



COUNTY OF SONOMA
PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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August 9, 2006

The Honorable Robert Boyd, Presiding Judge
Superior Court of Sonoma County
600 Administration Drive, Room 106J
Santa Rosa, CA 95403

Honorable Judge Boyd:

Enclosed is my response to the 2005-2006 Grand Jury's findings and recommendations pertaining to the Permit and Resource Management Department. Please contact me if you have any questions.

Sincerely,

Pete Parkinson, AICP
Director

cc: Board of Supervisors
Court Executive Officer
County Administrator
County Clerk

Shaping the County's Future

Findings: Pages 29-31

F6. Timelines and Milestones are reasonable and generally met. Since timing is well beyond the General Plan 1989 expiration, and finalization of General Plan 2020 will not happen before the end of 2006, the update process and time schedule should be reviewed.

RESPONSE: Partially disagree with this finding.

While it is true that the General Plan 2020 is behind schedule, the schedule has been periodically reviewed and updated by decision makers (through the Board of Supervisors *ad hoc* subcommittee) and staff as the process has unfolded. The 1989 General Plan remains in effect and will not “expire.” While a General Plan typically uses a 20-year forecast of growth, the policies and programs remain in effect until modified and changed.

F8. About 35,000 property owners potentially affected by changes in the General Plan 2020 were invited to a public hearing on the Draft EIR. The notice did not identify why a property could be affected, causing an overflow crowd to show up for the hearing at a venue with limited occupancy. Many citizens were turned away, prompting a very negative reaction in the press. (See Sonoma West Times and News, Volume 117, No.20)

RESPONSE: Partially disagree with this finding.

The notice invited property owners and many other interested citizens to attend any or all of three public meetings: a hearing on the Draft EIR, a workshop on the Draft General Plan, and the Planning Commission hearing on the Draft General Plan. Although the notice did not say how each property was specifically affected, it did identify several ways that properties *could* be affected and contact information was provided so that citizens could obtain information specific to their property. The crowd at the first hearing was larger than anticipated and some were not able to be accommodated. The hearing was extended so that those people could attend at a later date. Since the first hearing, all of the meeting venues have been large enough to accommodate everyone who attended.

F9. Sonoma County has failed to meet mandated housing requirements since 1992. Repeated attempts to satisfy State requirements were not successful, resulting in a zoning moratorium. The County anticipates succeeding in meeting State Housing mandates with General Plan 2020.

RESPONSE: Disagree with this finding.

As noted in the Grand Jury Report, Sonoma County's 1992 Housing Element was successfully challenged in court. As a result, in 2000 a temporary moratorium was imposed on certain non-residential zoning changes. However, the County adopted a new Housing Element in 2002 and the zoning moratorium was lifted shortly thereafter. The state Department of Housing and Community Development (HCD) certified the County's Housing Element in 2002 and the Element has been and remains in compliance with state housing element law since that time. The 2002 Housing Element

is now being successfully implemented, including the June 2005 adoption of major zoning code changes that increased opportunities for housing, removed constraints and provided incentives for the production of affordable units. Other Housing Element implementation programs are being carried out as part of General Plan 2020. However, contrary to a statement in the Grand Jury Report, the County is not engaged in a “full-scale update of the Housing Element.”

F10. Land Use policies for County land bordering property in a City’s area of influence occasionally create controversy. Every effort is made by both authorities to minimize undue inconvenience to the property owner. There is no formal approach to address these issues.

RESPONSE: Partially disagree with this finding.

Land Use issues between cities and the County have only been controversial in a few locations, primarily in South Santa Rosa. In that area, there are both informal and formal procedures to address these issues, the latter including a joint City/County Design Review Committee for development projects, formal agreements regarding provision of sewer and water services and periodic updates of land use policies. The County is addressing some of these conflicts in GP 2020 by amending the General Plan Land Use to be consistent with the City’s. In the end, the best way to address this issue is by the City annexing the affected land.

F11. Resolution of General Plan conflicts in adjacent jurisdictions is handled on a case-by-case basis and is usually resolved successfully. There is no formal approach to address these issues.

RESPONSE: Agree with this finding. See also Response F10.

F12. The 15 members of the Citizen’s Advisory Committee are serving as volunteers without compensation or mileage reimbursement. In the case of the CAC 2020, members served for almost 70 months and conducted/attended over 40 meetings in different locations.

RESPONSE: Agree with this finding.

F13. From the documents reviewed, the General Plan update process was officially launched in the fall of 2001. The General Plan 2020 will not be ready for review by the Board of Supervisors before the end of 2006, two years after the expiration of General Plan 1989.

RESPONSE: Partially disagree with this finding

As noted above, the General Plan does not “expire” until and unless it is amended to reflect the update. Five years for adoption of a new general plan is fairly typical in areas that include diverse interests and an extensive public participation process.

F14. The review process by the Citizen’s Advisory Committee was expected to take about one year, but lasted almost five years.

RESPONSE: Agree with this finding.

F15. Staff informed the grand jury that there is no documented “road map” for the General

Plan Update process. Staff is familiar with what needs to be done and proceeds accordingly.

RESPONSE: Agree with this finding.

Staff is familiar with the process and provided periodic updates of the process and schedule to the public, the CAC, and the Planning Commission. As typically happens in this type of planning program, the process and schedule evolved over time in response to the needs of the hearing bodies and the public. While there isn't one document that contains the entire process from beginning to end, updated process and schedule information is made available on a regular basis on the website and in hard copy form, including a time line for the Planning Commission portion of the Update that is presently in progress. In addition, the Board of Supervisors established an *ad hoc* subcommittee that has met regularly with staff, the CAC co-chairs and the Planning Commission chair to review the process and schedule.

F16. State mandate requires that the Housing Element status be reported on annually. A similar, periodic General Plan implementation status report to the Board of Supervisors and the public is not prepared.

RESPONSE: Partially disagree with this finding.

The Annual Report that is prepared on the status of the Housing Element includes the status of the General Plan. This is a reporting method that is allowed by State law because the General Plan is in the process of being updated. Once the General Plan Update is complete, more detailed annual reporting on the General Plan will be provided. In addition, an annual report on all of the County's comprehensive planning programs, including General Plan programs, is provided to the Board of Supervisors.

F17. The active involvement and General Plan oversight function by members of the Board of Supervisors appears to be rather limited, dealing mostly with manpower and budget issues. The planning staffs address implementation and fulfillment issues.

RESPONSE: Disagree with this finding.

The Board of Supervisors has been substantively involved in the General Plan Update by considering and setting the scope of issues and work plan at the beginning of the update process. The Board also approved a budget and consultant contracts for the Update. Since that time staff has met regularly with the Board *ad hoc* subcommittee to receive guidance on the overall review process, in addition to discussion of manpower and budgetary issues. Given the review process directed by the Board—review and recommendation from the CAC followed by review and recommendation by the Planning Commission—the Board would not be expected to be involved in policy decisions on the General Plan update until the Planning Commission has completed its hearings and deliberations and forwarded its recommendation to the Board.

Recommendations: Page 32

R1. Formalize and document the Sonoma County General Plan update process in an electronic or hard copy document or flow-chart, with easy access by the public.

RESPONSE: The recommendation has already been partially implemented and will be fully implemented by December, 2006

The process for Planning Commission review of the General Plan has been completed in both electronic and hard copy form and is currently available on the County website and in hard copy staff reports. The preliminary process for the subsequent Board of Supervisors review of the Update will be added to the website and in hard copy format by the end of the calendar year. Once the Planning Commission is ready to make its final recommendations on the update, the process for the Board's review will be finalized under the direction of the Chair of the Board and then made available on the website and in hard copy format.

R2. *Create a link on the Sonoma County Home Page that leads the visitor directly to the General Plan site, avoiding the need to navigate through the PRMD home page.*

RESPONSE: The recommendation has been implemented by adding a General Plan Update link in the "Find it Fast" menu on the Sonoma County Internet Home Page.

R3. *Adopt the General Plan implementation tracking mechanism approved by the Citizen's Advisory Committee in their August 19, 2004 meeting.*

RESPONSE: The recommendation requires further analysis.

PRMD presently tracks progress on implementing General Plan programs and provides periodic reports to the Board of Supervisors. The Citizen Advisory Committee's recommended implementation tracking mechanism will be considered by the Planning Commission in the fall of 2006. The Planning Commission's recommendation will be presented to the Board of Supervisors with the rest of the General Plan Update. At that time, the Board of Supervisors will consider its adoption. The final decision on the General Plan Update and the tracking mechanism is not anticipated to be made until some time in 2007. If the Board adopts and approves a new tracking system, PRMD will implement it accordingly.

R4. *Negotiate with affected Cities and Municipalities to establish and implement a formal process to coordinate mutually relevant issues such as traffic, zoning of adjacent properties, etc.*

RESPONSE: The recommendation will not be implemented because it is not warranted.

Formal processes are already in place to address many mutually relevant issues between and among the County and Cities. For example, the Sonoma County Transportation Authority is a countywide agency which deals with transportation issues and funding. The authority is comprised of elected representatives of the County and all of the Cities and is responsible for preparing and adopting the Countywide Transportation Plan. In addition, as mentioned in the response to Finding F10, there is already a formal City/County Design Review process and detailed sewer and water service agreements in place between the County and City of Santa Rosa, where most inter-jurisdictional issues arise. The County also has a formal project referral and comment process in place for projects within the Spheres of Influence of the other cities and special districts. A more comprehensive formal process is not justified at this time due to the infrequency of problems that arise and the fact that problems that do arise can be addressed in a mutually agreeable manner on a case by case basis.

R5. *Include a mileage consideration for all General Plan-related Committee members in future General Plan-related budget requests.*

RESPONSE: The recommendation will be implemented through consideration of a mileage reimbursement for any General Plan-related citizen committees that may be appointed in the future.

R6. *Develop and implement a periodic General Plan Update report for review by the Board of Supervisors.*

RESPONSE: The recommendation will not be implemented because it is not warranted.

The existing mechanism (*ad hoc* Board subcommittee) utilized by the Board of Supervisors to track progress on the General Plan update process has been sufficient to provide the Board with the necessary information about the status of the Plan. The *ad hoc* committee can request that a more formal report to the full Board be provided at any time. In addition, the Board is scheduled to receive the Planning Commission recommended Plan in early 2007, removing the necessity of having a progress report.

R7. *Improve public notices about meetings on the General Plan to specifically state the topic and only invite affected property owners to avoid overcrowding.*

RESPONSE: A portion of this recommendation has been implemented but full implementation is not reasonable.

Public notices have been improved to better reflect the specific topic being discussed. However, it is neither appropriate nor legal to limit notices only to affected property owners. Many participants in the General Plan Update are renters, public agency members, elected officials, and the general public. Almost everyone who lives in the County, its cities, and neighboring counties may be affected by the General Plan. In addition, State law requires that the County provide notice to anyone who requests it.

R8. *Evaluate pre-meeting feedback to hearing notices (e-mails, phone calls, personal visits) and provide meeting facilities to safely accommodate participants.*

RESPONSE: The recommendation has been implemented.

PRMD routinely evaluates pre-meeting feedback and estimates the size of a crowd that will likely attend a public hearing, and arranges for an appropriately sized venue. In the case of the one hearing at issue, PRMD underestimated the size of the crowd. It is very difficult to change the meeting venue after the notice goes out, since the notice itself must contain the location of the meeting. Subsequent hearings on the General Plan have been held in larger facilities.