

# COLAB SAN LUIS OBISPO COUNTY

## PRIOR ACTIONS AND COMING ATTRACTIONS REPORT

WEEK OF JULY 11, 2011-July 17, 2011

### Board Meeting of July 5, 2011 (No Meeting Held)

### Board Meeting of July 12, 2011(Scheduled)

Public Facilities Payment Deferral (Discussion and set hearing for July 26, 2011). In order to pay for capital infrastructure improvements which are made necessary by development, the County charges Public Facilities fees to help offset the marginal costs of new development for libraries, fire facilities, Sheriff's facilities, parks, and general government facilities. The fee for a single family unit is \$5,705; a multifamily unit, \$3,709; an office project, \$2,283 per 1000 sq. ft.; \$1,737 per 1000 sq. ft. for retail and \$1,056 per 1000 sq. ft. for industrial. Currently the fee must be paid at the time a building permit is issued. The problem is that the applicant cannot realize revenue (and the potential service and facility impacts do not occur) until the new house, business or whatever is occupied. In recognition of the economic recession the Board is considering allowing applicants to defer part of the payment until an occupancy permit is issued. During its April 5, 2011 meeting the Board discussed the idea and directed staff to return with a proposal. As we reported at that time, the staff was not thrilled with the idea because of the lag in revenues.

Under the proposed deferral, the applicant will enter into an agreement with the County to pay all fees prior to final inspection. A 20% deposit plus an administrative processing fee will be required. To be eligible the applicant must be in compliance with all project conditions and have no unpaid balances due to the county; all taxes and assessments shall be current; and no County Code violations may be present on the property. The deferral provision will sunset on September 30, 2014, in the belief that the recession may be over by then.

This issue was assigned on April 5, 2011 and the staff work is being presented for action on July 12, 2011. If approved, the ordinance amendments will take effect September 30, 2011 (about a six month process to change/add/delete 32 lines of text, about 391 words in all).

There is a separate road fee. Public Works was also directed on April 5 2011, to bring a similar provision back for Board consideration. The staff indicated that it would take them some time to do the analysis. There is no indication when it will be back.

Urgency in the face of the economic crises and just in time for the rainy season.

Topaz Solar Ranch Appeal. Jody Stegman of Berkeley, Michael Strowbridge of San Luis Obispo County, and The Center for Biological Diversity/Defenders of Wildlife/Carrizo Commons by Ileene Anderson of 8038 Sunset Blvd., Los Angeles have appealed the

Planning Commission's approval of this project. The bottom line is that the appellants believe that the Carrizo Plain is too unique and fragile ecologically to permit such a major facility. They argue that the Environmental Impact Report (EIR) does not adequately analyze and provide measures for the protection of 35 imperiled species of mammals, birds, insects, reptiles, and plants (particularly the kit fox, vernal pool fairy shrimp and golden eagles). They also argue that the EIR does not adequately address existing and potential accumulative impacts. They further argue that alternative sites (outside San Luis Obispo County) were not adequately studied or presented. The agenda item itself contains 838 pages of data, analysis, and direction accumulated by the staff and the Planning Commission.

The same appellants opposed the previously approved 250 megawatt (MGW) SunPower Plant and have sued the County in an effort to reverse its approval. It is likely they will also litigate approval of the Topaz 550 MGW project if that approval is granted. As noted above one of the appellants is the Center for Biological Diversity (CFBD) which was founded in Tucson in the 1990's. Tucson is a hotbed of radical leftist political and environmental activity. CFBD's President and devotee is Marcey Olajos. Olajos has been a supporter and campaign contributor to former Pima County Supervisor and now Congressman Raul Grijalva. Grijalva is a major supporter of Federal environmental initiatives such as cap and trade.

CFBD reports an annual budget of \$8 million which supports a staff of environmental litigators and subject experts including biologists, geologists, and land planners. This team has been very successful in winning court cases and being awarded costs throughout the west and southwest. A quick review of their written appeal illustrates how carefully they are preparing the record and groundwork for the coming litigation.

The stakes for the County are substantial. The cost of building the plant is estimated at \$1.7 billion. The local construction payroll is predicted in the \$60-\$100 million range. Direct jobs and resulting economic multipliers and jobs in the community could total 990 jobs and \$141 million of economic impact over the three-year construction period. Revenues to County during the construction years could be in the \$22-\$26 million range. Unfortunately the State, as an incentive, has exempted green energy facilities from the local property tax.

It will be interesting to see how long private sector green energy companies can endure lengthy and expensive permitting processes, expensive litigation, and competition from new sources such as the vast natural gas fields which are coming into production in New York, Pennsylvania, West Virginia, Oklahoma, and Texas. Even with subsidies, ultimately market forces will determine the price of a kilowatt hour of electricity. Vast new sources will be required if cars and trucks are to be converted from gasoline to electric.

## OTHER GOVERNMENT ENTITIES

### Planning Commission Meeting of July 14, 2011(Scheduled)

Vacation Rental Ordinance. This ordinance revision is returning as a continued item from the April 14, 2011 Planning Commission meeting. It is on this agenda to set it for a hearing on July 26, 2011. There is no new staff report or analysis. Back in April the Commission

directed staff to confer with various neighborhood associations which had differing views on the extent of various restrictions. Presumably the staff will report on its findings.

The ability of property owners to rent their property to short term tenants (vacationers) is the real issue (a property rights issue) underscored by this item. Neighbors and their civic associations support regulations because the vacationers increase traffic and in some cases noise and other nuisances. In beach communities there is the specter of the guys from Animal House coming for the week and partying with motor cycles, rock bands, and many non-tenant visitors. There are also many residents whose economic survival and ability to retain ownership of the home is enhanced by weekend, weekly, or seasonal rentals. The poor economy, joblessness, ever increasing property taxes, utility bills, insurance costs, and an aging population with more folks on fixed incomes may well increase the popularity and real need for vacation rental income. The EIR paid for by the applicant has cost nearly \$1.2 million so far.

Basic components of the revised proposed ordinance are as follows:

- A Residential Vacation Rental is the use of an existing residence, or a new residential structure that has been in conformance with all the standards applicable to residential development, as a rental for transient use. This definition does not apply to the rental of the entire residence for periods of thirty days or longer.
- In Cambria, Cayucos and Los Osos no residential vacation rental shall be located within 100 foot radius and within 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor serving accommodation.
- Within the Avila Beach Urban Reserve Line no parcel shall be approved for residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental.

In all sections:

- A notice of the intent to establish a vacation residence shall be submitted to all the property owners within 200 foot radius of the site. The notice must also be submitted to the Planning and Building Department, local Sherriff's substation, the Sheriff's headquarters, and the local fire agency. The notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking, and maximum occupancy. The applicant must file a form certifying that the notice has been sent to all the property owners, and the Planning Department.
- Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. For example, if a person or group rents the unit on a Friday, the next individual or group cannot rent the same unit until the following Friday. No additional occupancy of the residence shall occur within that seven day period.

Violations that will cause revocation of the Zoning Clearance:

- Failure to notify the County staff when the contact person changes.

- Violation of the residential vacation tenancy standards.
- Violation of the residential vacation maximum occupancy, parking, and noise requirements.
- The inability of County staff or the Sheriff to reach a contact person.

The staff report focuses on the ordinance and recommended controls and process. A Five year review of the ordinance was presented to the Board in 2009. It would have been helpful to have an update on the number and kinds of complaints and violations. It would also be helpful to have data on how many residential vacation units currently exist, where they are located, and how much revenue in transient occupancy tax is generated. Public policy should be informed by hard statistics and cost benefit analysis, not just anecdotal opinion. After all, why is it necessary to require a week hiatus between successive rentals? What public health or safety interest is being served?

#### State Legislature: Putting the Wolves in Charge of the Flock

AB 455-Mandatory Restructuring of Local Government Merit Boards/Civil Service Commissions. This bill has passed both houses of the Legislature and is on its way to the Governor. The bill provides that when a local public agency has established a personnel commission or merit commission (such as the San Luis Obispo County Civil Service Commission) to administer personnel rules or a merit system, the governing body of the agency will appoint one half of the members of the commission and that the other half would be appointees nominated by the recognized employee organization. In jurisdictions with more than one labor union, the nominees would come from the union representing the largest number of employees. In San Luis Obispo County this would be The San Luis Obispo County Employees Association (SLOCEA). It is not clear from the bill how the split would work in jurisdictions like San Luis Obispo County which has a five-member Commission.

When it becomes law, this bill will hand over vast power to the unions. Civil Service Commissions hear disciplinary appeals, approve employee classifications, recommend personnel policies, hear employee grievances, approve temporary positions, adjudicate pay and benefit disputes, and in some cases have quasi-judicial authority. It is a horrible conflict of interest, undermines the integrity of the process, and is profoundly undemocratic.

It is a blatant give away by the California State Legislature and just plain shameful. Contact the Governor (phone: 916-445-2841 or fax: 916-558-3160) and demand that this shameful bill be vetoed. To email the Governor, go to [gov.ca.gov/](http://gov.ca.gov/) and when the site opens, hit contact. A message form opens which can be filled out.