

COLAB SAN LUIS OBISPO COUNTY

WEEK OF APRIL 29 - May 5 2012

INSIDE THIS UPDATE

MAY 1, 2012 BOARD MEETING CANCELLED

(Fewer meetings close to the primary- less risk of stirring things up)

SMART GROWTH ECONOMICS SESSION SHOWS OPPOSITION IS STRONG

NO REAL ANSWERS ON SEWER FINANCE COMPLIANCE QUESTIONS

COLAB PROPOSES NEW FORMAT FOR CIVIC ENGAGEMENT

Board of Supervisors Meeting of Tuesday April 24, 2012 (Completed)

Templeton Community Service District Request for an Amendment to the Land Use Plan. The Planning Department requested the Board to make a determination about whether the Department should undertake an analysis and prepare a recommendation to change the zoning on 23 acres of land from agriculture to Public Facilities. The parcel is located between the Union Pacific tracks and the Salinas River on Creek Side Road. The district plans to develop a well, a wastewater treatment plant, and a fire training facility. Some years ago the Board had approved a change for installation of a Park. The Park proved infeasible due to the dangers of the at grade rail crossing.

It appears that the immediate need is for a couple of portable buildings to serve as a fire training facility. Rather than have the district go through the whole complex plan amendment process at this point, the Board suggested that the District simply apply for a permit for the portables. It could then work with LAFCO on possible annexation of the land to the District and then deal with the larger land use issues.

Los Osos Sewer Actions. No Answer on Effluent Requirements or the Risk of Advancing Funds while the County Is Not In Compliance:

The Board unanimously:

- Approved the project, accepted the specifications for the project, and authorized the staff to advertise for bids on a portion of the sewer collection system.

- Awarded a bid for the Mid Town site restoration project to the R Burke Corporation \$414,000. (Restoration of the site where the original sewer plant was being constructed)
- Adopted the Agreement for a \$4,060,000 grant from the US Department of Agriculture, which is a complement to the \$83,200,000 loan from the USDA, which will be drawn down in the future.
- Approved a recycled water agreement with the San Luis Coastal Unified School District.

COLAB read the portion of the staff Board letter related to meeting effluent requirements:

*A condition of the Project's approval was to return 100% of the treated effluent back to the area overlying the groundwater basin. **Additionally, the Project's funding approvals from the USDA and State Water Board each require user agreements for the delivery of recycled water prior to construction and issuance of financing.** In order to meet these conditions, staff has worked with stakeholders to develop contracts for irrigation reuse of recycled water. These efforts include outreach and education with agricultural and urban users, including farmers, golf course, cemetery, and the San Luis Coastal Unified School District (School District). At the same time, recycled water use has been considered by the County and water purveyors as a component of the Basin Plan for the Los Osos Basin.*

*On October 25, 2011, your Board executed Program Participation Agreements with agricultural interests for the irrigation of crops with recycled water. **Although the initial interest from agriculture is sufficient to meet Project conditions, it has been somewhat limited.***

Since the County does not have sufficient signed contracts, COLAB asked how the Board could authorize proceeding. After some scurrying around by staff and whispers to Supervisor Gibson, it was indicated that they would advertise but might have to delay on notices to proceed to the successful bidders. In any case, the questions remain, and COLAB read them into the record.

Basic questions:

- How much total effluent needs to be contracted?
- How much is under contract now?
- What is the deadline to obtain valid agreements “prior to issuance of construction financing” by the two lenders?
- What happens to the ratepayers in the impacted water agencies, if the County undercuts their financial structure with discounted effluent?

Representatives of the Los Osos Community Service District and the Golden state Water Company also spoke to some of these issues.

No answers were provided and no Board member requested that the answers be brought forward.

Only Partial Relief on Diesel Equipment Requirements: A second issue is that the bid specifications exclude most San Luis Obispo and Santa Barbara County contractors. In yet

another appeasement to the radical environmental socialists, the bid specifications as presented to the Board require that:

- All diesel construction equipment shall meet the California Air Resource Board's (ARB) Tier 3 standard for both off road and on road heavy-duty engines.
- All on road heavy-duty trucks shall meet the California Air Resource Board's 2007 or newer certification standard for on-road heavy duty-diesel engines.

This is much more restrictive than the ARB's requirements for current equipment. The regulations force retirement of expensive equipment well before the end of its useful life. The State itself recognized that the changes should be phased in over time, especially given the severe recession.

The SLO County requirement mandates that 100% of the equipment utilized on, or delivering to, the Los Osos project, would have to meet the restrictive County requirements.

Industry representatives had been writing and calling in on this problem. The staff decided that it would not apply to diesel trucks delivering to the site (since they are there intermittently) but only to the construction equipment, because the construction equipment is present throughout the day, every day, within the relatively densely populated community. Staff and the board basically figuratively shrugged their shoulders and said that the contractors will have to comply.

Board of Supervisors Meeting of Tuesday May 1, 2012 (Cancelled)

This meeting has been cancelled due to a reported lack of agenda items. (No sense in stirring the pot with only 6 weeks to go before the primary election?)

Economic Impacts of Smart Growth Workshop: The workshop took place as scheduled on Wednesday evening April 25, 2012, at the City/County Library.

The evening did not go as planned. First of all, there were over 40 people in attendance, a big surprise to the Planning and Building Department staff. Consistent with similar meetings, the agenda contained introductions of the staff and the consultant. (Supervisor Patterson and an aide were in attendance but the Supervisor left early.) This was followed by a preliminary overview of the study, which contained some demographics and smart growth implementation tools. The staff took pains to point out that the study was being conducted at the direction of the Board of Supervisors. (Are we detecting a little desire by them for a little separation?) The consultant then gave a fairly incomprehensible report on the limitations of the study and its preliminary findings. The two purposes of the study are to examine:

1. *"If the County decides to place limitations on growth in rural areas, how much growth will it shift to urban areas?"*
2. *"What will be the effects on property and the economy?"*

Essentially, the various smart growth implementation actions would impose a growth cap on the rural areas. The foregone (or eliminated) future housing units would have to be “incentivized” to be constructed within the cities and other urban areas inside the urban limit lines (URLs). **Interestingly, the consultant pointed out that any scenario would make housing more expensive and less available in both the rural and urban areas!!** Moreover, and as these economics impact the market, some people who would have built a house in SLO County would instead choose alternatives outside the county. This suggests that the so-called “smart growth” (now strategic growth) plan is bad for housing, bad for the economy, and bad for jobs.

As matters dragged on, the natives began to get restless and started asking questions, which disrupted staff’s agenda to hold the question period later in the schedule and to break up the audience into groups for smaller discussions. This is a perversion of the Delphi technique used to manipulate groups into agreeing to a pre-determined outcome. However, in violation of proper Delphi principles, there were no advance materials for the meeting and no handouts of the power point charts and data to facilitate audience participation. The crowd refused to be broken up or follow the schedule, thus thwarting the staff’s intent to control the outcome.

The audience had numerous questions and concerns:

- Why are you doing all this “smart growth” work in the first place?
- What if people don’t want to live in denser areas?
- Will the existing neighborhoods be willing to accept more density? As one perceptive expert pointed out, the County assumption that 40% of unincorporated growth takes place in the rural area is wrong. It’s probably much closer to 10%. Even if one accepts the underlying “smart growth” premises (which we don’t), there is no problem in the first place.

COLAB expressed its continued frustration with the County’s manipulation and failure to respond to the real questions. COLAB pointed out that the study is really a sham, since the County has already adopted the “smart growth” policy and implementing tools, such as greenhouse gas thresholds and all sorts of other restrictions designed to force growth into existing urban areas. If they cared about the answer, why would they not have solicited input from those who would be affected, i.e., their constituency, in the first place before ramming this policy down the throats of the people?

This is the reason COLAB is pursuing its lawsuit against the County. The Board majority has repeatedly confirmed its preconceived intent to force smart growth through to actuality. Its votes on the Board, at APCD, and SLOCOG all support this relentless intent.

COLAB and others recommended that instead of conducting staff workshops, real workshops with the whole Board should be held. People should be allowed to interact with the Board members and the Board members should have to defend their policies in open dialog in public. The 3-minute speaker system does not work, and the Board members do not have to really engage their critics.

A New Workshop Format -- Better Civic Engagement: Instead of having the staff controlling the meetings and filling up the time with power point presentations, etc., we propose Citizen Led Workshops (CLW's). We would conduct the workshop and set the scene, and the staff and officials would be included in the audience. We would present our concerns and solutions, and the staff and officials would ask the questions and could post the colored dots. After all, they work for us. Honest, no holds barred debate would be permitted on the floor. There would be no divide and conquer Delphi groups. It could be structured like a New England Representative Town Meeting with a moderator.

Any group could request a workshop on a legitimate subject within the purview of the relevant agency. If the Board of Supervisors, APCD, and SLOCOG are unresponsive to this idea, it would make a great issue for a ballot initiative.

This could be a great new advance for American Democracy.

