COLAB SAN LUIS OBISPO COUNTY

WEEK OF OCTOBER 22-29, 2011

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MORE AMMO FOR LAND USE REGULATION

RACING THE RAINS: OCEANO FLOOD MEASURES FUNDED (SORT OF)

CLIMATE ACTION ANGST

Board of Supervisors

Board of Supervisors Meeting of October 18, 2011 (Completed)

Partial Funding Restoration Adopted for Community Health Centers of the Central Coast (CHCCC). The Board approved funding increases for CHCCC in accordance with the staff recommendation. COLAB expressed support for basic clinic services for poor people. We then pointed out that the real underlying issue is the continuing decline of the County's financial position resulting from the ongoing economic recession. The County simply does not have enough revenue to provide basic services such as health care for children and the poor. The Board and staff continue to seek cover by citing the fact that many counties have even more severe financial problems. This compares to being an alcoholic and touting the fact that you don't have cancer like some of your friends. Thus, while reducing basic services, burning reserves, and seeking more and more concessions from its employees, the Board continues its quixotic, costly planning and regulatory assault, which further undermines the local economy.

COLAB also read the list of recommendations below into the record.

Once again, we point out that the Board needs to declare a moratorium on further regulation.

Once again, we point out that the Board needs to roll back onerous regulations such as the Smart Growth Plan, Level III water prohibitions in the north county, and the transfer of development credits (TDC) mandate.

Once again, we point out that the Board needs to adopt and implement a major economic stabilization program.

Once again, we point out that the Board needs to redirect the entire bureaucracy to make such changes the critical philosophical, policy, and operational priority.

Finally, groups such as CHCCC patients, the county's employees, and those citizens who go to bed at night in areas served by intermittent fire engine staffing or understaffing (2 fire fighters on an engine, when four is the National Fire Prevention Association standard) should not be bought off. They should come to the Board and vociferously object to the current policy direction.

Background: As readers may recall, there was quite a controversy in June over funding reductions for the not-for-profit CHCCC. Originally, CHCCC was contracted to provide $3 million of clinic services to poor people in 2011-12, but because of declining revenues and increasing costs in general, the County Administrator proposed $2.2 million. This was in line with reductions to other departments and agencies as part of the County's overall strategic budget reduction plan (the Seven Year Pain Plan). The staff recommended that the FY 2011-12 funding amount be increased to $2,540,000 and that the FY 2012-13 amounts be set at $2,500,000. A CHCCC representative was present but did not speak. By adopting a two year package the Board avoids a potential repeat of the controversy next spring during the run-up to the June Supervisorial election. The extra $440,000 is to be transferred from the County's contingency reserve. ($340,000 for CHCCC and $100,000 for specialty medical care, which had been provided by CHCCC but will now be contracted to others). The action was adopted unanimously.

Grant Application to US Department of Housing and Urban Development (HUD): The Board authorized staff to submit an application for a $958,730 grant to HUD for a series of homeless services projects. Of the total, $733,467 is slated to go to the Community Action Partnership of San Luis Obispo County (CAPSLO). Supervisor Hill recused himself from participation on this item "out of an abundance of caution."

Board of Supervisors Meeting of October 25, 2011 (Scheduled)

Un-Economic Development/Contract with the Economic Development Corporation (EVC) to Implement Economic Development Programs. The agenda item, if approved, would authorize an $80,000 contract with the EVC with the following "deliverables":

- *To implement economic development programs identified in the Economic Element of the County General Plan.*
- *Acting as lead agency, assist the County by facilitating implementation and preparing updates as needed for a Countywide Economic Study.*
- *Obtain matching funds from cities and businesses.*
- *Convene at least one seminar on a topic related to the economic strategy that will assist and improve County business and the economy.*

Clearly, these are vague and do not state what is to actually happen. The EVC Economic Strategies Report, adopted earlier this year, was supposed to be the economic study. Now more money will be expended to "facilitate implementation" -- not even conduct the study?

Bullet one, above, requires the EVC "to implement economic development programs identified in the Economic Element of the County General Plan." The Economic Element, adopted in 1999, contains many of the same ideas included in the 2010 EVC Economic Strategy Report adopted last spring. It lists the key sectors of competitive advantage (agriculture, technology, tourism, etc.) and repeatedly points out that permit processing needs to be less onerous. It seems as though there is no real strategy, no specific projects, and no execution schedule.

<u>More Regulatory Ammo: Sustainable Communities Planning Grant – Fueling the Smart Growth Assault:</u> The Board is being requested to approve a Strategic Growth Council grant from the California Department of Conservation in the amount of $399,000. The County would use the funding to conduct six projects as follows:[1]

- *Complete Communities Survey: Conduct a technical survey of the features that will comprise a complete "strategically planned" community, and estimate the costs of transportation, infrastructure and public facilities in four communities (San Miguel, Templeton, Oceano, and Nipomo) for capital improvement planning ($84,800).*
- *Infill Subdivision/Development Standards: Create subdivision and development standards and remove regulatory barriers in order to encourage compatible and diverse mixed use projects ($92,800).*
- *Community Design Model: Create a computer model of zoning, subdivision, and development standards and infrastructure and transportation needs. The model will rapidly calculate the results of community design scenarios in terms of water demand, transportation and public facilities demands and greenhouse gas emissions ($34,100).*
- *Illustrative Design Model: Create computer simulations and "virtual tours" of higher density development to illustrate how it could be designed to be compatible with local neighborhoods and consistent with strategic growth policies. ($18,653).*
- *Land Use Economics Study: This project will identify potential economic, real estate and land use effects of possible measures to direct more growth from rural to unincorporated urban areas, as well as possible measures to encourage infill density in unincorporated communities ($35,000).*
- *San Miguel Community Plan Update: The San Miguel Community Plan will be a model for implementing the County's strategic growth strategies and SLOCOG's Sustainable Communities Strategy. The following studies will be essential in updating the Community Plan and preparing its Environmental Impact Report: 1) an economic strategy, 2) a public facilities financing plan, 3) a transportation study and 4) a water study. ($128, 647)*
- *Contingency: ($5,000).*

<u>Analysis:</u> As our readers have probably detected, this grant provides more ammunition for the Board of Supervisors majority to deepen and broaden its regulatory agenda and promote

[1] The italicized portion is quoted from the County agenda staff report and is illustrative of the embedded bureaucratic mindset which promotes County policy.

dense urban living. Moreover, by restricting and removing existing development rights in the rural areas, land values are undermined, which restricts the ability of farmers, ranchers, and other property owners to obtain loans, recapitalize their operations, fund equipment, and otherwise survive. In that sense, this grant provides new tools for the planners and the Board majority to ultimately make ownership of private rural property impossible.

The State grant that facilitates this attack is emblematic of the State's misplaced collectivist and redistributionist priorities. The state has funds to undermine our ability to live in rural and suburban areas but cannot afford to incarcerate felons, fix its highways, or educate its children.

Los Osos Recyclable Water Project. The Board will consider authorizing six agreements with farmers in Los Osos to receive treated water from the plant once it is in operation. The farmers represent a possible 200 plus acres of land which is presently irrigated (80 acres) or could be irrigated. This is one of the crucial steps in the Los Osos project because one of the conditions imposed by the California Coastal Commission on the project is that 10% of the treated wastewater be delivered to agricultural users with land that overlays the water basin. The County has broken the contracting process into two parts. The first (the subject of this Board item) is the signing of agreements called Program Participation Agreements. These state the intent of the farmers to participate. In the future, a second set of agreements will be tendered which specify the water delivery schedule, price, quality, etc. It is not clear if the farmers are bound to take water at this point or if they will be able to back out when the second set of agreements are tendered. It is also not clear from the material what happens if the farmers do back out.

Oceano Flood Prevention Funding. The Public Works Department recommends that the Board authorize the expenditure of $785,000 from the County's Flood Control Reserve Fund (Zones 1 and 1A). The 2011-12 Proposed Budget for these entities shows that Zone 1 had an $81,000 balance available and expected current funding of $672,710 for a total of $753,000. Zone 1A had no fund balance and expected about $26,000 in current revenue. According the Board letter $730,000 had been "spent in prior years on a Waterway Management Plan, EIR, and related studies." Normal recurring revenues to Zone 1 appear to be about $434,000 per year from a small property tax allocation and service charges. Apparently funds have been loaned to Zone 1A from the general fund in past years. The Board letter points out that "repayment of these expenditures is not foreseeable at this time." One consequence is that other needed projects in the Zone will not be funded.

If the Board gives its approval, the Public Works Department will issue a sole source contract (because of the imminent rain/flood season) and begin work. The Board letter states that the regulatory agencies are "involved." The National Marine Fisheries Service, County Air Pollution Control District, US Army Corps of Engineers, Coastal Commission, State Department of Fish and Game, Regional Water Quality Board, and the County Planning Department all add friction and cost to the effort.

Actual proposed work includes breaching the sand bar which blocks the creek (for years this was done at no cost to taxpayers by a resident who had a bulldozer); sand bags, berms, vegetation maintenance (cutting bulrushes and willows?); bypass pipeline, environmental consultants, etc.

The Board has been studying this problem since December of 2010. Will the work be completed prior to the first extensive rain?

OTHER GOVERNMENT ENTITIES

Planning Commission

Planning Commission of October 27, 2011 (Scheduled).

Climate Action Plan (Now Energy Wise Plan). The Commission will conduct its third hearing on The Climate Action Plan. The first hearing was held on October 6, 2011, and the second on October 13, 2011. The Commission Chair hopes to complete review of the Plan on October 27th and send it forward to the Board of Supervisors for adoption. During the October 13th meeting several Commissioners had questions that were not answered and suggestions for changes, which have not yet been included.

Background: Some of the Commissioner's concerns are listed below.

Legal Impact of the Plan Still Murky: At least three of the Commissioners expressed concern and confusion about the legal authority and meaning of the "Plan." As COLAB has repeatedly pointed out, the staff terms it a "Plan" that does not have requirements but that does "have consequences." A prior Board letter stated, "While the measures in Chapter 5 of the Plan are not laws or policies, they offer guidance to the public, decision makers and staff in discussions of energy efficiency, strategic growth, renewable energy and waste reduction policies." The purpose of the "Energy Wise Plan" is to reduce the generation of greenhouse gases by 15% by 2020. However, if the "Plan" provisions are not requirements, then of what value is it in the first place? After considerable acrimonious discussion, this issue was never really resolved. It is likely to surface during the October 27th meeting and may be a barrier to getting at least three Commissioners to vote a recommendation.

Cost to County of Implementing the "Plan" Unknown: Commissioners expressed concern that the staff has not developed real costs (such as the County's administrative costs) for implementing the "Plan." Again, staff begged off, saying that the costs would have to be developed on a piecemeal basis as specific components are selected for implementation.

Costs of Complying with the "Plan" Ignored: At this point, there are no real estimates of the financial costs to citizens and businesses complying with the Plan (39 specific measures to reduce green-house gases).

Cost Benefit of the "Plan" not Calculated: Neither the staff nor the Commission have any idea of the cost/benefit of the 39 specific "Plan" components.

So far, Realtors have been the most vociferous opponents of the Plan because it contains requirements for sellers with homes built prior to 1988 to have a County energy audit and install upgraded energy saving appliances, water saving devices, and in some cases additional insulation, better windows, and more efficient heating systems. For example, everything would have to meet Energy Star or equivalent standards. Questions on the table include whether buyers or sellers would pay and would the work have to be done before a property could be listed. Another issue is how this would affect owners of short sale properties (those where the existing mortgage is more than the value of the property). In such cases the current owner has no money and cannot borrow to make the improvements.