



## **COLAB SAN LUIS OBISPO COUNTY**

**WEEK OF NOVEMBER 1-7, 2015**

### **BOARD PERPETUATES PASO BASIN & NIPOMO BASIN LOCKDOWNS**

### **2016 FEE INCREASES INTRODUCED**

### **MEDICINAL MARIJUANA: HELP FOR THE SICK OR BOON TO STONERS?**

### **WHY WON'T SLOCOG BOARD REVEAL POSITION ON PROP. 13?**

#### **Board of Supervisors Meeting of Tuesday, October 27, 2015 (Completed)**

**Item 13 - Gravel Mining/Fish and Wildlife Department.** The Board voted 4-0-1 (Hill abstaining) to send a letter to State Natural Resources Secretary John Laird about how the State Fish and Game Department sets such unreasonable requirements in its permits that it drives critical gravel mining operations out of business. There was much handwringing by Gibson and Hill about how this is really about getting State agencies to work better with localities. Fish and Game is famous and infamous for its abuses.

There are many issues including the availability of sand gravel for County road projects and private sector construction projects.

A copy of the draft letter to the state is included as Addendum I at the end of this update (Page 18)

**Item 14 - Adopt the Water Neutral New Development and Water Waste Prevention components of the proposed Countywide Water Conservation Program (CWWCP); and Ordinance 3274 (County Fee Schedule) to establish new fees associated with the implementation of the proposed CWWCP.** The Board voted 3/2, Arnold and Compton dissenting, to adopt the regulatory program. During the hearing there were 39 speakers of which 10 supported the Program, 26 were opposed, and 3 were unclear. Organizations supporting the Plan included Paso Robles Wine Country Alliance, the San Luis Obispo County Farm Bureau (with some reservations about well regulation) and North County Watch. The County-sponsored and County-staffed Paso Basin Advisory Committee also supported the Program. Organizations in opposition included the San Luis Obispo Cattlemen's Association, the Grower Shippers Association of San Luis and Santa Barbara County, Preserve Our Water Rights, and COLAB. The details of the Program and our objections are contained in last week's COLAB Weekly Update at the link:

[http://www.colabslo.org/prior\\_actions/Weekly\\_Update\\_OCTOBER\\_25-31.pdf](http://www.colabslo.org/prior_actions/Weekly_Update_OCTOBER_25-31.pdf)

In summary this item constitutes the culmination of the long-term County plan to prohibit new water-using development in the unincorporated Paso Water Basin and the Nipomo Basin. It is likely that in the future the program will be spread to the Edna Valley and the Cuyama Valley.

From a big picture standpoint the so-called Countywide Water Conservation Program is an admission of the failure by the County Board of Supervisors to actually deal with the drought and to plan to allow for future growth in a substantive way. At rock bottom this plan seeks to stabilize various aquifers on the backs of farmers, ranchers, and suburban and rural residents while allowing the incorporated cities and suburban water districts to be exempt. The 2-plus years consumed by the Paso Basin Moratorium have been wasted.

Next Steps:

1. One problem which became clear during the Board deliberations is that it will be difficult for a future Board to unravel those portions of the County General Plan, including the Land Use Element, the Agriculture Element, and the Conservation and Open Space Element, which not only support the Plan but make it policy. The provisions supporting the Plan were adopted on the basis of a now certified CEQA EIR. This means that to repeal or amend them, the County would have to conduct an environmental assessment. This in turn would determine if an EIR is required to repeal or amend them. It is not clear if Supervisor Mecham, who was the deciding vote, understands the seriousness of this problem. Accordingly, because he was on the prevailing side, a delegation of residents should visit him and ask that he have the Board schedule the matter for reconsideration to explicate and remediate this issue. This goes to the permanency of the so

called new interim ordinance and Plan amendments. Reportedly the environmental review costs for the items just adopted were \$645,000. How much would the review cost to undo them?

2. Candidates for First District Supervisor and Third District Supervisor should be made to get on the record with respect to whether they would repeal the ordinances that comprise the Plan if elected. This should be a major consideration for voters. Note: 3<sup>rd</sup> District Supervisor Candidate Debbie Peterson testified in favor of the Plan at the hearing.

3. The Planning and Building Department should be directed to add a separate category in its permitting statistics to count the number of offset permits applied for and other permits related to the Plan. The reports should indicate how many new acres are permitted to be planted, how many are contracting to provide offsets, and how many acre-feet of water are being saved, if any.

4. Similarly the Planning and Building Department should be directed include in its statistical reports the status of the credit “bank,” including credits generated, credits used, and the balance at the end of each reporting period.

5. Don’t get mad----Organize!

#### **Board of Supervisors Meeting of Tuesday, November 3, 2015 (Scheduled)**

**Item 1 - Proposed Annual Fee Increases – Set Hearing for November 24, 2015 (2 days before Thanksgiving).** This item is to set a public hearing on proposed increases. The actual substantive discussion and vote will take place on the day of the hearing. We list a sampler of some of the fees that impact COLAB members for their early consideration. Keep in mind that it is not just the differences but the actual amount in relation to the public benefit gained and the actual cost of producing the staff work which are important. For example:

#### **Fire Department:**

<b><i>Fees Increasing</i></b>	<b><i>FY 15-16 Amount</i></b>	<b><i>FY 16-17 Amount</i></b>	<b><i>Increase</i></b>	
Development Plan, Conditional Use Permit, Minor Use Permit	\$680	\$723	\$43	6%
Conditional Certificate of Compliance	\$504	\$534	\$30	6%
Parcel Map	\$800	\$850	\$50	6%
Tract Map	\$796	\$845	\$49	6%
Residential Fire Safety Plan	\$446	\$473	\$27	6%
Commercial/Ind. Plan	\$784	\$834	\$50	6%
Fire Sprinkler Systems (non SF-residential)	\$325	\$345	\$20	6%
Fire Alarm Systems (non SF-residential)	\$343	\$365	\$22	6%

Fee Disaggregation: Note that in the table below Fire is breaking up some consolidated fees into their sub component parts – some of which are not required in every application. This appears to be an attempt to actually help applicants and reduce costs in some cases.

<b>Fee</b>	<b>FY 2016-17 Amount</b>	<b>Savings vs. General fee</b>	
<b>1. Residential Fire Safety Plan - General</b>	<b>\$473</b>		
Residential Fire Safety Plan - Attached Decks and Additions	\$171	\$302	64%
Residential Fire Safety Plan - Photo Voltaic Setback Request	\$196	\$277	59%
<b>2. Commercial/Industrial Fire Safety Plan - General</b>	<b>\$831</b>		
Commercial/Industrial Fire Safety Plan - Tenant Improvement	\$336	\$495	105%
Commercial/Industrial Fire Safety Plan - Photo Voltaic Installation	\$336	\$495	60%
Commercial/Industrial Fire Safety Plan - Photo Voltaic Facility	\$807	\$24	3%
Commercial/Industrial Fire Safety Plan - Cell Site	\$336	\$495	60%
Commercial/Industrial Fire Safety Plan - Major Commercial Grading	\$336	\$495	60%
<b>3. Commercial Fire Sprinkler Systems - General</b>	<b>\$345</b>		
Commercial Fire Sprinkler Systems - New Hood System	\$336	\$9	1%
Commercial Fire Sprinkler Systems - Existing Hood Update/Upgrade	\$172	\$173	50%

## Planning and Building Department:

Exhibit A: Amendments to the FY 2015-16 County Fee Schedule

Change	Fee Description	Authority	Fee Amount	Unit Desc.	Comments
	<b>Public Works</b>				
	<b>Services to Special Districts - Budget Unit 20104</b>				
New Fee	Well Meter Inspection Fee For Paso Robles Groundwater Basin and Nipomo Mesa Water Conservation Area		375.00	each	
	<b>Planning and Building</b>				
	<b>Land Use Applications</b>				
New Fee	Paso Robles Groundwater Basin Agricultural Offset Clearance		1877.24	each	

<b>Fee Indicator No.</b>	<b>Fee</b>	<b>Current FY 15-16 Fee</b>	<b>Proposed FY 16-17 Fee</b>	<b>Fee Amount Increase</b>	<b>% Increase</b>
2001	Addressing Requests for Building Permits for new construction	\$77	\$109	\$32	42%
2005	Condition Compliance, Minor with site visit	\$776	\$932	\$156	20%
2006	Condition Compliance, Minor without site visit	\$230	\$276	\$46	20%
2007	Condition Compliance, Major without site visit	\$1,141	\$1,373	\$232	20%
2008	Condition Compliance, Major with site visit	\$1,419	\$1,709	\$290	20%
2011	Plot Plan with plumbing, electrical, mechanical or other building permit / over the counter permit	\$35	\$70	\$35	100%

Why does a site visit for a minor condition compliance clearance cost \$932? If the guy spent all day there (8 hours) he would have to be making \$116.50 per hour. (On a “minor condition”?). Similarly, if the County is actually adhering to its proclaimed financial strategy of limiting salary increases to about 2.5 % per year, why are costs going up by these large percentages?

**More on the next page:**

5006	Lot Line Adjustment Final with certificate of compliance or map	\$463	\$613	\$150	32%
5010	Parcel Map with Development Plan/Conditional Use Permit with Initial Study	\$9,198	\$11,306	\$2,108	23%
5012	Parcel/Tract Map - Final Map Evaluation for Compliance - Major	\$1,213	\$1,372	\$159	13%
5016	Tract Map with Development Plan/Conditional Use Permit with Initial Study	\$11,648	\$14,898	\$3,250	28%
6005	Minor Use Permit - Tier II with Categorical Exemption or General Rule Exemption or previously issued environmental document	\$3,397	\$4,129	\$732	22%
6006	Tract Map with Development Plan/Conditional Use Permit with Initial Study	\$5,256	\$5,932	\$676	13%
7003	Coastal Zone Major Projects (Tract, Parcel Map, Development Plan, Variance, MUP)	\$1,037	\$1,808	\$771	74%
12001	Time Extension - Land Division	\$584	\$1,167	\$583	100%
17058	Dwelling, Custom, Models, First Master, Inspection, 1200 sq feet	\$1,661	\$1,851	\$190	11%
18058	Dwelling, Custom, Models, First Master, Plan Check, 1200 sq feet	\$1,359	\$1,539	\$180	13%
18059	Dwelling, Custom, Models, First Master, Plan Check, 3000 sq feet	\$1,629	\$1,818	\$189	12%
18256	Tenant Improvements, Class B, Plan Check, 500 sq feet	\$775	\$868	\$93	12%
22240	Room Addition - Multi Story, with Kitchen and/or Bath, Plan Check, each add'l 500 sq feet	\$67	\$133	\$66	99%
22242	Room Addition - Multi Story, with Kitchen and/or Bath, Inspection, each add'l 500 sq feet	\$133	\$200	\$67	50%
23031	Septic System - minor repair, on site, OTC, Plan Check	\$20	\$67	\$47	235%

Note the hefty increases in the table above.

**More on the next page:**

*Due to processing efficiencies, the department is proposing decrease 17 fees. Significant fee decreases include:*

<b>Fee Indicator No.</b>	<b>Fee</b>	<b>Current FY 15-16 Fee</b>	<b>Proposed FY 16-17 Fee</b>	<b>Fee Amount Decrease</b>	<b>% Change</b>
1002	Ag Preserve - Contract Cancellation Request of Preserve with General Rule Exemption or previously issued environmental document	\$8,685	\$7,734	(\$951)	-11%
1006	Ag Preserve - Dis-establishment of Preserve with Initial Study	\$7,407	\$6,204	(\$1,203)	-16%
2004	Business License - Zoning Clearance with Plot Plan	\$73	\$54	(\$19)	-26%
2009	Plot Plan with building permit/zoning clearance	\$279	\$99	(\$180)	-65%
2010	Plot plan/zoning clearance with additional structure	\$111	\$92	(\$19)	-17%
22068	Fire Sprinkler System - New Construction or Tenant Improvement, Residential, Inspection, 11-50 heads	\$266	\$199	(\$67)	-25%
22079	Garage (detached) Wood / Metal, plan check, 1 to 1000 sq feet	\$399	\$332	(\$67)	-17%
22080	Garage (detached) Wood / Metal, plan check, 1001 to 3000 sq feet	\$499	\$432	(\$67)	-13%
22081	Garage (detached) Wood / Metal, inspection, 1 to 1000 sq feet	\$534	\$399	(\$135)	-25%
22082	Garage (detached) Wood / Metal, inspection, 1001 to 3000 sq feet	\$668	\$532	(\$136)	-20%

22229	Room Addition - First Story, with Kitchen and/or Bath, plan check, up to 499 sq feet	\$665	\$599	(\$66)	-10%
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Why does it cost \$7,734 to process the cancelling of an Ag preserve contract (Williamson Act)?  
How hard can the analysis be?

**Environmental Health Fees on the next page:**

Department Name: Public Health - Environmental Health  
Fund Center: 16002

				FY 2015-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
				Current Fee		Proposed Fee		\$ Difference from Prior Year	
1018	Increased	Temporary Food Facility - Single Event		\$103.00	facility/yr	\$110.00	facility/yr	\$7.00	See footnotes 2 & 4
1019	Increased	Temporary Food Facility - Multiple Events		\$243.00	facility/yr	\$252.00	facility/yr	\$9.00	See footnotes 4 & 12
1020	Increased	Temporary Food Event Organizer Fee		\$117.00	per event	\$150.00	per event	\$73.00	See footnotes 2 & 4
1021	Increased	Reinspection Fee		\$111.00	per hour	\$115.00	per hour	\$4.00	See footnote 8
1022	Increased	Bed and Breakfast		\$295.00	facility/yr	\$315.00	facility/yr	\$19.00	See footnote 2 & 12
1023	Increased	Ag Homestay		\$295.00	facility/yr	\$315.00	facility/yr	\$19.00	See footnote 2 & 12
1024	Increased	Produce Vehicle		\$274.00	facility/yr	\$290.00	facility/yr	\$16.00	See footnote 2 & 12
1025	Increased	Seasonal Produce Vehicle		\$135.00	facility/yr	\$140.00	facility/yr	\$5.00	
1026	Increased	Class A Cottage Food Operation		\$111.00	facility/yr	\$115.00	facility/yr	\$4.00	See footnote 2 & 12
1027	Increased	Class D Cottage Food Operation		\$222.00	facility/yr	\$230.00	facility/yr	\$8.00	See footnote 2 & 12
		Retail Food Facility Remodel							
1028	Increased	Mobile Food Facility (Push Cart)		\$445.00	per remodel	\$461.00	per remodel	\$16.00	
1029	Increased	Mobile Food Facility (Preparation Unit)		\$445.00	per remodel	\$461.00	per remodel	\$16.00	
1030	Increased	Retail Markets/Restaurants /Bars/B&B/Ag Homestay Major Remodel		\$844.00	per remodel	\$876.00	per remodel	\$32.00	
1031	Increased	Retail Markets/Restaurants /Bars/B&B/Ag Homestay Minor Remodel		\$644.00	per remodel	\$668.00	per remodel	\$24.00	

Even more on the next page:



Department Name: Public Health - Environmental Health  
Fund Center: 16002

		FY 2016-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
		Current Fee		Proposed Fee		\$ Difference from Prior Year	
		Site Mitigation	CA Health and Safety Code Sections 25404.1 et seq				
9010	Increased	Consultation & Site Inspection		\$111.00 per hour	\$115.00 per hour	\$4.00	
9011	Increased	File Search & Consultation		\$111.00 per hour	\$115.00 per hour	\$4.00	
9012	Increased	Contaminated Site Inspection, Document Review & Consultation		\$111.00 per hour	\$115.00 per hour	\$4.00	
		Hazardous Waste Generators	CA Health and Safety Code Sections 25404.1 et seq				
9013	Increased	Ag Hazardous Waste - 1 waste stream (<27 gals/month self reporter)		\$76.00 facility/yr	\$80.00 facility/yr	\$4.00	
9014	Increased	1 waste stream (all others <27 gals/month self reporter)		\$76.00 facility/yr	\$80.00 facility/yr	\$4.00	See footnote 2 & 12
9015	Increased	Ag Hazardous Waste - 2 waste streams (<27 gals/month)		\$97.00 facility/yr	\$105.00 facility/yr	\$8.00	See footnote 2 & 12
9016	Increased	2 waste streams (all others <27 gals/month)		\$97.00 facility/yr	\$105.00 facility/yr	\$8.00	See footnote 2 & 12
9017	Increased	1 - 6 waste streams (all others)		\$315.00 facility/yr	\$326.00 facility/yr	\$11.00	See footnote 12
9018	Increased	6 or more waste streams		\$397.00 facility/yr	\$420.00 facility/yr	\$23.00	See footnote 2 & 12
9019	Increased	Ag Hazardous Waste - 1 - 5 waste streams		\$274.00 facility/yr	\$284.00 facility/yr	\$10.00	

Department Name: Public Health - Environmental Health  
Fund Center: 16002

		FY 2016-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
		Current Fee		Proposed Fee		\$ Difference from Prior Year	
		Tank Closure In-Place					
9000	Increased	Tank Closure In-Place		\$1,197.00 per tank	\$1,230.00 per tank	\$42.00	
9031	Increased	Additional Tank Inspection		\$111.00 per hour	\$115.00 per hour	\$4.00	
		Miscellaneous Underground Storage Tank fees					
9032	Increased	Temporary Closure		\$241.00 per tank	\$274.00 per tank	\$33.00	
9033	Increased	Additional Tank Inspection		\$111.00 per hour	\$115.00 per hour	\$4.00	
		Above Ground Storage Tanks	CA Health and Safety Code Sections 25404.1 et seq				
		Inspection / Administrative Fee and Annual Permits					
9034	Increased	Renewal		\$294.00 per facility	\$304.00 per facility	\$10.00	See footnote 12
		All Environmental Health Programs					
10000	Decreased	Late Fees 1-30 days after due date (% Penalty)		\$0.00			15% surcharge on initial fee
10001	Decreased	Late Fees 31 or more days after due date (% Penalty)		\$0.00			30% surcharge on initial fee
10003	Increased	Consultation/ Research/File Review		\$111.00 per hour	\$115.00 per hour	\$4.00	See footnote 8
10004	Increased	Reinspection Fee		\$111.00 per hour	\$115.00 per hour	\$4.00	See footnote 8



Department Name: Public Health - Environmental Health  
Fund Center: 15002

				FY 2016-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
				Current Fee		Proposed Fee		\$ Difference from Prior Year	
		Retail Food Facility New Construction							
1032	Increased	Mobile Food Facility (Push Cart)		\$644.00	per new facility	\$665.00	per new facility	\$24.00	
1033	Increased	Mobile Food Facility (Preparation Unit)		\$544.00	per new facility	\$575.00	per new facility	\$32.00	
1034	Increased	Retail Markets/Restaurants /Bars/BBQ/Ag Homestay < 500 sq ft		\$900.00	per new facility	\$950.00	per new facility	\$50.00	
1035	Increased	Retail Markets/Restaurants /Bars/BBQ/Ag Homestay 501 - 5,000 sq ft		\$1,111.00	per new facility	\$1,175.00	per new facility	\$64.00	See footnote 2
1036	Increased	Retail Markets/Restaurants /Bars/BBQ/Ag Homestay 5,001 - 10,000 sq ft		\$1,406.00	per new facility	\$1,459.00	per new facility	\$53.00	See footnote 2
1037	Increased	Retail Markets/Restaurants /Bars/BBQ/Ag Homestay >10,000 sq ft		\$1,457.00	per new facility	\$1,511.00	per new facility	\$54.00	
		Body Art Facilities	Ca Health and Safety Code section 118300 et seq						
2000	Increased	Body Art Facility Permit		\$333.00	facility/yr	\$345.00	facility/yr	\$12.00	See footnote 12
2001	Increased	Mobile Body Art Facility Permit		\$222.00	facility/yr	\$230.00	facility/yr	\$8.00	See footnote 12
2002	Increased	Temporary Body Art Facility Permit		\$111.00	facility/yr	\$115.00	facility/yr	\$4.00	
2003	Increased	Body Art Practitioner Annual Registration		\$111.00	practitioner/yr	\$115.00	practitioner/yr	\$4.00	
2004	Increased	Temporary Body Art Event Sponsor		\$111.00	per event	\$115.00	per event	\$4.00	
		Body Art Facility Remodel							
2005	Increased	Mobile Body Art Facility Remodel		\$111.00	per remodel	\$115.00	per remodel	\$4.00	
2006	Increased	Body Art Facility Major Remodel		\$222.00	per remodel	\$230.00	per remodel	\$8.00	

And if that wasn't enough, see the next page:

Department Name: Public Health - Environmental Health  
Fund Center: 15002

				FY 2016-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
				Current Fee		Proposed Fee		\$ Difference from Prior Year	
6012	Increased	Shared Water Systems 2-4 Service Connections		\$357.00	per project	\$404.00	per project	\$37.00	Fee collected by Planning Dept. See footnote 2
6013	Increased	Parcel Maps (Public Water & Sewer)		\$722.00	per project	\$748.00	per project	\$27.00	Fee collected by Planning Dept.
6014	Increased	Parcel Maps (Public Water & on site sewer disposal)		\$926.00	per project	\$961.00	per project	\$35.00	Fee collected by Planning Dept.
6015	Increased	Parcel Maps (Private water & on site sewage disposal)		\$1,509.00	project plus \$111/hr	\$1,565.00	project plus \$115/hr	\$56.00	Fee collected by Planning Dept. See footnote 1
6016	Increased	Lot Line Adjustments		\$519.00	per project	\$538.00	per project	\$19.00	Fee collected by Planning Dept.
6017	Increased	Planning Department Pre-application Meeting		\$546.00	per project	\$566.00	per project	\$20.00	Fee collected by Planning Dept.
6018	Increased	Building Department Pre-application Meeting		\$613.00	per project	\$636.00	per project	\$23.00	Fee collected by Planning Dept.
6019	Increased	Certificate of Compliance Review		\$530.00	per review	\$550.00	per review	\$20.00	Fee collected by Planning Dept.
6020	Increased	Verification of Primary Drinking Water Sids		\$214.00	per verification	\$230.00	per verification	\$16.00	Fee collected by Planning Dept.
		Public Swimming Pool/Spa	SLO County Code Chapter 8.60						See footnote 5
		Public Swimming Pool/Spa New Construction							
7000	Increased	Spa		\$827.00	per new spa	\$859.00	per new spa	\$32.00	
7001	Increased	Swimming Pool		\$996.00	per new pool	\$1,031.00	per new pool	\$35.00	
		Public Swimming Pool/Spa Remodel							
7002	Increased	Pool and Spa Major Remodel		\$650.00	per remodel	\$673.00	per remodel	\$23.00	
7003	Increased	Pool and Spa Minor Remodel		\$372.00	per remodel	\$385.00	per remodel	\$13.00	

Public Works fee increases start on the next page:

Department Name: Public Works  
Fund Center: 405, 201.245

				FY 2016-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
				Current Fee		Proposed Fee		\$ Difference from Prior Year	
Fee Indicator #	Fee Category	Fee Description	Authority	Fee Amount	Unit Desc.	Fee Amount	Unit Desc.	Fee Amount	Comments
<b>SPECIAL SERVICES - FUND CENTER 201</b>									
1000		Development Services							Footnotes 5 & 6 apply to Fee Indicators under "Development Services"
		Budget Unit 20103							
1001	Increased	Parcel Map Application (application review through tentative approval)	Subdivision Map Act - Govt Code 66410 et seq & Co Govt Code Title 21	\$1,012.00	per new parcel	\$1,201.00	per new parcel	\$189.00	Footnotes 1 & 3.
1004	Increased	Flood Hazard Reports	County Land Use Ordinance: Title 22 and 23	\$135.00	each	\$140.00	each	\$5.00	Footnote 3.
1005	Decreased	Minor Use Permit Application	County Land Use Ordinance: Title 22 and 23	\$269.00	each	\$256.00	each	(\$13.00)	Footnotes 1 & 3.
2000		Development Permits							Footnotes 3, 5 & 6 apply to Fee Indicators under "Development Permits"
2001	Decreased	Drainage Flood Bkg Permit	County Land Use Ord Title 22 & 23	\$162.00	each	\$156.00	each	(\$6.00)	Building and grading permit review for drainage and erosion control (per LUO).
2003	Increased	Conditional Use Permit	County Land Use Ordinance: Title 22 and 23	\$1,722.00	per application	\$1,806.00	per application	\$84.00	Footnote 1.
2004	Increased	Building Permit Initial Review	County Land Use Ordinance: Title 22 and 23	\$43.00	per review	\$48.00	per review	\$5.00	Footnote 1.
2006	Decreased	Records of Survey	Land Surveyor's Act (BSP Code 8766.5)	\$234.00	1/4 sheet	\$226.00	1/4 sheet	(\$8.00)	\$89.00 each additional sheet
2007	Deleted	Certificate of Correction	Subdivision Map Act - Govt Code 66410 et seq	\$92.00	each			(\$92.00)	

More Public Works fee increases on the next page:

Department Name: Public Works  
Fund Center: 405, 201,245

				FY 2015-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
				Current Fee		Proposed Fee		\$ Difference from Prior Year	
2005	Deleted	Map Amendments	Subdivision Map Act Gov't Code 66410 et seq.	\$62.00	each			(\$62.00)	
2009	Increased	Certificate of Compliance-Application (Non Lot Line Adjustment)	Subdivision Map Act, Section 66499.35(a)	\$244.00	each	\$264.00	each	\$20.00	Footnote 1.
2010	Increased	Building Permit Review - FEMA	County Land Use Ordinance Title 22 and 23	\$356.00	each	\$369.00	each	\$13.00	
2012	Increased	Annexation Map Review	Government Code 66383	\$320.00	each/review	\$614.00	each/review	\$294.00	
		Lot Line Adjustment	Subdivision Act Gov't Code 66410 et. seq. & Co Gov't Code Title 21						
2014	Decreased	Lot Line Adjustment Checking	Title 21 of SLO County Code	\$691.00	each	\$666.00	each	(\$25.00)	
2015	Increased	Lot Line Adjustment Application	Subdivision Map Act Gov't Code 66410 et seq.	\$375.00	each	\$376.00	each	\$1.00	Footnote 1.
		Reprographics Charges							
2017	Increased	Map Copies		\$1.57	sheet	\$1.63	sheet	\$0.06	
		Services to Special Districts - Budget Unit 2016							
2019	Increased	Assessment Apportionments	Section 6734 of the Improvement Bond Act of 1915	\$376.00	Fee fee if less than 10 APNs	\$454.00	Fee fee if less than 10 APNs	\$78.00	Fee if less than 10 APNs, otherwise \$45.00/per new apn for 10 or greater APNs.

Department Name: Public Works  
Fund Center: 405, 201,245

				FY 2015-16 FEE SCHEDULE		FY 2016-17 FEE SCHEDULE		DIFFERENCE	
				Current Fee		Proposed Fee		\$ Difference from Prior Year	
<b>ROADS - FUND CENTER 245</b>									
4000		Roads Fund Center 245							
4001	Decreased	Curb and Gutter Waivers	Title 22 and 23	\$190.00	each	\$185.00	each	(\$5.00)	Footnote 1.
4002	Increased	Road Impact Fee Appeal		\$528.00	each	\$553.00	each	\$25.00	
		Encroachment Permits	California Streets and Highway Code						
4012	Increased	Utility Encroachment		\$315.00	each	\$318.00	each	\$3.00	
4013	Decreased	Utility Unmarked Encroachment		\$1,885.00	each	\$1,633.00	each	(\$252.00)	
4014	Increased	Driveway Encroachment		\$697.00	each	\$722.00	each	\$25.00	
4015	Increased	General Encroachment permit		\$334.00	each	\$346.00	each	\$12.00	
4020	Increased	Curb, Gutter & Sidewalk Processing Fee	Land Use Ordinance 22.CC.100 23.CC.106	\$484.00	each	\$502.00	each	\$18.00	

**Item 11 - Request to create two Energy Efficiency projects to implement eight energy conservation measures at multiple County facilities; authorize budget adjustments in the amount of \$1,715,332 to FC 200 - Maintenance Projects and \$3,049,446 to FC 230 - Capital Projects to fund the two new energy conservation projects; accept a loan agreement with the California Energy Commission for \$2,200,000 to assist in funding the project; and**

**approve the Work Order with Pacific Gas & Electric (PG&E) to commence the Design-Build implementation of the projects.** This item authorizes the commencement of a \$4.8 million of retrofit and replacement projects to save energy in County facilities.

*Key project facts:*

- *\$258,246 in annual energy cost savings, plus \$76,227 in annual operational savings*
- *Total project simple payback of 13.3 years*
- *An annual carbon offset exceeding 686.8 metric tons, equivalent to removing 151 passenger vehicles from the road per year, or 31,545 trees planted per year.*
- *Single largest energy efficiency retrofit project in history of the County*

Is there a comprehensive plan for the use of the \$258,246 + \$76,227 in savings per year? Since it is derived from electrical bill savings created by capital investment, it should be swept out of the departments and used for new capital investment rather than just flowing into further salaries and benefit growth.

We simply note that \$800,000 ( see table below) is provided by PG&E through “on bill financing,” so it has been collected from what amounts to a State tax on your electrical bill. Another \$2.2 million comes from a State Agency, the California Energy Commission, which receives funding from fees on utility bills, carbon taxes, and other impositions. The County is primarily using \$1.2 million from something called the County Solar & Energy Designation. What is the balance in this designation and how was it funded? Does it receive the proceeds from the sales taxes levied on the purchase of material by the large solar projects during construction? If so, the balances could be more than \$20 million. Shouldn’t a large fund with large balances be subject to a comprehensive long-range plan, instead of being frittered away on the fashionable projects of the day?

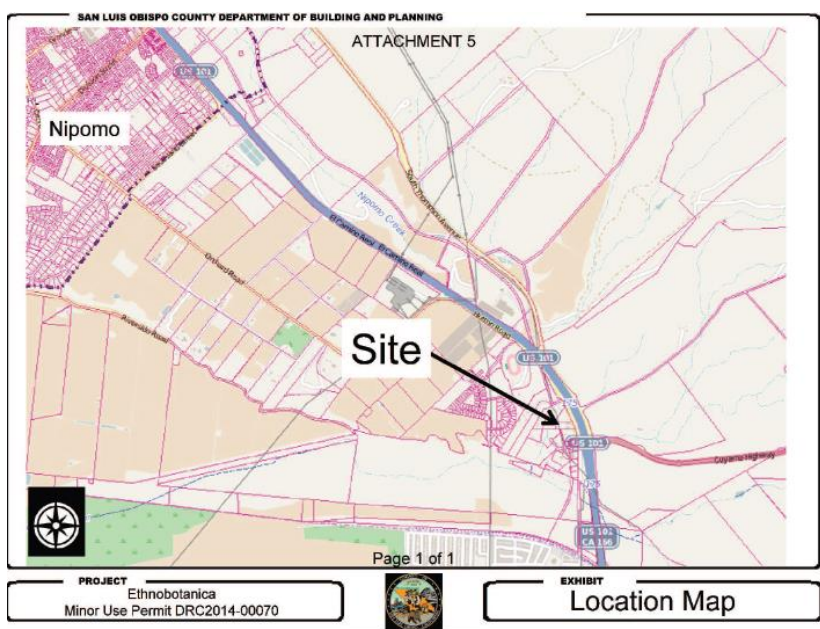
FUNDING SOURCE			
PG&E On-Bill Financing	\$767,496	\$767,496	\$0
California Energy Commission Financing	\$2,200,000	\$2,200,000	\$0
County Solar & Energy Designation	\$1,199,787	\$1,199,787	\$0
CIP Building Automation	\$282,495	\$282,495	\$0
CIP Health Agency Cooler	\$65,003	\$65,003	\$0
Countywide Energy & Water Fund	\$249,998	\$249,998	\$0
<b>Total Funding</b>	<b>\$4,764,778</b>	<b>\$4,764,778</b>	<b>\$0</b>



In any case, you are paying.

### Matters After 1:30 PM

**Item 16 - Hearing to consider an appeal by James Bigelow of the Planning Commission's approval of the application of Ethnobotanica for a Minor Use Permit (DRC2014-00070) to establish a medical marijuana dispensary and construct related tenant improvements in an existing building at 2122 Hutton Road, approximately 3 miles south of Nipomo.**



On July 9, 2015, on a 4-1 vote, the Planning Commission approved the application for a commercial medical marijuana dispensary in the industrial area just north of the Santa Maria River and west of Highway 101. A citizen has filed an appeal to the Board of Supervisors requesting that the permit be denied. The appeal cites increased propensity for crime and traffic congestion as the key reasons for denying the application.

The City of Santa Maria Mayor Alice Patino also opposes the project on the grounds that its main impacts will be increased crime in the adjacent City of Santa Maria.

**Discussion:** As a pure land use issue, there is little evidence that the project actually constitutes a safety, traffic, planning consistency, or land use conflict issue. The underlying and more value-laden issue is that there are a number of people who support the use of marijuana for management of a variety of diseases and pain. At the same time there are significant opponents who fear that the ease of use of marijuana and its accumulative effects have negative societal impacts in terms of cognitive ability, work productivity, and motivation. Moreover there are opponents (including many in law enforcement and the criminal justice system) who report that marijuana is a precursor or path to more harmful narcotics.



Finally (and one only need look at the display advertisements on the back pages of the San Luis Obispo New Times weekly newspaper),<sup>1</sup> there is considerable public concern that the term “medical marijuana” is simply a ploy.

The ploy is that the medicinal use is actually a subterfuge to allow commercial suppliers to grow and sell marijuana in the name of compassion. It is not difficult to find a practitioner who will prescribe it for almost anything - weight control, anxiety, stress, sexual dysfunction, motion sickness, and other common maladies. What standard, objective test, proof of the diagnosis, or severity of diagnosis is required? For example, do most of the prescribers actually do physical examinations to verify the disease? Do they order lab tests to verify the disease and rule out other causes? If the patient is new to them, do they conduct a complete history and physical before admitting them to their care and issuing a marijuana prescription? Do they get a referral and chart from the patient’s primary care physician? Do they prescribe marijuana before considering other proven remedies for the diagnosis?

Generally a patient is not prescribed Demerol, Percodan, or hydro-codeine (painkillers), or Risperdal, Ativan or Prozac (psychotropic drugs) without proper medical examination and documentation of the diagnosis.

Thus, the dilemma for the Board of Supervisors is not so much the land use question, but whether this is a benefit to or a detriment to the health of individuals. Similarly, is it a benefit or detriment to the long-term health of society in general? If the Paso Basin situation constitutes and imminent threat to public, health safety, and welfare, what about drugs? Are we to be a nation of physically vigorous and mentally alert vigilant citizens or a nation of stoners and tranquilized zombies?

Photo from the popular movie “Up in Smoke”.



<sup>1</sup> Note: These ads do not appear in the Wall Street Journal or even the San Luis Obispo Tribune. The dispensaries must know their market.



The Pavo Pacific Collective web advertisement to the right above states in part:

We offer free local delivery with a minimum of a 40 donation, or 15 delivery donation fee applies.

*(Check out our Special for SLO deliveries on our Specials and Discounts Page)*

Local delivery includes:

*Santa Maria and Orcutt, Five cities: Nipomo, Oceano, Grover Beach, Pismo Beach, Shell Beach, Avila, San Luis Obispo (SLO), Baywood, Los Osos, Morro Bay, Cayucos, Santa Margarita, Templeton, Paso Robles.*

Extended area: *Minimum of 100 donation, or 15 delivery fee applies. ( Creston, Shandon, San Miguel, Bradley, Lake Nacimiento, Cambria)*

It should be so easy to get your groceries.

#### **Planning Commission of Thursday, October 29, 2015 (Completed)**

##### **Item 6 - Further Consideration of the Laetitia Agricultural Cluster Subdivision**

**Application.** The Commission voted 4-0 to continue the matter to its January 14, 2015 meeting. Meyer recused himself because he did not attend the first part of the hearing in September due to a serious injury and thus felt that he could not accurately consider the matter. This is an odd posture, because often Planning Commissioners can simply watch the video recording of the session or sessions they missed and then fully participate. Why didn't Meyer opt for this solution? His appointer is Adam Hill. It will be interesting to see what Hill does when the Planning Commission decision is appealed to the Board of Supervisors.

The 4 Commissioners present eventually determined (tentatively) to approve the project. Each had reservations about some particular items. However, they all agreed that the proposed project

was in the public interest because it preserves, forever, 90% of the nearly 2000-acre property as agriculture and open space. Denying the project and allowing the existing lots to develop piecemeal under standard zoning would create a much worse situation than the project proposal.

The Planning and Building Department staff, which had strongly recommended denial, was surprised and only prepared findings supporting denial. They argued that it would take them until the January 14<sup>th</sup> meeting to prepare detailed approval findings for the Commission. Readers may well remember that this same problem occurred at the Las Pilitas Mine appeal hearing, when Arnold and Compton voted in favor. Hill and Gibson demanded to see their findings, and when they had none, persuaded Irving to vote with them to deny the project then and there.

**The Planning staff should prepare findings both ways to allow the appointed and elected decision makers to have a full and free range of discussion with potential findings available.**

The Commission spent most of the day reviewing various aspects of the proposal. A key portion of the hearing included updated technical information on the wells which would serve the development and other wells which will serve the agricultural portion.

**Background:** During the September 10th meeting, the Commission received a staff presentation as well a presentation by the applicant about the proposed project. The staff had strongly recommended against approval of the proposal in its write-up. It persisted and verbally reinforced its recommendation for denial. In fact, and perhaps revealing a little guilt, the Planning Director gave a somewhat apologetic introduction at the start of the session defending the integrity and professionalism of the staff and recommendation. About 60 residents opposed to the project were in the room. Many spoke against it.

**San Luis Obispo County Council of Governments (SLOCOG) Meeting of Wednesday, November 4, 2015 - 8:30 AM (Scheduled)**

**Item C-1: Minutes of Meetings**

**a. SLOCOG Minutes - October 7, 2015 (APPROVE)**

**b. Executive Committee Draft Minutes - October 14, 2015**

**Executive Committee Meeting October 17, 2015:** The Executive Committee refused Arnolds's request to agendize consideration of sending a letter to the County's Legislative delegation opposing ACA 4 (a measure to weaken Prop 13). The full Commission had refused to consider the matter at its prior meeting because those who want to weaken it or abolish it are too gutless to publicly vote their positions.

The Executive Committee consists of **Debbie Arnold, President, Jan Howell Marx, Vice President, and Shelly Higginbotham, Past President.** The minutes speak for themselves.

*4. Request from SLOCOG President for Board to “Reconsider” the October Board action of “no action” on a proposed letter to Oppose ACA 4, a bill that would change the voter threshold from 67% to 55 % for the passage of a regional transportation sales tax: Mr. De Carli gave a brief background of this item, including the Board action at the October meeting, approving the staff recommendation of “no action.”*

*President Arnold stated she asked staff to include this item in this agenda to reconsider the proposed letter to oppose ACA 4 and send it to the State, State Legislators and statewide agencies. She said any of those bills in the “Suspense” file can come back any time. She explained it is important for her to recognize the need to hold in place this 67% vote threshold requirement because it makes for better legislation. She is asking for this to come back to the Board for reconsideration and if ACA 4 comes back, at least SLOCOG has sent this letter expressing this region’s position. President Arnold thanked staff for including this item in this agenda, adding she would like the Board to have an opportunity to further discuss this issue.*

*Vice President Marx requested the Legal Counsel’s opinion on President Arnold’s request, noting that at San Luis Obispo City Council meetings, any motion to reconsider is allowed only if it is on the winning side of the vote.*

*Ms. Rita Neal (Legal Counsel) advised the Executive Committee that if there was a vote on this matter today in favor of President Arnold’s request, and if it passes, it can go back to the Board for reconsideration. She noted there are no specific rules.*

*Past President Higginbotham indicated she would support President Arnold writing a letter as President of the SLOCOG Board but representing herself. Ms. Neal concurred.*

*Public Comments: Mr. Greening said that part of the reason it was very emotional for people at the October Board meeting is because the Board had a bare quorum at that point, so public members who were still there did not have a total notion of what the full board vote would have been. He suggested moving the consent agenda items (in future agendas) to the front of the agenda, so that those items are done and out of the way, and the Board can concentrate on the action items without worrying about a quorum to approve the consent agenda. Vice President Marx thanked Mr. Greening for his concern of the emotional being of the Board. Mr. Greening requested that if this item comes back, to put it in the November agenda. (Mr. Greening left the meeting at 11:42 a.m.).*

*Mr. De Carli noted that staff looked at experiences at other agencies statewide as ACA 4 is one of the many divisive political legislative issues today. Staff has been cautious and was previously directed to only look at legislation that directly affects SLOCOG and this region. He further*

*noted that ACA 4 is not directly affecting this region, it is considered a dead bill (by the author); and considering it is very divisive, he recommends SLOCOG not take a position.*

*During further discussion that ensued, Past President Higginbotham expressed concern that bringing this back might open up divisiveness among board members. Vice President Marx agreed. President Arnold stated she thinks bringing this back would matter to Board member constituents, noting she wants the public to be assured that the Board is considering this issue, that it would be fully vetted and acceptable to majority of citizenry.*

During the October meeting COLAB pointed out that the bill was still on file and could be activated by anyone at any time. Why shouldn't we know what our elected transportation policy makers think? After all the bill was directed at weakening Prop.13 to make it easier to pass sales tax overrides to fund road and other transportation projects. Moreover, the SLOCOG Board is considering putting a ½ cent sales tax on the ballot for 2016.

Suppress the real issues!

*President Arnold moved to approve bringing this item back to a full board for consideration next meeting. There was no second, the motion failed.*

**Remember this when they want something from you!**

### **Addendum I**

The letter is a good example of the powerful work which the County staff could do if there were the right Board of Supervisors majority. Imagine hitting a large number of issues with letters such as this followed up by hearings.

*October 27, 2015*

*Secretary John Laird*

*California Natural Resources Agency*

*1416 Ninth Street Suite 1311*

*Sacramento CA*

*Subject: Regulatory Permitting for Mining Projects*

*Dear Secretary Laird,*

*The purpose of this letter is to express our concerns regarding recent regulatory permitting actions for sand mines in San Luis Obispo County. At our Board's August 18, 2015 meeting a*

*local sand mine operator informed our Board during general public comment that he was closing two of his recently permitted river sand mines because of the regulatory burden imposed by the State, specifically, the Department of Fish and Wildlife.*

*We note that both mines were processed through the local land use and reclamation plan processes established by our land use ordinances and the Surface Mining and Reclamation Act (SMARA). Processing of both projects included extensive consultation with both the Office of Mine Regulation and the California Department of Fish and Wildlife, as established by the SMARA and the California Environmental Quality Act (CEQA). Subsequent to the County's approval of these projects the applicant applied for, and after an exhaustive process with the Department of Fish and Wildlife, received Streambed Alteration Agreements. We note that one of the projects successfully defended a legal challenge and the other was processed through the arbitration process established by Fish and Game Code section 1603.*

*However, from our perspective it appears the Streambed Alteration Agreements have regulated the projects to a point of infeasibility. The regulatory process for these two projects illustrates three important concerns from our perspective as the local Lead Agency, as defined in both SMARA and CEQA:*

*1. Although County staff worked extensively with the Department of Fish and Wildlife to address all of their concerns through the CEQA interagency consultation process, it appears the Department overrode the detailed analyses performed by the County and our consultants and approached the Streambed Alteration Agreements as if their initial conclusions had not been evaluated or addressed. The mine operator is now burdened with conditions of approval and infeasible versions of mitigation measures already required of the projects by the County. The Department of Fish and Wildlife disregarded the conclusions of a bona-fide CEQA process, the open public hearing process, and the perspectives of the community where the projects are located. These actions are contrary to the established CEQA standard of one Lead Agency and one all-encompassing fully transparent environmental regulatory process. If, after a properly conducted CEQA process, the State regulatory agency is able to work behind closed doors to essentially deny a project, then we conclude that fundamental requirements of CEQA are not being followed.*

*We have the same concern regarding our role as Lead Agency under SMARA. In these cases the Office of Mine Regulation (OMR) found no issues with the local process or its results, thereby affirming the local agency. Nevertheless, as noted above, the projects cannot move forward as approved by the County and affirmed by OMR.*

*2. The two sand mines in question epitomize small business. The owner, a second generation miner, attempted to extend the permits for an existing mine that has operated for decades and open a new mine on an ephemeral tributary to the Salinas River. As noted above, subsequent to the local Lead Agency's decisions, the Department of Fish and Wildlife added numerous*



*additional detailed conditions of approval to the Streambed Alteration Agreements, apparently drawn from other mining projects located around the State. In essence, two small locally owned projects were subjected to the full weight of the regulatory process without regard to history, size, location, or actual impacts. Again, the local CEQA process, which is designed to, among other goals, ferret out the specific direct and cumulative effects of a project, was set aside in favor of a set of conditions that effectively deny the project.*

*3. Finally, we note with a high level of concern that the regulatory approach applied to these two projects was not fully vetted by the State either through CEQA or for the community. The secondary economic and environmental effects of these regulatory actions are substantial. Given that sand mining is market driven, these raw materials will now be produced by other sites located out of the area. Nowhere did the State agency consider the direct air quality impacts of additional miles driven by heavy trucks, the regional effects on efforts to reduce greenhouse gases, and the impacts on already overburdened highways. At the same time, local residents are now expressing concerns about the loss of flood control benefits afforded by these projects. Although the State agency had full access to studies and reports addressing sediment budget, sand transport, and resulting effects, the flood control benefits inherent in the projects were clearly not considered by the State. We are now facing a potentially severe El Niño and downstream interests no longer have the benefits provided by the now closed existing mine, or the potential benefits that could have accrued from the new mine.*

*In conclusion, these projects illustrate our concerns in the State's application of environmental regulations: the undoing of the local Lead Agency roles as established by CEQA and SMARA; application of conditions that result in the loss of small business and increased environmental impacts on a regional basis; and a single focus approach that places ever increasing environmental, social, economic and public safety burdens on local communities. We believe that a first step to avoiding these negative results can be achieved by complying with the letter and intent of CEQA and SMARA with respect to the role of the local Lead Agency, and request that you direct all of the Departments, Boards, Commissions, Conservancies and Councils in the California Resources Agency make every effort to do so.*

*Thank you for your time and consideration. If you have any questions or wish to follow up with us on any of the issues raised above, please feel free to contact me or my legislative assistant, Jennifer Caffee at (805)781-5450 or [jcaffee@co.slo.ca.us](mailto:jcaffee@co.slo.ca.us).*

*Sincerely,*

**DEBBIE ARNOLD**

*Chairperson, San Luis Obispo County Board of Supervisors*

Local sand and gravel is essential to preservation of existing infrastructure and construction of new infrastructure. It is used in building up the road bed and is a key component of asphalt.



State Highway 46 in SLO County