

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE July 14, 2009	(3) CONTACT/PHONE Vincent Morici (805) 781-5020	
(4) SUBJECT Request to approve recommended responses to findings and recommendations contained in the Grand Jury report titled <i>The Planning Process, Improving Review and Hearing Procedures</i> , and forward the responses, along with the attached responses by the Planning and Building Department, to the Presiding Judge of the Superior Court and Grand Jury by August 3, 2009.			
(5) SUMMARY OF REQUEST In response to various complaints, the Grand Jury issued a report on June 5, 2009 evaluating the review, scheduling, and hearing processes and procedures used by the San Luis Obispo County Department of Planning and Building. The Grand Jury requests a response by the Planning and Building and the Board of Supervisors to the eight findings and four recommendations contained in the report. Recommended Board of Supervisors responses to the findings and recommendations have been prepared for the Board's consideration. The Planning Department response is also being transmitted with this item.			
(6) RECOMMENDED ACTION It is recommended that the Board of Supervisors adopt the recommended responses to the Grand Jury report titled <i>The Planning Process, Improving Review and Hearing Procedures</i> and transmit the Board of Supervisors response, along with the attached response by the Planning and Building Department, to the Presiding Judge of the Superior Court and Grand Jury by August 3, 2009.			
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR FINANCIAL IMPACT N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A
(11) OTHER AGENCY INVOLVEMENT/IMPACT (LIST): County Probation, District Attorney and the Sheriff			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All		(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig) <input type="checkbox"/> Contracts (Orig + 3 Copies) <input type="checkbox"/> Ordinances (Orig) <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Email Resolution and Ordinance to CR_Board_Clerk (in Word)	
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____ <b>N/A</b>		(21) W-9 <input type="checkbox"/> No <input type="checkbox"/> Yes <b>N/A</b>	(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW  <p align="center" style="font-size: 2em;">o/k</p>			

# County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



**To: Board of Supervisors**

**From: Vincent Morici, Administrative Analyst** *V.M.*

**Date: July 14, 2009**

**Subject: Responses to 2008-09 Grand Jury Report – “The Planning Process - Improving Review and Hearing Procedures”**

**JIM GRANT**  
INTERIM COUNTY ADMINISTRATOR

## RECOMMENDATION

It is recommended that your Board of Supervisors adopts the recommended responses identified as Attachment 1 to this Board letter as the Board of Supervisor's responses to the 2008-09 Grand Jury report titled "The Planning Process - Improving Review and Hearing Procedures" and forward the responses, along with the responses by the Planning and Building Department shown as Attachment 2, to the Presiding Judge of the Superior Court and the Grand Jury by August 3, 2009.

## DISCUSSION

The Grand Jury issued a report on June 5, 2009 based upon their investigation of complaints about review, scheduling and hearing processes or procedures used by the San Luis Obispo County Department of Planning and Building and Planning Commission. The Grand Jury report contains a total eight (8) findings and four (4) recommendations. The report and its findings and recommendations address what the Grand Jury believes are problems with the environmental review process, scheduling of hearings, and allowable public comment on revised findings being considered and discussed by the Planning Commission.

The report requires the responses to Findings and Recommendations as identified below:

- San Luis Obispo Department of Planning and Building is required to respond to Findings 1-8 and Recommendations 1-4.
- San Luis Obispo Board of Supervisors is required to respond to Findings 1-8 and Recommendations 1-4.

This report includes the following Attachments.

Attachment 1 – Recommended Response by the Board of Supervisors to the Grand Jury Report

Attachment 2 – June 24, 2009 Planning and Building Department Responses to the Grand Jury Report

Attachment 3 – 2008-09 Grand Jury report titled “The Planning Process – Improving Review and Hearing Procedures”

Responses from the County Department of Planning and County Counsel are due to the Presiding Judge by August 3, 2009. The responses from the Board are due to the Presiding Judge by September 2, 2009. The County Administrative Office procedures include coordinating the departmental responses to Grand Jury reports and preparing recommended responses on behalf of the Board of supervisors. The departmental responses to this Grand Jury report are attached and, where appropriate, incorporated as the Board's response.

**OTHER AGENCY INVOLVEMENT/IMPACT**

The County Administrative Office reviewed the responses to the Grand Jury report prepared by the Department of Planning and Building in the development of the recommended Board responses to this report.

**FINANCIAL CONSIDERATIONS**

Costs for preparing this response are included in the current department budget.

**RESULTS**

This response will meet the legal requirements and time frames for responding to a Grand Jury report with findings and recommendations.

## ATTACHMENT 1

### July 14, 2009 Recommended Response by the Board of Supervisors to the Grand Jury Report of June 2009 on *The Planning Process - Improving Review and Hearing Procedures*

#### Grand Jury Findings and Recommended Board Responses

1. San Luis Obispo County is the only California County with an Environmental Division that is separately staffed for and dedicated solely to the review and analysis of environmental planning issues.

##### Recommended Response

*The Board of Supervisors disagrees with this finding as it is not accurate. The Board adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this finding (see attached response from the Department of Planning and Building).*

2. Both state and county CEQA Guidelines specifically require the Environmental Division consider both the individual and cumulative environmental effects of projects.

##### Recommended Response

*The Board of Supervisors agrees with this finding.*

3. Within a one year period, the Environmental Division of the Planning Department received three applications for Conditional Use Permits to conduct sand and gravel mining operations in the Salinas River or its tributaries and it concurrently reviewed and studied all of these applications from September 2006 through March 2008.

##### Recommended Response

*The Board of Supervisors agrees with this finding.*

4. While concurrently reviewing and studying these three applications over a period of approximately eighteen months, the Environmental Division staff never raised or asked the applicants for studies to address the possible cumulative environmental effects of these applications.

##### Recommended Response

*The Board of Supervisors disagrees with this finding. The Board adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this finding (see attached response from the Department of Planning and Building).*

5. Public hearings on the Conditional Use Permit applications for these three applications were scheduled so close to, and even before, the end of the applicable public comment periods that Environmental Division staff reports for continuances were almost a certainty and were, in fact, requested for two of the applications.

Recommended Response

*The Board of Supervisors partially disagrees with this finding. The Board adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this finding (see attached response from the Department of Planning and Building).*

6. Continuances of the Planning Commission public hearings for the two applications referenced in Finding 5 resulted in a four to six month delay of a process that had already taken approximately two years before the public hearings were scheduled.

Recommended Response

*The Board of Supervisors agrees with this finding.*

7. The Planning Department and the Planning Commission permit the submission of written comments by applicants and the public at any time before or during the public hearing process up to the point in time that the Planning Commission makes a decision on a project.

Recommended Response

*The Board of Supervisors agrees with this finding.*

8. The Planning Commission Rules of Procedure have no provision concerning public comment on revised findings being considered by the Planning Commission after it has closed a public hearing and reached a tentative decision on a matter and there is no legal requirement that public comments be allowed on such reviewed findings.

Recommended Response

*The Board of Supervisors partially agrees with this finding and the Board adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this finding (see attached response from the Department of Planning and Building).*

**Grand Jury Recommendations and Recommended Board Responses**

1. The Planning Department and its Environmental Division should institute procedures and training to assure that its environmental resource specialists consider the issue of cumulative environmental effects and advise applicants of this issue at the earliest appropriate time when reviewing applications for projects that may have significant environmental impacts.

Recommended Response

*This recommendation will not be implemented as it is not warranted. The Board of Supervisors adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this recommendation (see attached responses from the Department of Planning).*

2. The Planning Department and its Environmental Planning Division should institute procedures to assure that public hearings on applications involving possible environmental impacts are scheduled not less than 30 days before the end of any applicable public comment period or period for filing Requests for Review.

Recommended Response

*This recommendation will not be implemented as it is not warranted. The Board of Supervisors adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this recommendation (see attached responses from the Department of Planning).*

3. The Planning Commission Rules of Procedure should be revised to establish a deadline for the filing of written comments on application that is not less than three days before the scheduled public hearing and to provide that any written comments filed after the deadline will not be considered by the Planning Commission and will not be part of the record of the public hearing.

Recommended Response

*This recommendation will not be implemented as it is not warranted. The Board of Supervisors adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this recommendation (see attached responses from the Department of Planning and Building).*

4. The Planning Commission Rules of Procedure should be revised to specifically provide that public comment will not be allowed on revised findings that have been presented to and are being considered by the Planning Commission after the public hearing on the application has been closed and the Planning Commission has made a tentative decision on the project.

Recommended Response

*This recommendation will not be implemented as it is not warranted. The Board of Supervisors adopts the response from the Department of Planning and Building as the Board of Supervisors' response to this recommendation (see attached responses from the Department of Planning and Building).*