

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # \*D-3

Urgent  Routine

AGENDA DATE April 6, 2010

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval for the Department of Planning and Community Development to Use Public Facility Fees to Complete the Comprehensive General Plan Update

STAFF RECOMMENDATIONS:

1. Authorize the expenditures of Public Facility Fees to fund completion of the Comprehensive General Plan Update.
2. Direct the Auditor-Controller to increase appropriations and estimated revenues in the amount of \$306,226 for the Department of Planning and Community Development to complete the Comprehensive General Plan Update, as detailed in the Budget Journal form.

FISCAL IMPACT:

The total project cost for completion of the Comprehensive General Plan Update is projected to be \$1,033,003. The Board of Supervisors has authorized the Department of Planning and Community Development to contract consultant costs for preparation of the update and related environmental studies in the amount of \$826,403. The additional project cost is associated with County staff costs. The project is currently being funded by a General Plan Maintenance Fee (GPMF) Fund established in May of 2005. Use of Public Facility Fees will insure the GPMF Fund is not exhausted to cover the cost of the Comprehensive General Plan Update.

BOARD ACTION AS FOLLOWS:

No. 2010-194

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. M-64-I-5

**DISCUSSION:**

The Stanislaus County Department of Planning and Community Development is requesting the use of Public Facility Fee (PFF) funding in the amount of \$306,266 to assist in covering the cost of completing a Comprehensive General Plan Update project. The project is comprised of three components: 1) General Plan Update, 2) Airport Land Use Commission Plan (ALUCP) Update, and 3) related environmental review for both updates.

The Stanislaus County General Plan was last comprehensively adopted in 1994 with a planning horizon of 2015. California Government Code Section 65300 states that "Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." While general plans typically focus on a 20-year horizon, good practice is to undergo a comprehensive update every 10 years due to ever changing factors which limit the effectiveness of adopted plans.

The current Airport Land Use Commission Plan (ALUCP) was adopted in 1978. California State law creates Airport Land Use Commissions (ALUC) in counties having at least one airport operated to the benefit of the general public and served by an air carrier certified by Public Utilities Commission or the Civil Aeronautics Board, and authorizes the ALUC to study and make recommendations upon height restrictions of buildings near airports and for the use of land surrounding airports. The ALUC is basically an advisory body to jurisdictions having the power to plan and zone. In 2002, the CalTrans Division of Aeronautics issued new guidance that substantially changes the content and nature of the ALUCP, including updated safety zone contours and compatibility criteria. California Government Code Section 65302.3 establishes requirements for general plan consistency with airport land use plans.

In accordance with the California Environmental Quality Act (CEQA), it is expected the preparation of both the General Plan and the ALUCP updates will require preparation of an Environmental Impact Report. The consultant costs for preparation of the updates and related environmental studies is \$826,403. The cost does not include County staff cost associated with the project. Staff costs are anticipated to be 25% of the consultant's costs for a total project cost of \$1,033,003.

On February 9, 2010, the Stanislaus County Board of Supervisors awarded a contract to Jones & Stokes in the amount of \$826,403 for consultant services. The funding source for the contact was identified as the General Plan Maintenance Fee (GPMF) Fund established by the Board of Supervisors in May of 2005. The GPMF became effective July 19, 2005 and, as of January, 2010, the GPMF fund balance was \$1.1 million. With the current decline in development due to the economic downturn, the fund balance has experienced a 39% decline in yearly revenues from the same time last year. In the last year, the fund has only grown by \$108,552. Most of this growth will be used to cover the cost of the Housing Element Update which is currently underway and anticipated to be completed by the start of the 2010-2011 Fiscal Year.

At the time the contract for consulting services was awarded, staff indicated they would look into the use of PFF to fund a portion of the costs associated with population growth since establishment of the PFF program. On the surface, it would appear that the GPMF fund balance is sufficient to cover the entire project cost, however the following factors must be considered before the GPMF fund balance is exhausted to cover the cost of the current project:

- Local policy requires that the Agricultural Element of the General Plan be reviewed every five years; with the next review period set to start in December of 2012. In addition, the final outcome of on-going litigation resulting from the December 2007 adoption of the Agricultural Element may result in the need to revise/amend/update the Agricultural Element prior to 2012.
- The Housing Element will need to be updated again in 2015 or 2018 depending on local implementation of SB 375 (2008) addressing Regional Sustainable Community Planning for Greenhouse Gas (GHG) Reduction.
- On-going statewide efforts to address GHG emissions will most likely trigger the need for additional revisions to the General Plan following adoption of the current comprehensive update. The key issue is uncertainty over future GHG reduction policies and thresholds that are outside the County's control. These include adoption and implementation of the San Joaquin Valley Air Pollution Control District's Climate Change Action Plan and the Stanislaus County Council of Government's (StanCOG) responsibility for adoption of a Regional Transportation Plan (RTP) that includes a Sustainable Community's Strategy (SCS) element. StanCOG is currently in the process of updating its RTP, but compliance with SCS requirements will not occur until adoption of the next RTP in 2014-2015.
- Unplanned County initiated updates/amendments to the General Plan required to address local changes or State mandates.

When the County's PFF program was established in 1990, the County population was approximately 345,000. The County population in 2005, when the GPMF became effective, was 503,157. The 2005 population reflects a 30% increase attributed to growth. Based on a total projected project cost of \$1,033,003, the Planning and Community Development Department is requesting PFF funding in the amount of \$306,226. This request represents approximately 30% of the project cost attributed to growth between 1990 and 2005.

This request was reviewed by the PFF Committee and approved on February 18, 2010 for use of PFF in the amount of \$306,226 by the Department of Planning and Community Development to complete the Comprehensive General Plan Update.

#### **POLICY ISSUES:**

The Board of Supervisor's should consider that the approval to use Public Facility Fees to complete the Comprehensive General Plan Update will enhance all the Board's priorities of promoting a safe community, a healthy community, a strong local economy, effective partnerships, a strong agricultural economy/heritage, a well-planned infrastructure system, and the efficient delivery of public services.

**STAFFING IMPACTS:**

Use of Public Facility Fees to complete the Comprehensive General Plan Update will help pay County staff and consultant costs associated with the project.

**CONTACT PERSON:**

Kirk Ford, Planning & Community Development Director, Telephone: (209) 525-6330

**ATTACHMENTS:**

1. Budget Journal

