



Buildout Reduction Program Citizens' Committee (BRPCC)

REGULAR MEETING
Monday, November 28, 2016 - 10:00 AM
2850 Burton Drive Cambria CA 93428

AGENDA

- A. CALL TO ORDER
 - B. ESTABLISH QUORUM
 - C. CHAIRMAN'S REPORT
- 1. PUBLIC COMMENT**
- Members of the public may now address the Committee on any item of interest within the jurisdiction of the Committee but not on its agenda today. In compliance with the Brown Act, the Committee cannot discuss or act on items not on the agenda. Each speaker has up to three minutes. Speaker slips (available at the entry) should be submitted to the District Clerk.
- 2. REGULAR BUSINESS**
- A. Consideration to Approve the Minutes from the Regular Meeting held on November 14, 2016
 - B. Report on Subcommittee Review of Lot Retirement Methods:
 - 1. Review of Potential Local Taxes and Fees for Acquisition of Undeveloped Properties
 - 2. Review of Funding Sources Outside of Local Taxes and Fees for Acquisition of Undeveloped Properties
 - 3. Review Potential Organizational Structures to Acquire and Manage Undeveloped Properties
 - C. Discussion to Define Process for Valuing Undeveloped Parcels
- 3. FUTURE AGENDA ITEMS**
- 4. ADJOURN**



Buildout Reduction Program Citizens' Committee (BRPCC)

REGULAR MEETING
Monday, November 14, 2016 - 10:00 AM
2850 Burton Drive Cambria CA 93428

Remote Location: Committee Member Rochefort will be attending at the following location and members of the public are welcome to join. Second Floor Meeting Room Newseum Residences 565 Pennsylvania Ave. NW Washington, DC 20001

MINUTES

A. CALL TO ORDER

The meeting was called to order at 10:00 a.m.

B. ESTABLISH QUORUM

A quorum was established.

Committee Members Present:

Ted Siegler, Crosby Swartz, Laura Swartz, Cindy Steidel, Mel McColloch, Jerry McKinnon

Mark Rochefort (via conference phone)

Committee Members Absent:

Greg Hunter, Allison Groves, Bob Sfarzo

C. CHAIRMAN'S REPORT

Chairman Siegler stated the Transfer Development Credits will be on the Board of Supervisors consent agenda for their next meeting. It won't be for public discussion or input. They will be authorizing the Planning Department to go ahead and write amendments to ordinances that will be necessary to expand the TDC program.

Committee Member Crosby Swartz stated the request to expand the Cambria Transfer of Development Credits program is on the back of the BRP Organizational Options handout (attached).

Committee Member McColloch stated Haley Dodson has been a huge help with getting information in Special Project Areas 1 and 2 and for the committee. He stated he appreciates all her help and would like to write a letter of acknowledgement or appreciation to put in her file at the District. Chairman Siegler asked Committee Member McColloch if he would draft the letter and bring it back to the next meeting. Committee Member McColloch agreed.

1. PUBLIC COMMENT

None.

2. REGULAR BUSINESS

A. Consideration to Approve the Minutes from the Regular Meeting held on October 31, 2016

Committee Member Crosby Swartz stated on Item 3.C.2. he encouraged the committee to review the funding options report which is on the Forest Committee's webpage.

Committee Member Laura Swartz stated on Public Comment, it should be a citizen of San Diego not a Cambria citizen.

Committee Member Crosby Swartz motioned to approve the amended minutes.

Committee Member Steidel seconded the motion.

Motion was approved: 7-Ayes, 0-Nays, 3-Absent (Greg Hunter, Allison Groves, Bob Sfarzo)

B. Report on Subcommittee Review of Lot Retirement Methods: 3.B.2 Review of Potential Local Taxes and Fees for Acquisition of Undeveloped Properties

Chairman Siegler stated there should be three groups for Regular Business Item B. The third group reviewing potential organizational structures to acquire and manage undeveloped properties. He requested to add this item to the next agenda.

3.B.2 Committee A Agencies: Committee Member Crosby Swartz stated there were some challenges in getting the committee together. There were e-mail problems with contacting Committee Member Groves, but he is close to getting the communication problem resolved. He stated her email security settings send the incoming emails to the trash, and it's a matter of changing the settings.

3.B.3 Committee B Local Taxes: Review of Funding Sources Outside of Local Taxes and Fees for Acquisition of Undeveloped Properties

Committee Member Steidel stated the group has been reviewing documentation that is available, such as State codes, Mello-Roos, and Proposition 218.

Chairman Siegler stated with regards to mitigation fees, there are two approaches: voluntary and a tax. He stated there is a Quimby fee, which seems to be aimed at larger developments and subdivisions, but it specifically for the purpose of parks and recreation space.

Committee Member McColloch stated an open space district seems to be something that the committee could implement. Chairman Siegler stated the notion of the Open Space District and fee would be associated with existing Cambria residents, and the Mitigation fee would focus on new development.

The committee had extensive discussion on mitigation fees and open space districts.

Committee Member McColloch gave a handout called BRP Possible Funding Options to the committee (attached). He stated he met with Shirley Bianchi from Cambria Community Healthcare District. Committee Member Laura Swartz asked Committee Member McColloch is Shirley would be open to meeting in regards to an Open Spaces District. Chairman Siegler and Committee Member McColloch suggests Committee Member Laura Swartz contact Shirley. Connie Gannon suggested contacting Muril Clift. Committee Member Laura Swartz stated she will also contact Mr. Gibson.

Committee C Outside Resources: Committee Member McKinnon has nothing to report.

Committee Member Rochefort stated he focused on public not private these past two weeks. There appears to be agencies to focus on California Wildlife Conservation Board. While we're still in the early stages of our investigation of revenue sources for the Buildout Reduction Program following are two promising sources from the public sector: The Forest Legacy Program of the United States Forestry Service and the State of California Wildlife Conservation Board. The FLP is a federal program in conjunction with state agencies to fund conservation easements on private forest land. The State of California Wildlife Conservation Board. In 2006, California voters approved Prop 84 which adopted the Forest Conservation Program (FCP or Program) and designated the California Wildlife Conservation Board as the lead agency to administer the Program. The FCP is a grant program to promote the ecological integrity and economic stability of California's native forests.

C. Discussion to Define Process for Valuing Undeveloped Parcels

Chairman Siegler recommended the committee not use the 2006 BRP report old as a basis for valuing undeveloped parcels. He would like 2-3 committee members to volunteer to work on appraisals, which involves understanding the condition of the assessing. The members would come up with estimates based on size, location, slope, and habitat.

The committee had extensive discussion regarding appraisal values on parcels.

Chairman Siegler volunteered to work on appraisals.

Chairman Siegler asked the committee to come up with lists of questions that the committee wants to get legal input for.

3. FUTURE AGENDA ITEMS

Consensus was reach to hold the next meeting on Monday, November 28, 2016 at 10:00 a.m.

4. ADJOURN

Committee Member McColloch motioned to adjourn the meeting.
Committee Member Laura Swartz seconded the motion.

The committee unanimously agreed to adjourn the meeting at 11: 53 a.m.

BRP ORGANIZATIONAL OPTIONS 11-14-16

EXISTING LAND TRUST ORGANIZATIONS

- Improve existing Special Project Area 1 and 2 TDC program
 - Funding for purchase and maintenance. Speed up deed transfer process.
- Expand Transfer of Development Credits (TDC) program to other areas
- Receive tax-deductible donation of properties
- Administer property purchases and maintenance
 - Funding from CCSD mitigation fees and assessment district
- Receive grant funding and donations
- Identify high conservation value properties for conservation easement protection

CAMBRIA COMMUNITY SERVICES DISTRICT

- Impose mitigation fees for new connections and remodels, or community-wide
- Bond issue and special taxes
- Funding allocation from real estate, sales or bed taxes
- Expand CCSD "powers and purposes" charter to include open space acquisition
- Expand responsibilities of PROS Commission to purchase and maintain property
- Support voluntary merger program
- Require parcel retirement as condition for new parcel development

ESTABLISH OPEN SPACE DISTRICT / AUTHORITY

- Special assessment to fund open space acquisition and maintenance
- Mitigation fees from CCSD
- Bond issue and special taxes
- Receive grant funding and donations
- Expand to manage and maintain existing CCSD owned open space properties

COUNTY OF SAN LUIS OBISPO

- Expand Transfer of Development Credits (TDC) program to other areas
- Funding allocation from real estate, sales or bed taxes
- Expand CCSD "powers and purposes" charter to include open space acquisition

Submitted by Crosby Swartz 11-14-16

Ref Organizational and Funding Options (www.cambriaforestcommittee.org, Forest-Related)

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Jay Johnson

VIA: Matt Janssen, Division Manager, Policies and Programs

DATE: 11/15/2016

SUBJECT: Request by the Department of Planning and Building for authorization to process updates to the Coastal Zone Land Use Ordinance and the North Coast Area Plan to expand the Cambria Transfer of Development Credits program. District 2.

RECOMMENDATION

It is recommended that the Board authorize processing of updates to the Coastal Zone Land Use Ordinance and the North Coast Area Plan to expand the Cambria Transfer of Development Credits program.

DISCUSSION

The Cambria Transfer of Development Credits (TDC) program was established in the late 1980's as a way to address concerns over the development of antiquated and substandard lots in Cambria. Several thousand parcels created in the 1920's and 1930's are located on densely forested and steeply sloped lands. Rapid development threatened the rare Monterey Pine Forest and presented erosion and sedimentation concerns, as well as further straining the area's already limited water supply.

The TDC program voluntarily retires lots within designated Sensitive Resource Areas of Monterey Pine Forest Habitat by recording a conservation easement or other document on the property. The building potential of the retired lot is then transferred to a buildable lot to allow for development of dwellings with a larger square footage than would otherwise be allowed by planning area standards. The San Luis Obispo Land Conservancy manages the program, coordinating land purchases or donations with lot owners and eventually turning the land over to the Cambria Community Services District (CCSD) for long term management.

Currently, only lots in the Lodge Hill neighborhood within designated Special Project Areas (Attachment 1 - Graphics) of the Monterey Pine Forest Habitat area can be retired into conservation. These areas were prioritized for conservation after they were identified as having high conservation value and significant development constraints. The San Luis Obispo Land Conservancy has purchased over 350 individual lots in this area.

Owners of lots in other areas of Cambria do not have the option to participate in the Cambria TDC program. Authorizing this amendment for processing would allow staff to prepare amendments to expand the program to allow small lots anywhere within the Monterey Pine Forest Habitat Area to qualify as source parcels. Expanding the program would provide owners of lots in other areas with the option to sell or donate their land to the Land Conservancy.

Owners of vacant parcels are not required to sell or donate their property. Some vacant lot owners are on the CCSD water waitlist to receive water service. Others have the option of acquiring and moving a meter or CCSD waitlist position from another lot. Expanding the TDC program would provide these owners with the option to sell or donate the land to the Land Conservancy under the TDC program. This would result in a conservation easement being recorded on the land.

Expansion of the TDC Program is consistent with the North Coast Area Plan that includes a provision to expand the TDC Program to include more areas within the community of Cambria. *"The County, the CCSD, local nonprofit organizations, and the local Land Conservancy should promote expansion of the TDC Program to include more areas within the community of Cambria."*

Additionally, expansion of the TDC program is an important implementation measure of the CCSD's Buildout Reduction Program (BRP). The CCSD has expressed of the proposed TDC expansion because it will assist with implementation of the BRP. The BRP aims to conserve water, minimize infrastructure impacts, and preserve Cambria's forests and open space. The BRP calls for a maximum of 4,650 residential water connections, a number consistent with County and Coastal Commission recommendations.

Authority

Unlike the processing of land use permits, the first step when considering requested changes to the general plan, specific plan or land use ordinance is for your Board to determine whether to initiate the amendment (i.e. to "authorize" processing of the amendment or not). If your Board authorizes this request for processing, staff will initiate the update process and return to the Board as necessary for direction and later present the updates to the Planning Commission and to your Board for consideration and adoption.

OTHER AGENCY INVOLVEMENT/IMPACT

Staff conducted preliminary discussions with representatives from the CCSD and the Land Conservancy. If the project is authorized for processing, staff will continue discussions and will conduct outreach to the North Coast Advisory Council and affected public agencies.

FINANCIAL CONSIDERATIONS

Staff would complete work on this amendment under existing allocated funds. The Department presents the Priorities Report to the Board in February and October during identified Strategic Planning Sessions. On October 11, 2016, the Department presented the latest comprehensive priority and workload update to the Board. The Transfer of Development Credits Clean Up item was listed on the secondary set of priorities to be completed if time permits.

BUSINESS IMPACT STATEMENT

Expansion of this program could potentially result in an increase in work for the building industry due to the construction of larger homes; however, it is not expected to have a significant impact on business.

RESULTS

If your Board chooses to authorize processing of updates to the Coastal Zone Land Use Ordinance and the North Coast Area Plan to expand the Cambria Transfer of Development Credits program, staff will conduct outreach and prepare the Public Review Draft and Public Hearing Draft, facilitate environmental review, and bring the update to the Planning Commission for public hearings and recommendation to your Board. The result will be an expanded TDC program consistent with the North Coast Area Plan.

Authorizing the TDC program update is consistent with communitywide results of encouraging a safe, a healthy and livable community.

Not authorizing the update will stop the further processing of the amendment and the Cambria TDC program would remain unchanged.

BRP Possible Funding Options
McColloch Research, opinions and Notes

Weeks Oct. 17th,2016 thru Oct.31st,2016

1. Quimby—No, for Parks and Recreation only

2. State Code 66000—Development Mitigation Fees—Possibly could be used.

the material I read indicates this option could possibly be used, but it is somewhat contradictory in definitions in different sections.

-Send to legal counsel for their opinion

-Will takes 2/3 voter approval if the impact fee does not relate to the impact created by a development

-AB1600 applies also in most cases, usually when the local agency imposes a fee in connection with approval of a development project

-Community amenities (lots/open space/pocket parks) are not clearly defined

-How are "recreation facilities" defined? What are they and what is included?

3. Mello-Roos Community Facilities District (CFDs)— Need legal opinion, not likely will work for lot purchases

-No mention of open space, but parks OK

-Takes 2/3 resident vote to pass

-Is related to new subdivisions and bonds

-Lien goes on each house/lot in the area Mello-Roos is used.

4. Sale of lots by the CCSD ----Need a legal opinion

5. CCSD charge- a extra fee for will serve letters for new building and remodels—Extra fees charged go toward purchasing lots/parcels

--Need Legal opinion

6. **Lot donors** get a tax break for donation of lot to district. CCSD needs to set up program for lot owners

Notes for further possibilities to look in to:

1. Coastal Conservancy Grants

2. Packard Foundation Grants

3. Lot Merger Program by CCSD

END

Weeks of November 1st, 2016 thru November 14th 2016

1. **Coastal Conservancy Grant** are a source.
2. **Packard Foundation** and other public grants are a source
3. **Parks, Recreation, and Open Space District**
 - Not operated by CCSD, but is operated by the Parks, Recreation and Open Space District.
 - The current CCSD Parks and Recreation committee does not qualify.
 - See Public Resources Code Section 5500-5595 and Section 1-18 for formation and operation
 - Can obtain funding and has taxing powers.
 - Appears to be a good form of government to use to purchase lots that will not receive water and sewer service.
 - Needs further look by CCSD council.
 - is recommended by Shirley Biancci for or program
4. **I spoke to Shirley Biancci** about the formation of the Health Care District operating in Cambria.

That particular district was formed in 1947 and originally financed by Bill Biancci's Father. It became a special district and has taxing authority. See Section 3200 Of the Health and Safety Code and Section 32121 and section 3 of 15432 for more information. This type of district can only be used for health care issues.