



TRINITY COUNTY

Board of Supervisors

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TO: The Honorable Elizabeth Johnson
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors

CC: Wendy G. Tyler, Clerk of the Board of Supervisors

SUBJECT: Response to Recommendations of 2012-13
Grand Jury Ad Hoc General Plan Committee Final Report
Timeliness of General Plan Updates for the People's Protection
GP 2012-2013-001

DATE: July 9, 2013

The Grand Jury Ad Hoc General Plan Committee has requested a written response to their final report GP2012-2013-001. The response of the Trinity County Board of Supervisors is as follows:

Finding #1:

The 2007 effort to update all tardy elements, though laudable, appears to have been an overreach considering the outcome.

Response:

We disagree with this finding. The entire General Plan was out of date and limited the County's ability to win certain grants, and opened the County to litigation where the County, more than likely, could not prevail. It was imperative that the County update the entire General Plan to protect itself from such litigation. The Board was correct in making that decision. It is however, only in hindsight that we understand that the effort would fail as a result of economic issues that the Board had no control over. Because of the effort that was started in 2007, the Hayfork Community Draft Plan (the second largest populated area in the County) continued forward with its update, and is now ready for public review and comment.

JUDY PFLUEGER
DISTRICT 1

JUDY MORRIS
DISTRICT 2

KARL FISHER
DISTRICT 3

DEBRA CHAPMAN
DISTRICT 4

JOHN FENLEY
DISTRICT 5

Recommendation #1:

Updating one element a year (ensuring the housing element gets renewal every 5 years) seems the more prudent approach while maintaining reasonable internal consistency.

Response: This issue requires further analysis. The General Plan is a complex compilation of elements that are both cross connected and must be able to stand alone. To produce a General Plan that serves the needs of the citizens of this County, conforms to all State and Federal requirements and will stand up to court challenges, requires the services of a consultant, that specializes in the development of these very technical documents, working closely with a County Planning Staff person. Because the General Plan is most used and depended on by the Planning Department, I believe that the Board should request the Planning Commission to research and discuss the Grand Jury's recommendation #1 and report it's finding to the Board for action. The Board should request the Planning Commission's report by December 30, 2013.

Finding #2:

Public access to and the awareness of the general plan is considerably restricted.

Response: We agree with this finding.

Recommendation #2:

The general plan should be available in its entirety on line and at all public libraries.

Response: Will be implemented. Hard copies of the General Plan will be in place at the Weaverville, Hayfork and Trinity Center libraries by September 1, 2013. The process of placing the General Plan on line will be cumbersome as the entire document is not available in an electronic format. While we could simply scan the document and upload it to the website the quality of the document would be sub-par. Instead we will have to create an electronic version. Given the workload and staffing levels in the Planning Department, this would be a low priority project.

Finding #3:

Advisory committees seem to invite dissent based on the interest or agenda of the various personnel who volunteer to participate.

Response: We agree with this finding.

Recommendation #3:

Use any general population committee as a sounding board rather than a decision making body.

Response: Has been implemented.

Finding #4:

The role of the Planning Commission in a general plan was variously described by interviewees indicating a lack of consensus.

Response: We agree/disagree. We agree that some interviewees would indicate a "lack of consensus" as the outcome of some Planning Commission decisions. We disagree that the Planning Commission does not work to build consensus on issues. The commission, in our experience, always worked hard to not only hear and understand public comment; it also spent a great deal of time working to form a consensus among the Commissioners. During the two years, that District 3 Supervisor was seated on the Planning Commission, there was only one General Plan item on the agenda, the Housing Element. The Board had asked the Planning Commission to bring this Element into compliance with the State so as to not limit the County's ability to obtain certain grants. To bring the Element into compliance to be accepted by the State, it only needed the addition of items required by the State. To completely rewrite the Element would have taken a minimum of a year and a half, with all the public hearings throughout the County. Instead, Planning staff, working closely with the State was able to bring the existing Element into compliance by adding the State required items that were missing from the Element. It should be noted here, that County staff was able to get a softening of some of the State requirements that were urban in nature, and not in the best interest of the County. This item was passed with a 3(yes)-1(no)-1(absent) vote. The one dissenting vote was due only to the "sloppy wording" of the language that was contained in the entire original document, not with the added items. The entire Commission agreed with that finding; however the remainder of the Commission believed that it was not worth the staff time and cost to rewrite the entire element, when it was going to have to be redone in 2014.

Recommendation #4:

Clarify the role of the Planning Commission with regard to the general plan and specifically charge them with the responsibility to coordinate public input meetings within their districts.

Response: Has been implemented.

Finding #5:

Only "new construction" fees prescribe a set aside portion of the fee to be reserved for general plan update expenses.

Response: We agree/disagree with this finding. The County has adopted a "general plan maintenance fee" which applies to new construction. However, there is an additional fee of \$50 (for planning) and \$75 (for building) for all other project applications that is also designated as a "general plan maintenance fee".

Recommendation #5:

All fees collected by the planning department should include a set aside portion to pay for general plan update expenses.

Response: Will not be implemented. While they are not set aside in a restricted fund, the other fees charged by the planning department assist in funding the general plan updates. It is necessary to have some unrestricted monies available to fund the routine planning department functions, which ultimately contribute to the general plan update processes.

Finding #6:

A segment of the community BELIEVES STRONGLY that any plan that meets state or federal law cannot be in the best interest of the local citizens of Trinity County.

Response: We agree/disagree. We agree that there are community members that have the stated belief. There are state and federal requirements that are urban based and not in the interest of rural communities, however there are also requirements that are in most everyone's best interests, and there are requirements that are neutral.

Recommendation #6:

You can convince them or out-shout them, but you cannot ignore them. Taking the time --to explain how the general plan is the county's best assurance that we are protecting our own interests -- is the job of everyone in the process.

Response: Has been implemented. County officials and staff devote substantial time in educating citizens about the role of the general plan in protecting our land, culture and lifestyle. This is done through individual and group meetings, as well as public hearings. The input of the public is very valuable to this process. We believe the Grand Jury "Recommendation #3" applies to this finding. Additionally, County staff has worked well with State staff in softening some of the state requirements, in the just approved Housing Element, that were urban based and not in the best interest of the County.

Finding #7:

State law does take a more urbanized approach to the general plan elements.

Response: We agree/disagree. We agree that much of state law does take a more urbanized approach to the general plan elements. This should be no surprise, in that developed and developing areas need solid plans in order to have orderly growth that works for the majority of the population.

Recommendation #7:

Continue to take every advantage to lobby with other rural counties for a more nuanced set of regulations.

Response: Has been implemented. The Board and Staff have continuing input at the state level through membership and continual involvement with peer groups. Organizations such as,

CSAC, RCRC and CCPDA, bring input from Trinity County, along with most of the other rural California counties, to the State.

Finding #8:

The complexity of the law requires that consultants who have specialized in rural counties be retained when the Planning Department itself is not staffed to accomplish the task.

Response: We are not familiar enough with the law to either agree or disagree with the finding. The Board would however, agree that the complexity and technical aspects of the task require the use of specialized consultants in concert with Planning Staff that are familiar with local issues.

Recommendation #8:

Consider farming out some projects to other qualified county agencies, departments, or qualified non-profits such as DOT, RCD, Watershed Research and Training Center and HRN, thus minimizing consultant expense.

Response: Has been implemented. RCD is currently drafting the Safety Element.