

July 28, 2005

TO: Patty Hill Thomas, Assistant CEO

FROM: Ron E. Freitas, Director of Planning and Community Development

**SUBJECT: RESPONSE TO GRAND JURY REPORT**

Attached is my response to the Grand Jury Report on "Planning". The Grand Jury suggests we (Planning) hire outside contractors to gather data (mostly demographic). Then the County would become the County-wide data bank and disseminate the data to all jurisdictions and special districts in this County. As you can see from my responses, StanCOG is the official repository for State and Federal demographic data. It is my opinion that we should not duplicate StanCOG's role.

I would like to discuss my response with you.

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Attachment

## PLANNING

The current Planning process deficient. The following areas were identified:

- County General Plan updating process is faulty.

Response: From the comment, it is unclear what is faulty. However, from the text, two themes emerge. The first is that the General Plan has not been updated since 1983. That statement is incorrect. In 1994, the Board of Supervisors updated and reaffirmed the General Plan document that had been updated in 1987. Since that time, the Housing Element has undergone two mandatory updates and both updates were certified by the State Department of Housing and Community Development (HCD). In addition, the Department of Planning and Community Development files annual General Plan reports as required under State law. The 2005 General Plan Annual Report is being prepared for presentation to the Board in September.

With respect to the statement that "although major evaluations and rewrites have to occur at least every five to ten years according to State Code", the interpretation of State Code is incorrect. Quoting from case law (Garat v. City of Riverdale (1991) 2 Cal. App. 4<sup>th</sup> 259 [2 Cal. RPTR. 2d 504]

*"There is no statutory requirement that a general plan be updated at any given interval, or in connection with any given event, except that section 65588, made applicable to the housing element of general plans by section 65302, subdivision (c), provides that the housing element "shall" be reviewed as frequently as necessary to evaluate certain enumerated factors, and that, "[I]n order to facilitate effective review by the department [of Housing and Community Development] of housing elements, local governments... shall prepare and adopt the first two revisions of their housing elements no later than the dates specified in" the schedule set out in section 65588, with subsequent revisions to be completed at not less than five-year intervals following the second revisions."*

With that said, the Department is continuously working with the Board of Supervisors and the community regarding the relevancy and currency of the General Plan. We have in place a General Plan Update Committee that meets monthly to discuss major issues and implementation of the General Plan. The Committee suggests whether issues warrant revisions to the General Plan. The County will be embarking on a multi-year program to comprehensively review and update the General Plan.

- Collected demographic data is inaccurate
- The use of collected data is considered optional by both providers and users
- There is no universal sharing of planning data
- There is no county plan to efficiently manage and distribute the data.

Response: Since these findings all concern the collection and use of demographic data, they will be responded to in aggregate.

It is true the Director of Planning and Community Development stated: "*his agency*

*drew its demographic and other vital statistical data inputs to do general planning from the " various county agencies including the cities, special districts, municipal advisory councils in unincorporated areas, residents of the county, the County Board of Supervisors, and even the Association of Bay Area Governments or ABAG." He identified his primary source as being the Stanislaus County Council of Governments (StanCOG)."*

What is not stated is that given the nature of population projections and estimates, one must use as much data as one can find to verify the estimates of the aforementioned agencies and organizations. Projections and estimates are just that - they are educated guesses at what the future holds and what exists. In the case of population projections and estimates, the only true method to verify them is a census which is conducted by the U.S. Census Bureau every ten years.

With respect to the findings and discussion regarding a data bank and data collection and distribution system, the local agency with that responsibility is StanCOG. StanCOG performs two functions regarding data development and distribution.

First, StanCOG is designated by the U.S. Bureau of the Census as the official Census Data Center for Stanislaus County. StanCOG is the repository of the information and provides direct data distribution services to local agencies and the public. One staff person is assigned to this function. StanCOG provides support to cities, special districts, private businesses, public organizations, and private individuals who request an array of Census related information to do their work.

Second, StanCOG is designated by the Office of Planning and Research as the agency that is responsible for preparing the long-range growth forecasts for Stanislaus County. StanCOG works with information from a variety of public and private sources to develop these forecasts. The most recent update, which included a forecast to the year 2030, was completed in 2004. StanCOG contracted with the Association of Bay Area Governments to develop the county-level housing, population and employment "control totals" for the year 2030. These, in turn, were distributed to smaller geographic levels that are used for various purposes using the land use information provided by the cities and the counties. This effort was accomplished through a number of meetings with the cities and the County and each of those agencies utilize this information once it is finalized to conduct land use, traffic, air quality, and noise studies for their own projects. These forecasts are available to special districts and are distributed, just like the Census data, through StanCOG.

The County continues to work with StanCOG and the other agencies to develop information resources to reflect current and future conditions that are used by school districts, fire districts, law enforcement agencies, Caltrans, the San Joaquin Valley Air District, the Regional Water Quality Control Board, and other public agencies in their planning efforts. Additionally, we share our planning data with special districts, State and Federal agencies, educational institutions, and planning organizations, when requested, unless the data contains confidential information that cannot be released to the general public. Some of the County-wide data is available on the County website and through the Connecting Stanislaus website. These websites include information not only from the County, but from all the jurisdictions in

Stanislaus County.