

COLAB SAN LUIS OBISPO COUNTY

WEEK OF JANUARY 5-11, 2014

WILL GIBSON REMAIN BOARD CHAIR? (OR WILL RAY BE INSERTED FOR VISIBILITY?)

GROVER COUNCIL CONFIRMS APCD STAND

Grover Beach Special City Council Meeting of December 30, 2013 (Completed)

The special meeting was called to deal with a letter from the group Friends of the Dunes (FOD), which reportedly represents 28,000 members statewide, who support continuing camping and off road vehicle (OTV) recreation in the Oceano Dunes State Park. FOD was disturbed because the Grover Beach City Council decided not to renew Mayor Debbie Peterson's appointment to the Air Pollution Control District (APCD). FOD members stated that they believed that the Mayor was a trustworthy and effective representative on the APCD vis-a-vis its continuing effort to manage dust, which is allegedly generated by OTV's and which blows southeasterly into a residential area of the Nipomo Mesa.

Peterson has challenged some APCD staff and consultant findings and recommendations and has thereby incurred the wrath of County Supervisors Gibson and Hill. Hill has sought to persuade some members of the Grover Beach Council to remove her. Please see the link below for the latest round of grim, unsavory background details:

http://www.colabslo.org/prior_actions/WEEKLY_UPDATE_SUPPLEMENT_DEC_15-21_2013.pdf

In this regard, Supervisor Hill has complained to us about COLAB's framing of the issue (his efforts to influence the Grover City Council) and in particular our report on the tally sheet (community funds sheet) containing amounts which Hill has provided to the City of Grover Beach and the Grover Beach area serving non-profits over the past four years. We had reported that it was handed out at the December 17, 2014 Council meeting. To correct the record, it was reportedly handed out at the August 5, 2013 Grover Beach City Council meeting when the issue of Mayor Peterson's tenure on the APCD was also in play.

This does not seem to change the overall context.

Hill has also written us that County Clerk/ Recorder Julie Rodewald had given him formal approval for the use of the key chain medallion (County seal on one side and the words 'Adam Hill-County Supervisor 3rd District' on the obverse). Relatedly, the County website contains a formal notice:

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Is handing out medallion key chains containing a medallion depicting the County Seal on one side and a Supervisor's name on the other to city councilmembers, official County business? What actual official County business is occurring? Did the Grover Beach City Council members need to be informed of the name of their County Supervisor? Did they need to be thanked for something? The backside of the seal medallion, which was handed out, promotes a particular supervisor, to the exclusion of the others. Most jurisdictions have lapel pins depicting their official seal. These are often handed out and worn proudly but they do not promote one political official to the exclusion of the others or one district to the exclusion of the others.

More Complications at the Meeting: Separately, an added complication is that Friends of the Dunes believes that the City has not been responsive to its concerns regarding impacts of a recently approved hotel development. FOD members stated that the hotel will displace certain necessary facilities such as a staging parking lot (an area where off road trucks towing trailers are prepared to transition from paved roads to sand) and a pumping station for emptying trailer sanitary systems. They further indicate that some

features of a plan to improve Grand Avenue are problematical for trailers. It is likely that the FOD will appeal local approval of the Hotel to the Coastal Commission. The Hotel project has been worked on for decades and placing its future in the hands to the Coastal Commission could be disastrous as its staff concocts new conditions and restrictions which could financially cripple the project (not to mention possible years of delay).

In addition to supporting any notion of returning Mayor Peterson to the APCD, the Council also rejected, with some vigor, the notion of establishing a process to work with the FOD to try to resolve the matter. Their attitude was: the whole project went underwent a protracted process and environmental review, and if the FOD wasn't able to persuade people to change certain aspects at that time, that was it. So even if (for the sake of conversation) they are right but lose the project, what have they accomplished? Meanwhile a new APCD Board majority may amp up its efforts to undermine the off road recreation in the Park.

The voters of Grover Beach Need To Rise Up: Council members Marshall and Lee were interesting in that their discourse is a kind of stream of consciousness patter: Lee said, "I had to stop and think how I said this." Council member Marshall sat there in a strange appearing state with a permanent grin on his face. When a concerned speaker asked him about it, he took time out to apologize. He said it's built in and he has had it all of his life. Wonder how he does at funerals? Both Council members work for County Public Works. Marshall said he doesn't talk to Adam Hill. He told the audience that he "doesn't think Mayor Peterson is a fair and balanced representative" and "she is not your sole savior." Council member Nichols insultingly admonished the audience to "come back when they had a real issue." The various subjects on Monday evening had already been decided in his mind and therefore didn't count. Council member Bright was absent due to illness.



Board of Supervisors Meeting of Tuesday, January 7, 2014 (Scheduled)

Unnumbered Item: Reorganization of the Board of Supervisors - Election of Chairperson and Vice-Chairperson. Will the Board maintain 2nd District Supervisor Brue Gibson as Chairman for 2014? Gibson was Vice-Chair this year and when Supervisor Teixeira passed away, Gibson acceded in June. The question arises: does he still get a new full term? The Board normally rotates the chair each year and ostensibly tries to rotate the chair position in the order of the district numbers-1,2, 3,4, and 5.

It is likely, that with the now domineering power of the new left majority, no one else will be proposed and no one will challenge. This gives “boss” Gibson the whip hand to control the management and cadence with which issues are considered and determine what is kept on and off the agenda. This in turn is calculated to protect himself and 4th district Supervisor Caren Ray from facing too many controversial votes between now and June 6, 2014, where both face opponents in a primary election . He can also make sure that thorny questions about matters such as the Los Osos Sewer project budget overruns are not scheduled or receive only perfunctory “review.” Full implementation of the Climate Action Plan will wait.

An alternative strategy would be for the Board majority to make Gibson less of a lightning rod and appoint Caren Ray as Chair, providing her with visibility in the run up to the election. According to the historical and normal rotation pattern (see the page 10 addendum) , it would be Supervisor Mecham’s turn. Would he defer as part of the current and apparent 1st District /4th District rapprochement?

Item 8 - Sale Of Surplus Library Land In Cambria. The Board letter reiterates the history of acquisition of land for the Cambria Library.

First:

As agreed with the Cambria FOL, (Friends of the Library) vacant lots at 790 Cornwall Street near the intersection of Hillcrest Drive (APNs 022-123-003 and 022-123-022) were purchased by the County on February 17, 2005 at a price of \$518,000 with the intention to build a new library on the property.

Then:

In 2009, another property located at 1043 Main Street in Cambria, where a new building was under construction, was identified by the Cambria FOL as another option for the new library. It appeared to be a better location for the library and could be completed at a lower cost. The property was purchased by the County at a price of \$2,800,000 on November 3, 2009, and a new library opened in this location on December 26, 2013.

Now the County must sell the first two properties to help make the Library project budget whole.

But:

The value of the Cornwall properties has depreciated since they were acquired by the County in 2005. When the eventual sales price of the property is determined at the auction, it is likely that additional fundraising efforts will be required to make up any shortfall in achieving the financial goals as estimated in the 2001 Memorandum of Understanding between the County and the Cambria FOL. If the sales price of the property does not exceed the minimum bid, the accrued depreciation plus the costs to sell the property (sales costs are approximately \$16,000) will result in a loss of approximately \$284,000.

Is this another capital project overrun like the women's jail expansion and the Los Osos Sewer system?

Item 21 - Affordable Health Care Act (Obama Care) Changes in State Health Care Funding Formulae. This is a complex item in which staff informs the Board about various choices it must make in order to conform with State requirements attendant to the implementation of the ACA. Essentially there will be more individuals eligible for Medi-Cal, which will theoretically lower the County's costs for medically indigent adults who were not covered in the past. On this account the State is mandating shifts of certain revenues back to the State which had formerly been provided to the County. There are alternatives with different funding formulae from which the County can choose. The staff analysis examines the choices and seeks to optimize the results. For insights into the complex relationship between the counties and the State, see the full item at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/2918/SXRIbSBEB2N1bWVudCAoUHVibGljKSA=/14/n/23124.doc>

<p>San Luis Obispo County Council of Governments Meeting of Wednesday, January 8, 2014, 8:30AM (Scheduled)</p>

Item B-2: Draft 2014 Regional Transportation Plan (RTP) – Financial Expectations and Projections. This important item was on the SLOCOG agenda for December 4, 2013, but was not considered because the Board “ran out of time.” They wanted to adjourn by noon. This document is extremely important and has many long-term implications for local and countywide road funding. It also once again raises the specter of requesting the voters to impose a one-half cent sales tax over 20 to 30 years to provide local match for State funding of major highway projects such as the widening of Highway 101. The draft document contains considerable data about gasoline taxes, miles traveled, and transit alternatives.

Readers may remember that a separate plan, called the Sustainable Community Strategies (SCS), must ultimately be included in the RTP. The SCS must comport with SB 375, which requires that counties and cities demonstrate how they will reduce the number of trips by cars and light trucks – particularly through less commuting by car. The SCS must be approved by the California Air Resources Board staff (CARB). A jurisdiction without an approved SCS cannot have a valid RTP. This would result in

ineligibility for State and Federal transportation funds. In turn this has profound implications for land use policies of the cities and County because it supports “smart growth” compact, stack-and-pack housing. It also will attempt to force people out of their cars and onto mass transit.

The current item is one sub-part of the process and is worth a quick read by anyone with a stake in land use or economic success, as well as broader issues of private property rights and government regulation/costs. Some key quotes:

Executive Summary

A total of \$1.82B is projected to be available for transportation expenditures through Federal, State and local fund programs over the next 20 years. A significant number of changes to Federal, State, and Local Funds have occurred since the previous 2010 RTP/PSCS leading to consolidation or elimination of funds previously received by SLOCOG. Absent a fix to the Highway Trust Fund, and local government levels remain constant, the total revenues available for transportation would be approximately \$1.5B. If a local option sales tax was approved by voters and the reasonable-assumptions hold, the total available for transportation would be approximately \$2.4B.

Major Policy Recommendations:

- 1. Prioritize SLOCOG’s Highway funds (RTIP) to Highway Improvements (previously some were used for Street/Road Improvements).*
- 2. Require a significant local match for future interchange improvements. Assumes increase in local funding from \$44M (2005) to \$103M (2014).*
- 3. Major improvements to US 101 mainline (freeway conversion, widening) requires significant State funding (none is assumed).*
- 4. Consider increasing Transportation Funds (LTF is an increasing revenue source) for Transit.*
- 5. Local Street / Road Maintenance is a local responsibility.*
- 6. Local Street / Road Improvements is a growing local responsibility.*
- 7. Maintain levels of funding for Rideshare and Active Transportation.*
- 8. Pursue Supplemental Funding to improve the system and reduce the burden on local jurisdictions. A ½ cent sales tax would raise an additional \$500M-\$600M over 20 years.*

If current levels of RTP funding for local road maintenance are reduced, where will the dollars come from? What is the County’s plan to grow its local revenue sources to fill the gap? Its road level of service rating quality is already in the 50’s out of 100.

The loss of over \$8 million per year in direct County property tax revenue if the Diablo Nuclear Power Plant closes certainly won’t help. Who is connecting the policy dots?

The full document can be read at the link:

https://library.slocog.org/PDFs/AGENCY_MTGS_AGENDAS/SLOCOGBOARD/2014/January%202014/B-2%20Draft%202014%20RTP%20Attachment.pdf

Note: As of this writing, the actual substantive draft RTP was also to be on the agenda as part of this item (separate from the financial section). It appears that instead of also posting the actual RTP document, the clerk posted a 2nd copy of the Financial Report.

Item D-3: Proposed SLOCOG 2014 Legislative Program. This item is SLOCOG's annual consideration and possible adoption of principles and specifics for consideration by the Legislature and allied groups such as other COGS, the League of Cities, the California State Association of Counties, and so forth. Readers will remember that last year's Program was filled with endorsements for new taxes, fees, carbon credit revenue, greenhouse gas reduction, stack-and-pack development, and support of the entire climate action industry. It was controversial enough that the agency never adopted a program for 2013.

This year's program is very vague and is calculated not to produce the same impasse. For example it states in part:

Respond to proposed legislation addressing issues within the scope and responsibilities of SLOCOG authority based on the following objectives:

- Preserve and increase local and regional funding and programming authority.*
- Assure the region receives a fair share of State & Federal funding.*
- Oppose the imposition of unfunded or unreasonable mandates.*
- Support streamlined & flexible project development procedures.*

5. Provide an objective analysis of proposed legislation that identifying relevant issues, implications, and the adopted positions of regional and state partners (noted above).

Theoretically under this version, staff will return to the SLOCOG Board with specific recommendations as they emerge. Vigilant monitoring will be required.

The Policy test this week will be whether Gibson, Hill, Marx, and company will let it go or will they try to beef it up in terms of the former slant. If they do, it will be interesting to see how Supervisor Ray reacts.

Planning Commission Meeting of Thursday, January 9, 2014 (Scheduled)

Item 3 - Hearing to consider a request by DOUGLAS FILIPPONI & STEVE BONESO for a Phased Vesting Tentative Tract Map (Tract 2992) and a concurrent phased Conditional Use Permit to allow for the subdivision and

mixed-use development of three existing parcels and a remainder (Tract 2559), totaling approximately 15 acres, into 8 commercial lots, ranging in size from 0.98 acres to 3.53 acres, and 2 residential lots, of approximately 13,000 square feet each. The project includes the development of the commercial lots with approximately 42,400 square feet of commercial retail space, 62,700 square feet of office space, and a 66,000 square foot hotel (120 units). Each proposed residential lot would be developed with a single-family residence. The proposed project is within the Commercial Retail, Office Professional and Residential Single Family land use categories and is located at the northwest corner of Las Tablas Road and Bennett Way, in the community of Templeton. The project site is in within the Salinas River planning area.

A Positive Project: The proposal of this project is a good sign that there is recovery in the economy in the unincorporated area of the County. The architectural renderings show a very attractive theme which will be visible from Highway 101. A hotel, which is included, will provide not only accommodations for travelers and tourists but also long-term stay facilities for families of patients at Twin Cities Hospital. The developers propose the project to be constructed in phases over the years. The Basic components are listed in the chart below:

Lot	Lot Size sq ft	Development Size sq ft	Development Type
1	13,292	n/a	Single family residence
2	13,595	n/a	Single family residence
3	42,653	10,800	Retail Commercial
4	57,340	7,800	Retail Commercial
5	75,124	18,800	Retail Commercial
6	85,692	15,800	Retail Commercial
7	94,772	24,000	Office
8	79,392	24,000	Office
9	73,592	14,700	Office
10	153,627	66,000	Hotel

Regulators Support the Project: Both the County Planning staff and the APCD staff recommend that the Planning Commission approve the project. There are many conditions to which the developer must agree. One involves greenhouse gas (GHG) reductions. The project’s annual generation of greenhouses gases will exceed the thresholds that the APCD adopted last year. As a condition of approval the project developers will have to find ways to reduce the expected 4,602 metric tons of GHG’s per year to about 1,050 per year over the life of the project. Installation of low water landscaping, energy saving equipment, and charging stations for electric cars, as well as subsidizing employee use of mass transit, etc., may be counted towards the required reduction. Details are to be worked out as the project progresses.

The APCD write-up is very complimentary and praises the mixed use, higher density nature of the project as being in line with sustainability polices (smart growth).

Situation Illustrates Board of Supervisors' Error: The project is exempt from the Paso Robles Water Basin urgency ordinance moratorium because it is inside the boundaries of the Templeton Community Service District (TCS D), which, along with other districts and the cities, was exempted by the Board of Supervisors. TCS D estimates that it can provide about 19 acre-feet of water per year at present to the project. At full build-out, the project will require an estimated 49.2 acre-feet per year. It is not clear how the increased water will be obtained. However, since the project is phased, the first portions could begin. Under the moratorium, proposals for development and new irrigated agriculture must show how they would obtain a 1:1 offset of their water use in order to be considered for permitting. This project will not have to meet that requirement.

It is a benefit that this project can go forward and it should be approved. The situation does, however, illustrate the unfairness and legal difficulties attendant to the Board of Supervisor's imposed moratorium. The TCS D will pull water from the basin and may well pull water from under properties outside its boundaries. Owners of those properties, who are the primary water rights holders, must come up with 1:1 offsets or they are prohibited from building houses, wineries, or irrigating new areas. Certainly the Board of Supervisors policy is discriminatory.

See Addendum On Page 10 Below.

ADDENDUM
BOS CHAIR ROTATION HISTORY

YEAR	CHAIRPERSON	DISTRICT	ROTATION
1997	Brackett	4	4
<u>1998</u>	Ryan	5	5
1999	Ovitt	1	1
<u>2000</u>	Pinard	3	2
2001	Achadjian	4	3
<u>2002</u>	Bianchi	2	4
2003	Ryan	5	5
<u>2004</u>	Ovitt	1	1
2005	Bianchi	2	2
<u>2006</u>	Katcho	4	3
2007	Lenthall	3	4
<u>2008</u>	Patterson	5	5
2009	Gibson	2	1
<u>2010</u>	Mecham	1	2
2011	Hill	3	3
<u>2012</u>	Patterson	5	4
2013	Teixeira	4	5
<u>2014</u>	(Mecham)	(1)	1

Note: underlined dates election or campaign years.

1998,2002,2006,2010,2014 are campaign years for Districts 2 and 4

2000,2004,2008,2012,2016 are campaign years for Districts 1,3, and 5

Brackett elected 1982,1986, 1990,1994, Ovitt elected 1988,1992,1996,2000,2004
Achadjian elected 1998,2002,2006 , Pinard 1996,2000, Ryan 1996,2000, Lenthall
2004, Bianchi1998,2002, Patterson 2004,2008, Gibson 2006,2010, Mecham
2008,2012, Hill 2008,2012, Teixeira 2010