2021) HOUSING ELEMENT UPDATE AND ASSOCIATED GENERAL PLAN AMENDMENTS AND ZONING AMENDMENTS					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. If necessary, excavation and evaluation of the finds shall comply with Section 15064.5 of the CEQA Guidelines.</p> <p>Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Wheatland, the North Central Information Center, and the State Historic Preservation Office (SHPO), as required.</p> <p>The language of this mitigation measure</p>			

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		<i>shall be included on final improvement plans and/or building plans, subject to review and approval by the City.</i>			
Geology and Soils					
VII. (f.)	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	VII-1. Implement Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	
Hydrology and Water Quality					
X. (c-iv.)	Would the project substantially alter the existing drainage pattern of the site area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?	X-1. Prior to Improvement Plan approval or issuance of building permits for Sites D and A, a Hydrology Study must be submitted to the City Engineer demonstrating the project's compliance with all relevant sections of the City's Municipal Code and applicable federal standards (such as those established by FEMA). Compliance with FEMA standards may include obtaining a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area, if required. A copy of the letter shall be provided to the Engineering and Surveying Division. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be submitted to the City's Engineer prior to	City Engineer City of Wheatland Engineering and Surveying Division	Prior to Improvement Plan approval or issuance of building permits for Sites D and A	

**MITIGATION MONITORING PROGRAM
CITY OF WHEATLAND 4-YEAR (2017-2021) HOUSING ELEMENT UPDATE AND ASSOCIATED GENERAL PLAN
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
XVIII. (a,b)	<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Registrar of Historical Resources, or in a local registrar or historical resources as defined in Public Resources Code section 5020.1(k); and a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p>	<p><i>acceptance of project improvements as complete.</i></p> <p>Tribal Cultural Resources XVIII-1. <i>Implement Mitigation Measures V-1 and V-2.</i></p>	<p>See Mitigation Measures V-1 and V-2.</p>	<p>See Mitigation Measures V-1 and V-2.</p>	