



October 16, 2019

County of Mendocino
Department of Planning and Building Services
Attn: Brent Schultz, Director
860 N Bush St
Ukiah, CA 95482
VIA EMAIL: pbs@mendocinocounty.org

Re: Mendocino County Housing Element 2019-2027 Update – Administrative Draft and
Addendum to General Plan Environmental Impact Report (EIR) – Mendocino County Housing
Element 2019-2027

The City of Ukiah Community Development Department has conducted a review of Mendocino County's Draft Housing Element, first made available for public review on October 7, 2019, and respectfully submits the following comments for consideration regarding the aforementioned project, the Mendocino County Housing Element 2019-2027 Update.

Given the relatively short public review period for the 344-page document, the City's comments below may not fully represent all potential concerns related to the draft Housing Element update. Therefore, we respectfully recommend that the Planning Commission approve the Draft Housing Element for the County Board of Supervisors' adoption with direction to the appropriate staff and consultants that they work with City staff to address comments with the Draft Housing Element before it is presented to the Board of Supervisors. Currently identified comments are discussed below.

A. General Comments

These comments are concerned with the consistency of the Mendocino County Housing Element 2019-2027 Update ("HEU Update") with other Mendocino County planning documents such as the Ukiah Valley Area Plan ("UVAP") and Airport Comprehensive Land Use Plan ("ACLUP"). Comments are also made to address information contained in the HEU Update related to the City's water supply.

1. HEU Update and Ukiah Valley Area Plan

Very little information from the UVAP is discussed in the HEU Update besides four paragraphs on page 110, and it appears few if any of the UVAP's policies have been integrated into the HEU Update. This is of concern from a consistency standpoint and may create conflicts with how future housing projects are developed.



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Page 110, second paragraph, of the HEU Update notes: "As part of the UVAP process, background research indicated that a total of 1,430 new single-family and 296 multiple-family units could be developed throughout the Valley."

- a. We would appreciate if the County could please cite the page number and section in the UVAP as to where this information on potential new housing unit potential in the Ukiah Valley is located.
- b. The vacant and underutilized sites inventory in the HEU Update, reflected for Regions 7 and 10 in Tables 5-4-18 and 5-4-24, appear to demonstrate a total potential unit number in the Ukiah Valley of 499 units. This is significantly different from 1,430 single-family and 296 multiple-family units that are stated as being noted in the UVAP. We would appreciate if the County could please describe the reasons for this significant numerical difference.
- c. The County's population projections on page 26 are significantly different than population projections in the UVAP. For example, in the UVAP, the 2030 population projection in Mendocino County is 111,151, compared to a Housing Element 2030 population projection of 92,655. We would appreciate if the County could please describe the reasons for this significant difference.

2. HEU Update and Airport Comprehensive Land Use Plan

We only find one instance in the HEU Update, on page 177, where airports are mentioned (on this page, "airport zones" are mentioned as constraining development). There is no description of the Mendocino County Airport Comprehensive Land Use Plan, nor of any of the airports within Mendocino County. This seems to be an oversight but should be corrected to ensure consistency between the HEU Update and ACLUP.

Additionally, State Housing Element Law requires identification of all constraints to housing development. We recommend the County describe the ACLUP and basic airport compatibility limitations, including an evaluation of their potential impact on density. We also recommend the County describe the update to the ACLUP for Ukiah Municipal Airport currently underway.

3. Recommendation for a Regional Housing Plan

Section 2-4 of the UVAP states: "by coordinating road, water, sewer, and other infrastructure improvements" [between the City of Ukiah and the County] "before development occurs, we can be sure that it can be implemented concurrent with development and not in response to it."

We recommend the County add a program to its Housing Plan (page 9) to develop a Regional Housing Plan with the incorporated cities of Mendocino County. Such a plan should be designed such



that it articulates the principles of the UVAP. The program should include a deadline within the 8-year planning cycle as to when the regional plan would be completed.

Such a plan should also set hard metrics to inform our community whether the vision articulated in the UVAP is being adequately implemented. Such an approach would have the additional benefit of shifting some of the County's Regional Housing Needs Plan's housing production numbers to those incorporated cities within the County which are best suited to provide municipal services that sustainable communities require.

4. Concern regarding accuracy of the City's Water Resources Data

Table 5-3-21 presents significant issues with the way in which The City's water rights are described. First, from an organizational standpoint, the treatment of the two columns "Water Rights" and "Water Supply" are inconsistent between agencies, and as a result provide redundant information or information that does not speak to what is intended. As an example, for the Russian River Water Conservation and Flood Control District ("RRFC"), the two columns present virtually the same – imprecise (for an example, RRFC has a License, not a Permit) – information, whereas for most of the other entities, the information presented in the two pertinent columns is different, even if that information is imprecise and inaccurate. As another example, the information for Millview County Water District under the "Water Supply" column does not speak to supply at all, but rather to demand.

The City respectfully suggests that the "Water Rights" column be used instead to characterize the right in question – i.e., whether it is a right based on appurtenancy to a stream, appropriation, overlying ownership of land, contract, etc.; the water source of the right; the amount legally available; the season of diversion; etc. For this information, we respectfully direct the County's attention to the State Water Resources Control Board's eWRIMS website so that the County can accurately and precisely characterize the nature of the right in question.

That research will demonstrate in part that the City's Water Right Permit 12952 from 1954 provides that the City has the right to divert 20 cubic feet per second, or approximately 14,480 acre-feet annually. Additionally, the City has a pre-1914 water right to divert approximately 2,047 acre-feet of water annually, and diverts approximately 4,000 acre-feet of groundwater annually.

The City also respectfully suggests that the "Water Supply" column be used to demonstrate how the respective entities manage the water supplies available to them to serve the residents in their jurisdictions.

Second, the County's description of the City of Ukiah's rights to water and its water supplies suffer from significant imprecision and subjective descriptions. The City's rights to water are inaccurately described. While the City does have a right to water that pre-dates 1949, California Water Law provides no such characterization as "pre-" or "post-1949." The City has a Pre-1914 right to divert water from the Russian River. While the City appreciates the parenthetical that properly notes that



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what is its Pre-1914 water right “predate[es] Lake Mendocino”, none of the City’s rights, other than those that lie in contract through RRFC, are based or rely upon Lake Mendocino or the flows from the East Fork of the Russian River upon which all rights based on Lake Mendocino lie. This Pre-1914 right to divert water is the most senior municipal right in Ukiah Valley. Further, what is described as the City’s “post-1949” right is more properly described as its 1954 right to divert approximately 14,480 acre-feet of water from the Russian River. This 1954 right to divert water is the second-most senior municipal right in Ukiah Valley. In addition, the City diverts approximately 4,000 acre-feet of groundwater annually (the Draft Housing Element incorrectly states 1,000 acre-feet), and has a right with RRFC for 800 acre-feet of water per year, which the Draft Housing Element properly notes.

The seniority and resilience of Ukiah’s water resources are further reinforced by the recent curtailments the Ukiah Valley suffered from during the recent drought of record, whereby the City’s right to divert water was not curtailed by the State Water Board, while every other entity in Ukiah Valley which has an appropriative or riparian right was curtailed. During this period, the City donated back to RRFC the contracted 800 acre-feet of water so that that water could be provided to other areas in Ukiah Valley and provided water to our sister entities to mitigate the very real consequences of those curtailments to our community in Ukiah Valley.

Finally, and of concern, is the County’s subjective description of the City of Ukiah’s water supply as “not nearly as robust as face value of water rights would suggest.” The statement is without merit, even upon cursory review of the City’s water rights, public information, and the recent history of curtailment in the Ukiah Valley.

B. Other Comments and Suggested Revisions

We understand Mendocino County is on a short timeline for adoption of the Housing Element. In the period of time the City has had to review the document, we noticed instances of potential inconsistencies and inaccuracies. Consequently, we make the following specific comments and suggested revisions to assist the County in producing a Housing Element Update in full compliance with existing State Housing Element law.

- Page 1- should state the Housing Element is one of seven, not eight, required Elements.
- Page 1- under Legal Basis and Requirements, should state a planning period of eight years.
- Page 4- community participation should note the length of time the Housing Element was made available for public review.
- Page 7- definition of Article 34 should either provide the full definition outlined in Government Code or should be expanded to explain the purpose and applicability of Article 34. This is an often misunderstood term.
- Page 9- the date range for the RHNA process should be 2019 to 2027.
- Page 10- Housing Plan
 - Nearly all the timeframes for implementation for programs listed within the Housing Plan are “ongoing” or “ongoing as projects are processed through the Planning



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Department.” This should instead list out actual dates (within the 8-year planning period) when the implementing action will be completed.

- For example- 1.3a is to “facilitate future annexation and housing development by pursuing a master tax sharing agreement between the County and its cities.”
 - The County should list a date when this will be accomplished.
- Many of the implementing actions are very general. We recommend editing these programs such that they are more prescriptive and measurable.
 - For example, Action 4.3f states “Provide support to the Mendocino County Health and Human Services Agency on housing and services available for persons with developmental disabilities.” Responsibility is PBS and time frame is annually/ongoing.
 - What support will be provided, and how will it be measured? When will this program be completed?
- Page 24- the section related to quantified objectives for housing rehabilitation is to list the number of housing units rehabilitated within the next planning cycle, not what has been accomplished in the previous planning period. If the County has not been successful in rehabilitating housing units, it should list an implementing program to address how it will achieve success in the future.
- Page 39- under viii) homeless, the County has identified number of homeless residents as 1,238. Under SB 2, the Housing Element must describe the capacity and suitability of land/parcels for emergency shelters within the unincorporated areas of the County of Mendocino to accommodate this population. The County cannot rely on the incorporated Cities of Ukiah and Fort Bragg to meet the requirements under SB 2.
- Page 107- under Housing for Homeless Individuals and Families- as stated above, under SB 2 the County must list all emergency shelters operating within County unincorporated areas. The shelter formerly operated by the Ford Street Project is listed in this section, but this shelter closed several years ago and is misrepresentative if still listed. Additionally, the County should address efforts by the Continuum of Care and Health and Human Services Agency to serve this population.
- Page 108- it appears the County is suggesting utilizing its Public Facilities (PF) zoning districts to meet the requirements under SB 2 related to provision of emergency shelters for homeless persons, i.e.: “Therefore, it is reasonable to conclude that there is an adequate supply of land on which to develop group care housing for transitional housing or emergency shelters.”
 - The City has completed its own Housing Element review process with the HCD Division of Housing Policy Development. Our understanding from this review process is the County’s description on page 108 will not be adequate for meeting the requirements under SB 2, unless the PF districts have vacant parcels/buildings suitable for future development of emergency shelters.



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- Page 119- we do not see the following statement supported by any documented data:
"Outside of those two specific areas, circulation infrastructure plays only a minor role in affecting residential development in the County. Traffic impacts are minor, for the most part, and would not affect potential residential development."
 - The County should cite the study or analysis completed to qualify this statement.
- Pages 323-340 maps are challenging to understand, even using the zoom-in feature. We suggest additional description or identification so that these maps are more accessible.

Please include the City of Ukiah Community Development Department in future correspondence related to this item.

Sincerely,

Craig Schlatter
Director