

COLAB SAN LUIS OBISPO COUNTY

PRIOR ACTIONS AND COMING ATTRACTIONS REPORT

WEEK OF MAY 29 - JUNE 4, 2011

BOARD OF SUPERVISORS

Board of Supervisors Meeting of May 24, 2011 (Completed)

Flooding Solutions on Arroyo Grande Creek. In December of 2010 there was flooding in the Oceano Lagoon. Thirty-nine homes and eight apartments were damaged. Public Works presented a report detailing the types of studies that must be completed in order to develop proposed solutions. After considerable public testimony and Board questions and deliberation, the report was received. Solutions are vague and expensive. It was clear that inability to mechanically breach the sandbars (noted below) due to contemporary regulatory restrictions is a major contributing factor to the flooding problem. Additionally, creek beds and the lagoon are choked with silt and bull rushes which limit both water flow and storage capacity. Prior to the advent of more and stricter environmental regulations, silt and bulrushes were removed by State Parks, which owns much of the property, the County, and even the residents. Public works showed comparison pictures from the late 1950's, when routine maintenance was allowed and the creeks and lagoon were clear, and today, when lack of maintenance engendered by complex permitting has turned much of the lagoon into a brush choked swamp. Several speakers theorized that the Coastal Commission would never issue permits because it supports complete natural evolution of the area, regardless of the impact on the residents. At one point in the discussion Supervisor Mecham wondered if the humans were an endangered species. Later in the meeting Supervisor Patterson opined that based on his experience, he found the regulatory agencies to be cooperative and that things could be worked out.

In the end, both the residents and the Board pondered what could be done to forestall flooding between now and next winter's rainy season. The Public Works staff, trapped by the regulatory environment and lack of funding, had little to offer. The Board of Supervisors, trapped by its affinity for the regulatory system and perhaps not wishing to take on its environmental supporters, never mentioned the obvious option of summoning the regulatory agencies into a Board meeting, advocating for their constituent residents, and demanding cooperation.

Contrast this with the Board's attitude toward Pacific Gas and Electric (PG&E) with respect to the Diablo Nuclear Power Plant. In the case of PG&E, the Board has had a number of hearings and has sent letters to everybody and their brother demanding that the relicensing process be suspended. Of course the Board has little authority with respect to regulation of the nuclear power industry and no financial responsibility. On the other hand, creeks and

flooding are squarely under its jurisdiction and responsibility. The bottom line was that Public Works is to return to propose solutions. Of course that was meant to be the purpose of this hearing in the first place.

Background. There are several creeks involved, flap gates which protect against flood water backing up one creek, and other complexities. In most years sand bars form where the creeks flow into the Ocean, causing the creeks to back up, and in some years causing flooding. The Public Works report states, "... flooding may be mitigated if the sand bars... are breached in advance" (of a likely flood event). In a telling paragraph which inadvertently illustrates the ridiculous nature of our increased regulations, the staff states *"Historically, prior to the 1990's, breaching of the sandbar occurred. The history of who and when is substantially undocumented since it was an informal activity prior to existing environmental regulations." ... "Indeed, the long history (over 100 years) of mitigating flooding in Oceano had included significant efforts by residents and property owners..."*

Of course today in the modern regulatory era, permits from the US Army Corps of Engineers, National Marine Fisheries Service, Fish and Wildlife Service, California Fish and Game, and the California Coastal Commission are required before sand is allowed to be moved out of the way. Instead of a quick practical solution, the poor citizens will have to bear increased flood assessments to fund all sorts of constructed solutions and perhaps pay for an expensive and time consuming annual permitting process.

Growth Management Limits set for Year. With little discussion the Board adopted a 2.3% growth rate. In line with the annual Resource Management Report (which we have discussed in prior weekly updates), each year the County determines the maximum number of new dwelling units for which it will issue permits. For 2011-12 the staff recommended, and the Board adopted, a growth rate of 2.3% (1102 units) for most of the County, 1.8% (128) for the Nipomo mesa area, and 0% for Cambria. Los Osos is under a sewer moratorium. There is also a 10% carryover of the prior year unused allocation which is added to the base calculation number. The staff write-up is a little confusing because it refers to dwelling units on page 3 of the Board item, but footnotes to the statistical reports on pages 7 and 8 state that they are "allocation requests, not dwelling units." Certainly if they have not been built they are not actual dwelling units, but they are potential dwelling units.

In 2009-10 only 115 residential permits were requested and only 120 were requested in 2008-09. Between 1990 when the program started and 2011, 28,071 permits have been authorized. The report does not cover how many were actually utilized or how many units were actually built. The serious concern here is that so few are being requested in the first place. Almost every week new items appear on the agenda proposing new tools to control development. Given the state of the economy, it seems inexplicable that there would not be some proactive effort to stimulate housing, construction and employment.

No Board Meeting on May 31, 2011. May 31, 2011 is a 5th Tuesday. The Board normally meets on the first four Tuesdays of each month. The next regular meeting will be on June 7, 2011. We will report on the agenda for June 7th next week. As of this writing it has not been published.

Board Meeting of Monday June 13, 2011. (Consideration of the Proposed 2011-12 Annual Budget.)

Proposed Budget. As we have indicated in prior weekly updates, the consideration and adoption of the Annual Operating Budget is one of the most important policy actions of any government entity. The power of a government largely rests on its finances. The Planning and Building Department and the Office of the County Counsel are the main organs of the current land use and regulatory debacle. Some elements of Public Works are also involved. Reductions in these budgets and the number of staff people can slow down the machine. All who are concerned with this issue should block off Monday June 13, 2011, starting at 9 AM (SLO Board Hearing Room) to let the Board of Supervisors know that you do not want your tax dollars used to sustain this assault on your private property and liberty. The Board majority would prefer that you go to technical planning workshops and post colored dots on pictures of houses. They would like you to propose small technical compromises on the margins of the issue so they can claim they listened and were reasonable by throwing you some crumbs. Don't be fooled. This issue is much bigger than permits, CO2, and so-called smart growth.

OTHER GOVERNMENT ENTITIES

Planning Commission Meeting of May 26, 2011 (Completed)

Twisselman Surface Aggregate Mine continued hearing. The Planning Commission approved the permit and CEQA findings on a 5-0 vote for the Twisselman surface aggregate mine, which is a companion project to the recently approved SunPower Solar Plant. A good deal of the aggregate will be needed during the construction of the SunPower Solar Plant.

Shandon Community Plan Update continued hearing. This was the third hearing on the proposed plan amendment to allow a larger and denser urban village.

The chair expressed concerns about the project such as timing, asked should we even be doing this, and what are we doing. Commissioner Irving expressed concern that the Commissioners are lost in the detail. Another Commissioner expressed the need for a tutorial on the role of the Commission in community planning. Commissioner Topping said that there has been a big time lag between the time of community preliminary hearings and the Commission's formal hearings. He feels the materials are a little disjointed. He also expressed the need for a full day to go through it without other items on the agenda. The Planning Director explained the purpose and function of community plans and community plan updates. This will come back on June 9, 2011. The important event was that the Commission began to ask themselves, what are we doing?

A Need for a Broader Context. The questions expressed above by the Commission in the limited context and purpose of the Shandon Plan Update are relevant to the County's entire agenda of land use initiatives. For the past four years, the Board of Supervisors, Planning Commission, and Planning and Development Department staff have been relentlessly

driving forward the climate change-based smart growth scheme of land use regulation and social engineering. Much of the subsidiary analysis and tool creation is based on "resource protection." A strategic issue is that resources have been too narrowly defined as natural resource sustainability, -- air, water, open space, visual resources, habitat protection, etc. These are important components of any strategic planning effort, but they are not the only components. For example, the cost of creating homes, much of which is now a function of the regulatory process itself, limited land availability, and the exponentially growing demand for government and school revenues are not given strategic analytical and policy prominence equal to that given to greenhouse gas reduction. Page A-40 of the County's proposed 2011-12 Budget shows that the median home price in the incorporated cities of the County ranges from a low of \$334,000 in Grover Beach to a high of \$544,000 in Pismo Beach. The unincorporated County number is \$395,000. Data for new homes is not presented. The Comprehensive Housing Affordability Study (CHAS) of the County's Consolidated Plan (a document required by the US Department of Housing and Urban Development [HUD] for jurisdictions to receive CDBG and HOME grants) contains some significant statistics. For example, 40.2% of urban county residents are cost burdened (pay from 35% to 50% or more of their income for housing costs), and/or live in overcrowded housing, and/or have inadequate kitchen/plumbing facilities.

Similarly, while the County has initiated economic development conceptual planning through the non-profit Economic Vitality Commission, staff has recommended that the County not even include an economic component in its comprehensive strategic planning structure. It is unclear whether specific economic development tools and concrete scheduled actions designed to retain, expand, and recruit high value employers within the specified EVC Cluster Groups (industries viewed as having competitive advantage in the San Luis Obispo County environment) will be pushed as a priority. For example, would the County have preset parcels with building permits for the construction of high tech factories, laboratories, and research/administration facilities (instant permitting)? It could conduct the studies on each designated parcel in advance for representative buildings. The EVC could then market the opportunity. Would the County develop a system of economic incentives, including tax phase-ins, utility incentives (with the cities and PG&E), and low cost loans? Would these efforts not be worth the focus of some of the County's 88 FTE Planning and Building staff which is now thinking up ways to forestall such development?

These are examples of issues which need to be approached at the strategic level of the Land Use and Circulation Element of the County's comprehensive plan. This section should contain concrete goals and time lines just like the Climate Action Plan. This analytical view would also provide an opportunity to determine if elements of the Climate Plan and Smart Growth are actually harmful the sustainability of human life, the standard of living, and the nurturing of families and children. What if the restrictions inherent in these so called environmental schemes add further regulatory costs to the price of a home and force more employers to move to Carson City and Austin. Should this not be a strategic consideration of the Planning Commission and Board of Supervisors? The Planning Commission asks a good question: What are we trying to do and why?