

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

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March 1, 2022

Donald Rust, Director
Planning & Community Development Services Agency
County of Glenn
225 N Tehama Street
Willows, CA 95988

Dear Donald Rust:

RE: County of Glenn's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the County of Glenn's (County) draft housing element update received for review on December 31, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on February 24, 2022, with Mardy Thomas, Planning Manager; and consultant Beth Thompson.

The draft housing element addresses many statutory requirements; however, revisions will be necessary to fully comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

As a reminder, the County's 6th cycle housing element was due November 30, 2021. As of today, the County has not completed the housing element process for the 6th cycle. The County's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the County to revise the element as described above, adopt, and submit to HCD to regain housing element compliance.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), if a local government fails to adopt a compliant housing element within 120 days of the statutory deadline (November 30, 2021), then any rezoning to accommodate the regional housing needs allocation (RHNA), including for lower-income households, shall be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the County should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the County will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:

http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf
and http://opr.ca.gov/docs/Final_6.26.15.pdf.

We are committed to assisting the County in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Mashal Ayobi, of our staff, at Mashal.Ayobi@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX COUNTY OF GLENN

The following changes are necessary to bring the 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 HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The review requirement is one of the most important features of the element update. The review of past programs should analyze the effectiveness of the County's programs and accomplishments over the previous planning period. This information provides the basis for developing a more effective housing program.

A thorough program-by-program review is necessary to evaluate County's performance in addressing housing goals. Most programs listed from last cycle simply state "to be continued" under the Status column. As part of this analysis, the element should provide a description of how the objectives and programs of the updated element incorporate changes resulting from the evaluation of any differences between what was planned versus achieved. In addition, programs must describe the actual results of the prior element's programs. For example, many programs including Program HE.O.7 include program descriptions that do not seem to match the program and are copied and pasted from other programs and HE.O.15 must include a description of accomplishments. Finally, Program HE.O.1 must include information demonstrating that rezones met the statutory requirements of Government Code section 65583.2, subdivisions (h) and (i).

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Enforcement and Outreach: The element must include any County level data on fair housing issues and enforcement. The element should expand on whether the County has ongoing fair housing outreach, including a description of how the county provides

outreach to inform residents of the 211 number. The element must describe any enforcement actions, lawsuits, or judgments related to fair housing. The analysis must also describe compliance with existing fair housing laws and regulations and include information on fair housing outreach capacity. Lastly, the element states on page 147 that the County will refer fair housing complaints to HCD, however; the appropriate entity to receive such complaints is Department of Fair Employment and Housing.

Integration and Segregation: The element includes some information on integration and segregation; however, the element must include a local and regional analysis on families with children. In addition, the data on segregation based on income should be complemented with an analysis of the reasons behind income disparity throughout the County as well as a regional analysis for income.

Racial/Ethnic Areas of Concentration of Poverty (R/ECAP): On page 114, the analysis should evaluate the patterns and changes over time and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends.

Disparities in Access to Opportunity: While the element includes information on access to opportunity for education and environment, it must also include a regional analysis of access to opportunity for employment and transportation. Additionally, some areas of opportunity maps demonstrate high opportunity in Butte County, an analysis of the varying trends between Glenn County and the surrounding region should be included in the regional analysis.

Disproportionate Housing Need: While the element includes some data on substandard housing and cost burden, additional information is needed. The element should describe the distribution of substandard housing geographically throughout the County. The element must also include a regional analysis for cost burdens.

Contributing Factors to Fair Housing Issues: While the element lists contributing factors to fair housing issues on page 138, it must also prioritize these factors in terms of needed impact on fair housing choice and strongly connect to goals and actions.

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies program(s) to encourage and promote affordable housing; however, most of these programs do not appear to facilitate any meaningful change nor address affirmatively furthering fair housing requirements. Actions must have specific commitment, metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Housing Stock Condition: While the element states the number of units in need of rehabilitation, it must describe how that number was determined. For example, from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The County has a regional housing need allocation (RHNA) of 229 housing units, of which 105 are for lower-income households. To address this need, the element relies on vacant and underutilized sites. To demonstrate the adequacy of these sites and strategies to accommodate the County's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: The element indicates (p. 94) that 8-12 units affordable to moderate-income household are approved but should also provide information on the affordability and availability of these units in the planning period. Affordability should be demonstrated based on actual or projected rents or sales prices or other mechanisms ensuring affordability. Availability should address the likelihood of completion during the planning period.

In addition, the element indicates 8 ADUs were credited as affordable to lower-income households (p. 88), but it must also provide information on the units' affordability. To credit these units toward the regional housing need, the element must describe the methodology for assigning the units to an income category demonstrating their affordability based on rent levels, or other mechanisms establishing affordability.

Sites Inventory: While the sites inventory in Appendix A lists sites identified to accommodate the moderate and above-moderate income need as well as sites to be rezoned, the inventory must also list the one RM zoned site identified to accommodate lower-income households that is identified in the sites analysis (p. 90).

In addition, the element must describe what "0 Improvement Value" means and whether it is different than the sites identified as vacant. If the site is nonvacant, the sites inventory must describe the existing use on the site and include an analysis to demonstrate the potential for redevelopment considering factors including, but not limited to, the extent existing uses constitute an impediment, recent developments, development trends and market conditions. Lastly, while the analysis identifies the unit capacity for the sites by whole numbers (See Tables IV-3, IV-4), the Appendix A sites inventory uses partial or decimals to estimate capacity. The element should reconcile these assumptions and provide assumptions of unit capacity based on the number of units feasible on each site based on income level.

Realistic Capacity: While the element describes the methodology for calculating realistic capacity (p. 86), it must support these assumptions. For example, the element should demonstrate what specific trends, factors, and other evidence led to the assumptions. The estimate of the number of units for each site must be adjusted as necessary, based on the land use controls and site improvements, typical densities of existing or approved residential developments at a similar affordability level in that jurisdiction, and on the current or planned availability and accessibility of sufficient water, sewer, and dry utilities.

For sites with zoning that allows 100 percent nonresidential uses, e.g., commercial and mixed-use zones, the element must account for the likelihood of 100 percent non-residential uses. To demonstrate the likelihood for residential development in nonresidential zones, the element could describe any performance standards mandating a specified portion of residential and any factors increasing the potential for residential development such as incentives for residential use, and residential development trends in the same nonresidential zoning districts.

Surplus Lands: The element must include additional discussion on each of the County-owned sites identified to accommodate the RHNA. Specifically, housing element must include a description of whether there are any plans to sell the property during the planning period and how the jurisdiction will comply with the Surplus Land Act Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

Availability of Infrastructure: The element must confirm that there is enough total water and sewer capacity to accommodate the RHNA allocation. While the element describes water and sewer capacity in each community, it must clarify if there is enough sewer capacity in the Hamilton City Community Service District or the Northeast Willows Community Service District to accommodate the assumed capacity for sites identified in those districts. Additionally, the discussion on page 77 should describe whether there is enough water capacity in the City of Orland water district to accommodate the assumed capacity for sites identified to meet the RHNA in that district. In addition, some sites in Appendix A list water and sewer services as planned; the element must describe whether the services are planned to be available to those sites during the planning period. Lastly, the element identified one site for lower income (p. 92) that does not have access to water and sewer. The element must ensure that sites identified for lower income have access to water and sewer services during the planning period.

Zoning for a Variety of Housing Types:

- ***Manufactured Housing:*** The element must describe whether a manufactured home on a permanent foundation is allowed as a single-family unit in zones that allow single family uses.
- ***Farmworker Housing:*** The element must describe the difference between the definition of farmworker housing and farmworker camps to ensure the allowed uses comply with the Employee Housing Act.
- ***Emergency Shelters:*** Zoning to permit emergency shelters without discretionary action was required as part of the 4th cycle housing element and prior to the 5th cycle

housing element. The element states that emergency shelters are not allowed in any zone in the County. Given the County does not permit emergency shelters without a discretionary process and the time to identify appropriate zoning has lapsed, HCD cannot find the element in compliance until the appropriate zoning to permit emergency shelters without discretionary action is demonstrated or completed.

4. *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 Government Code 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).*

Land-Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). The analysis must also evaluate the cumulative impacts of land use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. While the element identifies maximum lot coverage for each zone, it must analyze the maximum lot coverage of 30-40 percent for RM-MF zoned sites including whether development of affordable housing is feasible. Zoning does not currently allow multifamily development in Artois, Elk Creek, and Butte Creek. This must be analyzed as a potential constraint on the provision of multifamily housing. In addition, the element discusses revisions to the County's development code. The element should describe any changes that may impact the cost and supply of housing including sites identified in the sites inventory.

Fees and Exaction: While the element lists planning fees on page 64, the element must analyze those fees. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single-family and multifamily housing.

Local Processing and Permit Procedures: The element must describe and analyze the County's permit processing and approval procedures by zone and housing type (e.g., multifamily rental housing, mobilehomes, housing for agricultural employees, supportive housing). The analysis must evaluate the processing and permit procedures' impacts as potential constraints on housing supply and affordability. For example, the analysis should consider processing and approval procedures and time for typical single- and multi-family developments, including type of permit, level of review, approval findings and any discretionary approval procedures such as conditional use permits (CUPs). The element should also describe the typical processing times for single and multifamily developments. In addition, while the

element states that the County has a Planned Development zone, the element should describe the approval process and impacts on certainty for development.

Local Ordinances: On page 145, the County states they are committed to implementing their inclusionary housing ordinance. The element must specifically describe and analyze locally adopted ordinances such as inclusionary that directly impact the cost and supply of residential development.

Codes and Enforcement: While the element describes local amendments to the zoning code, it must also specify the degree and type of code enforcement, and whether the code enforcement processes and procedures are proactive, or complaint based.

Constraints on Housing for Persons with Disabilities: The element includes Program HE-5 to updating the development code to be consistent with state law for residential care homes serving six or fewer persons. However, residential care facilities serving seven or more persons are not currently allowed in any zone. The element must analyze this as a constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty.

5. *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, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

6. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

While the element quantifies (p. I-14) the County's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units,

number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. For example, While the element states the number of large households, there must be analysis of the impacts on larger household families where the housing market does not meet the needs. For example, overcrowding can result from the lack of adequate housing. The jurisdiction should consider these impacts in designing appropriate programmatic responses. In addition, the element provides an analysis of persons with disabilities, it must also include the total number of persons with disabilities.

7. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).).*

On page 36, it's noted that Las Palmas expires in 2026 but was given a low risk level. The element could describe what the risk analysis is based on and note any discussions with the property owner regarding maintaining unit affordability. In addition, the element must identify any public and private nonprofit corporations known to the County to have the legal and managerial capacity to acquire and manage at-risk units.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the County's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

- HE-2 (Community Participation): This program should be revised to provide a specific timeframe for implementation.
- HE-7 (Address Displacement of Lower-Income Households): This program should include a discrete implementation date.
- HE-8 (Preservation and Revitalization of Housing): The program should include outreach to owners more than once during the planning period.
- HE-12 (Community Information – Low and Moderate-Income Housing): This program must include a discrete implementation timeframe.

- HE-14 (Agricultural Employee Housing): This program should clarify whether advocacy will occur annually.
 - HE-16 (Accessible Housing): The timing and objectives must be revised to apply to this program.
2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B2, the element does not include a complete site analysis, 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. In addition, the element should be revised as follows:

Rezone Program for Adequate Sites: While the element includes Program HE-4 (Rezone to Address RHNA Rezone to Accommodate RHNA), the program must meet all rezone requirements pursuant to Government Code section, subdivision (h) and (i). The program must commit to:

- permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households. By-right means local government review must not require a CUP, planned unit development permit, or other discretionary review or approval;
- accommodate a minimum of 16 units per site;
- require a minimum density of 16 units per acre; and
- at least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites:
 - allow 100 percent residential use, and
 - require residential use occupy 50 percent of the total floor area of a mixed-use project.

For additional information, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/program-requirements/identify-adequate-sites.shtml>.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental 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. (Gov. Code, § 65583, subd. (c)(3).)

As noted in Findings B3 and B4, the element requires a complete analysis of potential governmental and nongovernmental 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. In addition, the element should be revised as follows:

Program HE-5 (Remove Constraints): While this program commits to revising the development code for compliance with state law, the program must also commit to allowing group homes for seven or more residents in residential areas. In addition, the County should include actions to update density bonus requirements as state law is amended.

Program HE-9 (Develop, Preserve, and Maintain Affordable and Special Needs Housing): The program must include specific timeframes to implement each action. In addition, the program must clarify whether the listed incentives are currently in place or need to be implemented as well as who decides which regulatory incentives will be granted. In addition, the program should include annual outreach to developers.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

Program 6 (Affirmatively Furthering Fair Housing (AFFH) Outreach and Coordination Program): While this program includes outreach to AFFH, the program should also describe whether there will be outreach and coordination with Legal Services of Northern California to address fair housing complaints.

In addition, while some programs include quantitative objectives, goals and actions in the program section must explicitly address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community and revitalization and displacement protection. For example, some programs should explicitly AFFH by targeting lower resource neighborhoods or target housing opportunities in higher opportunity areas including metrics and milestones to target meaningful outcomes and for evaluating progress on programs, actions, and fair housing results.

5. *The housing program shall preserve for low-income household the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent*

necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance. (Gov. Code, § 65583, subd. (c)(6).)

Program HE-18: The program should include state noticing requirements for preservation beginning 3 years before a set expiration date (3 year, 12 month, and 6 month noticing requirements). In addition, it should also include proactive outreach to owners of properties expiring within the next 10 years (Las Palmas).

6. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, “accessory dwelling units” has the same meaning as “accessory dwelling unit” as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)*

Programs must be expanded to include incentives to promote the creation and affordability of ADUs. Examples include exploring and pursuing funding, modifying development standards and reducing fees beyond state law, increasing awareness, pre-approved plans and homeowner/applicant assistance tools. In addition, the element should include a program to monitor permitted ADUs and affordability every other year and take appropriate action such as adjusting assumptions or rezoning within a specified time period (e.g., 6 months).

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the element includes a general summary of the public participation process (p. 102), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element could describe the efforts to host workshops across the county and at various times to ensure wide participation. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. To comply with statutory mandates to make a diligent effort to encourage the public participation in the development of the element, the county should state when the draft element was made available to the public.