

COLAB SAN LUIS OBISPO COUNTY

PRIOR ACTIONS AND COMING ATTRACTIONS REPORT

WEEK OF MAY1-7, 2011

BOARD OF SUPERVISORS

Board Meeting of April 26, 2011 (Completed)

The County Resource Management System (RMS). This item first appeared on the Board agenda April 5, 2011, but was continued. As you may recall from our previous reports, this is the annual assessment of resource problems which the County uses to determine if further studies or actions are needed to restrict development in a particular area. It came back on April 26, 2011. COLAB has been skeptical about the utility of this report. Although our prior questions were not answered, the staff recommended the process be "streamlined" and that the time needed to prepare the report every year be "reduced." They cited the time needed to do the work on implementing the Level of Severity Three certification of the Paso Robles Groundwater Basin as the reason. In a bit of hyperbole the write-up stated, "Streamlining the Annual Summary Report (ASR) would enable staff to focus more on Board Priorities." This again confirms our opinion that the County spends too much on planning and is choking on the workload.

During the April 26 2011 meeting COLAB recommended that a 3 to 5 year cycle would be more appropriate because the indices measured (water supply capacity, school enrollment capacity, air quality, and road capacity) do not change very much in one year. The Board actually considered going to a 3 year cycle when Supervisor Mecham broached the subject but ended up adopting two. The staff recommended that some new measures (greenhouse gases, traffic at major intersections with Highway 101, and the amount of parks acreage be added.) The Board agreed but retained all the old measures as well. The staff was directed to report back before the next cycle on how the report could be made more relevant and rigorous.

There is an opportunity to improve this process and develop a comprehensive strategic scanning process which measures and reports a variety of conditions and trends which express the demographic, social, economic, housing, environmental, educational, health, and other important data which should be considered as part of public policy making. The current system too narrowly defines "resources," which in turn contributes to narrow public policy.

Environmental Review Consultants – Political Tampering. The Board approved without comment the 14 firm 5 year standby list for environmental consulting firms. COLAB had pointed out previously that granting such a long-term franchise results in a very long time

period to go without a bidding process. The County contracts with consulting firms to prepare various environmental documents such as environmental impact reports (EIRs). In some cases these are done as part of the permitting requirements and are paid for by the applicants. In other cases they are done for a variety of County projects including plan amendments, construction projects, and so forth. To make the process less time consuming on an individual project basis, from time to time the County issues a request for proposals (RFP) to establish a panel (standby list) of consulting firms which all meet the County's requirements. Instead of going out to bid separately on each project, a firm is picked from the panel of firms to conduct a specific project. The staff report justified this on the basis that it "saves 4 to 6 weeks of processing time."

It turns out that the process is susceptible to political tampering. An applicant (the Las Pilitas Mine) has proposed an aggregate quarry off Rt. 58 east of Santa Margarita. The County Planning staff went through its process and picked an EIR consultant (to be paid over \$400,000 by the applicant) and was about to award the contract. Suddenly, when some individuals who oppose the project complained that the selected EIR consultant was too close to the mining industry, the item scheduled for the Board of Supervisors to award the contract on May 3, 2011 was stopped. The staff said they wanted to rebid the process because someone complained. Apparently 2 previous bidders and the bidder who originally won are to be permitted to rebid. This would give the bidders which did not win an unfair advantage, because they can now tailor their bids to take advantage of knowledge about the bidder which had originally won. The applicant and over 40 people showed up for public comment during the April 26, 2011 meeting to complain, but were permitted only 20 minutes total time. Many were not able to speak. The Board of Supervisors should schedule matter for an immediate open public hearing and investigate. The Board should take comment from not only people involved in this project, but from others who have dealt with the consultants and the process on other projects. If they refuse or if it is glossed over, the Civil Grand Jury should investigate. As COLAB pointed out three weeks ago, the whole process looks too cozy.

The poor applicant who has been delayed for months and months is now faced with another costly delay. What if the project opponents don't like the next consultant either? In fairness, what if the applicant doesn't like the next consultant. Will the applicant be subjected to retribution for raising this issue in the first place?

A better and reformed process would be for the Planning and Building Department to design the requirements for environmental review consultants and for the County Administrator to review them and approve them. The Purchasing Agent should then conduct the RFP/ bidding process and make the award/s. Opponents to this reform are likely to assert that non-planners lack the CEQA expertise to make a selection. The Purchasing Agent could address their concern by convening a panel containing one county expert, an outside CEQA expert, a representative expert from the development community, an outside environmental expert, and someone from the CA's office to help review the consultant proposals during the periodic selection process. The Board could be updated periodically. They are here to make policy. The legal form of government of San Luis Obispo County is not the New England Town Meeting.

Los Osos Sewer Project. Several million dollars of project funds including some funding from residents who have prepaid the sewer assessment were transferred into the project fund in order to pay for consulting engineering work which must be completed in order for the County to comply with all the requirements imposed by the State and Federal Governments for the County to actually receive the tentatively approved loans and grants. The write-up was confusing and the Board had to press to get clarification. This is a complex project with intricate scheduling issues. A concise periodic graphic project management report without a lot of verbiage is needed. One section of the report should deal with revenues and expenditures against budget. A second section should deal with task progress against schedule. Any major changes in these should require the recommendation of the County Administrator, certification of the availability of funds, by the Auditor Controller, and a confirming update to the Board of Supervisors. Obviously transfers between funds and appropriation of new revenues must be approved by the Board.

Board of Supervisors Meeting of May 3, 2011 (Scheduled). There are no policy items on this agenda which should be of concern except that it is possible that either the applicant or the opponents of the Las Pilitas mine project discussed above will come to the Public Comment session.

Board of Supervisors Meeting of May 10, 2011 (Scheduled). (ALERT) The agenda for this meeting has not yet been posted. It is expected that an amendment to the Inland Zoning Ordinance to update the Transfer of Development Credits (TDC) program will be on the agenda. As of Friday April 29, 2011, the Planning Department had not completed the write-up. This is the program in which APPLICANTS for zone changes and subdivisions (even minor subdivisions) outside urban reserve lines (URLs) and designated villages (and depending in which planning area they are located) could be required to buy a credit for each new lot created. The version approved by the Planning Commission last January applies to parcels which already have the required zoning. For example, an owner has a 40 acre parcel on which the existing zoning allows 20 acre lots. Even though the zoning expressly permits 2 lots, the owner could be required to purchase a credit under certain circumstances. COLAB has met with Planning staff to try to better understand the issues. Further meetings with impacted groups are expected next week. Those involved in development in the North County and the South Planning Area should pay attention to this issue. We will report more next week.

OTHER GOVERNMENT ENTITIES

Planning Commission Meeting of April 28, 2011 (Completed)

The continued hearing on the Topaz Solar Farm took place. The supplementary material shows that some of the same opponents who opposed the SunPower project are working to oppose Topaz. Material has been submitted challenging the EIR on the basis of the accuracy of the project description. There is also extensive material challenging the adequacy of the alternative projects (sites) analysis and supporting the energy zone in Fresno and Kings Counties. Interestingly, there is some material indicating that there are so many renewable energy projects underway and/or being planned that the recently legislated 33% renewable

requirements could be exceeded. During the hearing Planning Commissioners asked many detailed questions of the staff and applicant representatives

Central Coast Regional Water Quality Control Board Meeting of May 4, 2011 and May 5 2011 (Scheduled)

Agricultural Order. The continued hearing on the Agricultural Water Order is still scheduled for 10 A.M. on Wednesday May 4, 2011, at the Board's regional headquarters at 895 Aerovista Place, suite 101 in San Luis Obispo, which is right next to the San Luis Obispo Airport. It should be noted that May 4th is the first day of a two day agenda which continues into May 5, 2011. The May 5, 2011 agenda contains other unrelated items, but attentiveness should be exercised in case it carries over. The Board continues to insist that only those speakers who filed a speaker slip at the Watsonville hearing on May 17, 2011 may speak at the May 4, 2011 hearing.

Los Osos Sewer System Discharge Permits. There is a complex staff report which explores many issues related to the ultimate disposal of the effluent from the proposed Los Osos Sewer Treatment Plant. Several disposal methods and multiple sites are proposed. These include agriculture reuse irrigation at 25 different locations; Bayridge Estates leach field which contains two locations; the Bordenson leach field; and urban reuse irrigation at ten different locations. The County must obtain the permits before it can put the plant into operation. Presumably the County will obtain the permits before it starts construction. As the Board report cautions, "The County will not be authorized to provide recycled water until the Water Board adopts separate reclamation requirements." Is it possible that a \$200 million plant could be built and the Water Board would not permit the discharge? This is a complex project and the County is responsible. The Water Board has the whip.