

**FIRST AMENDMENT TO AGREEMENT BETWEEN
SONOMA COUNTY COMMUNITY DEVELOPMENT COMMISSION
and COUNTY OF SONOMA PERMIT & RESOURCE MANAGEMENT DEPARTMENT
FOR USE OF ROSELAND, RUSSIAN RIVER, and SONOMA VALLEY REDEVELOPMENT FUNDS**

WHEREAS, the Sonoma County Community Development Commission, hereinafter referred to as "COMMISSION," and the County of Sonoma, hereinafter referred to as "COUNTY," have previously entered into that certain Agreement for the Roseland Sebastopol Road Urban Vision Plan, the Russian River Design Guidelines, and the Sonoma Valley Redevelopment Plan Amendment projects, dated June 18, 2007; and

WHEREAS, COUNTY Permit and Resource Management Department ("PRMD") has completed all required work for the Sonoma Valley Plan Amendment and Roseland Sebastopol Road Urban Vision Plan projects, and continues to work on the process for review and consideration by the Planning Commission and the Board of Supervisors ("Board") of the Russian River Design Guidelines ("Guidelines"); and

WHEREAS, since the date on which said Agreement was executed, the Board has approved increases in the rates for PRMD to perform Planning Tasks, and may be expected to approve future increases in said rates on an annual basis; and

WHEREAS, the rates to be paid under said Agreement for previously specified Planning Tasks required for completion of the Guidelines can be changed only upon approval and execution of an amendment of said Agreement by COMMISSION and COUNTY; and

WHEREAS, COMMISSION desires COUNTY PRMD to assist COMMISSION in the process of review and consideration by the Planning Commission and the Board of a proposed Russian River Redevelopment Plan Amendment, as described in Attachment "B" ("Plan Amendment"); and

WHEREAS, COUNTY has requested funds to offset the cost of the Plan Amendment; and

WHEREAS, COMMISSION did on May 12, 2009 approve the use of up to \$33,792 in fiscal year 2008-2009 Russian River Redevelopment Project non-housing funds to complete the review and consideration of Plan Amendment, and did also approve annual increases of the Planning Task rates to be paid for required Plan Amendment and Guidelines work to equal the rates that are approved annually by COUNTY; and

WHEREAS, the parties mutually desire to amend said Agreement to make the following changes:

- Revise the Scope of Work
- Increase funds payable for completion of Scope of Work tasks.

NOW, THEREFORE, BE IT RESOLVED that COMMISSION and COUNTY, in consideration of their mutual promises herein contained, do agree and covenant to revise that certain Agreement by and between them as follows:

1. Attachment B, Russian River Plan Amendment Project, is added to the Agreement Scope of Work, as attached hereto and incorporated herein by reference.

2. Paragraph 1, Funding by COMMISSION, is revised to read:
 "COMMISSION shall reimburse COUNTY in an amount not to exceed \$189,158 from Roseland, Russian River, and Sonoma Valley (Springs) Redevelopment Project non-housing funds for the expenses set forth in Attachments A and B, attached hereto and incorporated herein by reference, after submission by COUNTY to COMMISSION of satisfactory documentation for such expenses. Said not-to-exceed figure shall be increased if and when COUNTY approves an increase in rates to be charged for the listed Planning Tasks, upon execution by COUNTY and COMMISSION of an Amendment to this Agreement that details the new rates by Planning Task that remain to be performed for completion of the Plan Amendment or Guidelines.

3. Attachment A, Russian River Design Guidelines Project Scope of Work and Budget, attached hereto and incorporated herein by reference, is revised to increase the rates as follows:
 - a. Rate of \$121/hour is increased to \$132/hour.
 - b. Rate of \$127/hour is increased to \$133/hour.
 - c. Rate of \$114/hour is increased to \$119/hour.
 - d. Rate of \$98/hour is increased to \$105/hour.

Said rates shall be increased if and when County Board of Supervisors approves an increase in rates to be charged for the listed Planning Tasks, upon execution by the Director of PRMD and the Executive Director of COMMISSION of a letter confirming the new rates by Planning Task that remain to be performed for completion of the Guidelines.

4. Paragraph 7, Termination, is revised to read:
 "This Agreement shall be terminated at such time as COMMISSION has paid COUNTY all funds due under this Agreement. In addition, at any time and without cause, COMMISSION may terminate this Agreement by giving COUNTY thirty (30) days' written notice of such termination."

IN WITNESS WHEREOF, the parties hereto have executed this instrument or caused this Amendment to be executed by their duly authorized agents this _____ day of _____, 2009.

**COUNTY OF SONOMA
 PERMIT & RESOURCE MANGEMENT DEPT**

DATED: _____

By: _____
 Pete Parkinson, Director

**COMMUNITY DEVELOPMENT
 COMMISSION**

DATED: _____

By: _____
 Kathleen H Kane, Executive Director

APPROVED AS TO FORM:

DATED: _____

By: _____
 County Counsel

ATTACHMENT B

**Agreement Between Sonoma County Community Development Commission and
County of Sonoma Permit & Resource Management Department**

Russian River Redevelopment Plan Amendment Project

SCOPE OF WORK and BUDGET

COUNTY will assist COMMISSION in the process of review and consideration of the proposed Russian River Redevelopment Plan Amendment by the Planning Commission and the Board of Supervisors. The Amendment is intended to voluntarily impose annual and cumulative caps on the receipt of tax increment revenue by the Agency. The process for preparing the Redevelopment Plan Amendment will include a comprehensive assessment and prioritization of projects and objectives aimed at eliminating the remaining blight within the Project Area to determine the specific level of annual and cumulative caps consistent with the amount of funds needed to eliminate remaining blight in the Project Area. The specific proposed annual and cumulative caps will be clearly set forth and justified in the draft Plan Amendment that will be disseminated for comment prior to consideration of eventual adoption by the Board of Supervisors.

Several steps in the preparation and adoption of a Plan Amendment in compliance with California Community Redevelopment Law (CRL) require consultation with, and recommendation or approval by, the Planning Commission, prior to final approval of the Plan Amendment by the Board. The provisions of CRL do not contemplate plan amendments to impose tax increment caps where none currently exist or to reduce the level of previously established caps, and there is apparently no precedent for an amendment of this type in other jurisdictions within the state. It will therefore be necessary for Redevelopment Counsel to determine the legal requirements for such an amendment, including the level of CEQA review required, upon completion of the project assessment and prioritization process. COUNTY and COMMISSION will execute an amendment to this Agreement should final determination of legal requirements necessitate changes to the tasks and hours indicated below.

PLANNING TASKS	HOURS	RATE/HR	ESTIMATED STAFF COST
Environmental Review			
Initial Study and EIR Review/Consultation	80	132	10,560
<i>Subtotal Environmental Review Costs</i>	80		\$10,560
Planning Staff Tasks/Hours			
Initialize File, Prepare Referrals, Public Notice & Forms	16	132	2,112
Application Review & Technical Reports	16	132	2,112
Client Meetings/Telephone/Consultations	24	132	3,168
Review & Analysis of Application Materials	16	132	2,112
Interagency Coordination/Consultation	40	132	5,280
Preparation of Staff Report for PC	20	132	2,640
Preparation of Staff Report for Board (if applicable)	20	132	2,640
Public Hearing(s)/Meeting(s)	20	132	2,640
Post Approval Processing (NOD, Resolutions, File Closure, Etc.)	4	132	528
<i>Subtotal Planning Review Costs</i>	176		23,232
TOTAL	256		33,792

Said rates shall be increased if and when County Board of Supervisors approves an increase in rates to be charged for the listed Planning Tasks, upon execution by the Director of PRMD and the Executive Director of COMMISSION of a letter confirming the new rates by Planning Task that remain to be performed for completion of the Plan Amendment.

ATTACHMENT A

**Agreement Between Sonoma County Community Development Commission and
County of Sonoma Permit & Resource Management Department**

Russian River Design Guidelines Project
SCOPE OF WORK and BUDGET

COUNTY will assist COMMISSION in the process of review and consideration of the proposed Russian River Design Guidelines by the Planning Commission and the Board of Supervisors. The Guidelines are intended to apply to development proposed within the affected area and would be used by COUNTY and COMMISSION staff as well as COUNTY decision makers in the review of projects. In order for the Guidelines to be applicable to development projects, they must be adopted into the COUNTY Zoning Code. To accomplish this, COUNTY staff will assist COMMISSION with CEQA documentation, public outreach, public notice, staff reports, hearings, and associated duties. COUNTY's assistance will also include participation by building, health, and engineering staff familiar with current COUNTY Codes and related issues as they may apply to the area and proposed Guidelines.

PLANNING TASKS	HOURS	RATE/HR	ESTIMATED STAFF COST
Environmental Review			
Initial Study Preparation (staff hours)	20	132	2,640
<i>Subtotal Environmental Review Costs</i>	<i>20</i>		<i>\$2,640</i>
Planning Staff Tasks/Hours			
Initialize File, Prepare Referrals, Public Notice & Forms	20	132	2,640
Application Review & Technical Reports	30	132	3,960
Field Review/Initial Site Visit	20	132	2,640
Client Meetings/Telephone/Consultations	20	132	2,640
Review & Analysis of Application Materials	100	132	13,200
Interagency Coordination/Consultation	20	132	2,640
Interdepartmental Coordination/DCC	30	132	3,960
Public Information/Coordination	30	132	3,960
Preparation of Staff Report for BZA/PC	20	132	2,640
Preparation of Staff Report for Board (if applicable)	10	132	1,320
Public Hearing(s)/Meeting(s)	40	132	5,280
Prepare/Review Minutes	10	132	1,320
Post Approval Processing (NOD, Resolutions, File Closure, Etc.)	20	132	2,640
<i>Subtotal Planning Review Costs</i>	<i>370</i>		<i>\$48,840</i>
Non-Planning Staff Tasks/Hours			
Building Plan Check review	10	133	1,330
Health Specialist review	10	119	1,190
Eng Tech review	10	105	1,050
<i>Subtotal Non-Planning Costs</i>	<i>30</i>		<i>\$3,570</i>
TOTAL	390		\$55,050

Said rates shall be increased if and when County Board of Supervisors approves an increase in rates to be charged for the listed Planning Tasks, upon execution by the Director of PRMD and the Executive Director of COMMISSION of a letter confirming the new rates by Planning Task that remain to be performed for completion of the Guidelines.