

# Salinas Valley Water Coalition



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## GPU 4, the SVWC and the Refinement Group

The Board of Supervisors has begun their workshops on GPU4. Over the course of this year, the Board of Supervisors (BOS) have held several study sessions on a broad range of issues related to the update of the 1982 General Plan and its component area plans – as directed by the BOS last year. At the conclusion of each study session the Board provided preliminary direction on those issues.

The BOS held a study session on September 19<sup>th</sup> on the preliminary draft of the Land Use Element. They will hold a study session on October 11<sup>th</sup> to complete their review of the Land Use Element and review the Agricultural Element. (see calendar of scheduled workshops at end of newsletter)

As you know, the Salinas Valley Water Coalition formed a partnership with Independent Growers Association in monitoring the GPU process at the BOS as well as participation in the Refinement Group process. The Refinement Group continues to meet every Thursday afternoon and has done so for the past two years. They have made a difference – in large part because of your continued support as members.

The SVWC is working with other Refinement Group members to accomplish the following:

- Revising GPU3
- Reviewed and commented on the LandWatch/Community Plan (an environmental approach to GPU) and staff's recommendations to the BOS

- Participation in all-day workshops before the BOS to present the revised policies for GPU3 as prepared by the Refinement Group
- Participation in panel presentations around the County, spreading the word on the RG plan as presented to the BOS
- Met individually and along with other members of the RG to explain important policy concepts with individual members of the BOS prior to workshops
- Continue to watchdog County staff as they present rewritten GPU policy. This is necessary to protect SVWC members from adverse impacts on individual property and water rights as well as your ability to continue to do business in our County.

The SVWC is committed to continuing to participate until the GPU gets adopted, which could take up to a year at the current rate of progress. A second year will be needed as updated ordinances are adopted and implemented within the County. We believe we have made a lot of progress. The majority of the Supervisors understand the issues, have been very engaged in this current process, and 'get it'. They have made a difference! The Refinement Group has made a difference – we believe they have been a valuable 'tool' in this process. And last, but not least, YOU have made a difference. It is because of your continued membership and support that we have been able to achieve the results we have and make the difference. Thank you!

You can view the Refinement Group's General Plan at [www.refinegpu.org](http://www.refinegpu.org)

## Governor Vetoed SB 820

The Governor vetoed SB820 on Friday, October 7<sup>th</sup>. Hurray! This bill was authored by Senator Kuehl. It would have imposed significant burdens on farming operations throughout the State and had the potential to require metering of all wells in the State. The SVWC sent letters opposing this Bill along with the majority of the agricultural community in the State. We appreciate the Governors' acknowledgement and support of existing efforts to protect groundwater and conservation measures farmers undertake throughout this state. Thank you!

## We Knew This Was Coming

The following is a partial reprint of an Opinion Column written by Dan Walters. It highlights why we/you need to stay involved in the General Plan Update and other County government processes.

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*Dan Walters: California eyes increased role in land use*

*Land use - the power to decide what kind of development, if any, is to be permitted on specific parcels of real estate - has traditionally been one of local government's most jealously guarded prerogatives, and for understandable reasons.*

*Land use decisions largely determine the cultural tenor of a community or even of a neighborhood, and thus generate ceaseless, and very heated, angst. Moreover, landowners, developers and even governments themselves, stand to gain or lose countless millions of dollars.*

*Slowly, however, a political debate is taking shape in California over who should control land use. As the state's population continues to expand, the question is whether decisions about the development of limited amounts of land are too important to serve only parochial interests of a city or county and should be overseen, or perhaps even overruled, by regional or state agencies. The state's ever-increasing pressure on local governments to expand land dedicated*

*to housing is one venue for the debate, but others are emerging.*

*We've already decided that certain regions should have a higher level of land use control. The Coastal Commission, created in response to a voter mandate three decades ago, has the ultimate authority to decide what development can, and cannot, occur in the 1,000-mile-long, precisely defined "coastal zone." And a similar agency wields similar authority in the Lake Tahoe Basin.*

*The just-concluded legislative session saw a sharp clash, albeit mostly behind the scenes, over whether a state commission that now oversees, without direct authority, land use in the Sacramento-San Joaquin Delta should acquire powers resembling those of the Coastal Commission and the Tahoe Regional Planning Agency. The legislation affecting the Delta Protection Commission was scuttled in a last-minute clash, but the issue will return to the Capitol in January.*

*What kind, if any, residential development should be allowed behind Delta levees is one of the specific issues in the bill. As it stalled, one relatively obscure state agency stepped into that conflict in a big way. The State Reclamation Board, whose members are appointed by the governor, adopted a potentially far-reaching policy to intercede itself in cases that involve residential development behind river levees.*

*The Reclamation Board has long held such authority, but rarely wielded it. The levee failures in New Orleans during Hurricane Katrina and a recent court decision that makes the state liable for damages when state-federal "project levees" fail have generated new interest in using those powers, much to the very vocal dismay of local government officials, landowners and developers.*

*"We're not in the land use business, we're in the safety business," one board member, former Sacramento City Manager Bill Edgar, said during the meeting in Fresno last month as the policy was adopted. Despite those remarks, the decision would put the board into the land use business by default, if it stands.*

*The board's decision was to be finalized this month, but last week, Gov. Arnold Schwarzenegger fired the entire board, replacing it with seven new members that*

*appear, on first blush, to be more development-oriented. Will the new board carry on with the new policy or back away from it?*

*Schwarzenegger's Department of Water Resources has issued a stark warning about the risks - financial and human - about continuing to place homes next to levees. The state had to pay out a half-billion dollars because of that court decision, involving a levee break in 1986 that flooded nearby homes.*

*The state has other latent land use powers that it has rarely used. Its environmental agencies such as Fish and Game and the Water Quality Board could - and in the minds of many, should - be exercising more influence on development plans. And the Department of Forestry and Fire Protection could, and perhaps should, be tougher about what kinds of development should occur in fire-prone regions.*

*No matter how the newly reconstituted Reclamation Board leans on the controversial new policy, state involvement in land use seems destined to grow as California's population continues to expand by a half-million-plus souls every year.*

**This story is taken from Opinions at [sacbee.com](http://sacbee.com)**

## **Code Enforcement**

**Our Consultant has been working with allied organizations in the ag and business community in developing a response to a proposed new county code enforcement ordinance. Staff told Supervisors they need a new ordinance because the existing enforcement codes are too weak and have now modeled the proposed new ordinance after the City and County of Santa Cruz' ordinances and an ordinance brought forth by the 'code rangers' (a vigilant group of individuals who are anti-everything). 'Our' code enforcement group has identified a number of major flaws in the proposed new ordinance:**

***Process* – The new ordinance lacks prioritization; it needs to distinguish among violations that are immediate threats to health, safety and the environment, nuisances**

**that affect neighbors, and technical violations that pose no threat or nuisance.**

***Due process* – The new ordinance significantly reduces property owners' access to due process. Instead of access to courts, property owner appeals would be subject to an internal hearing process that may be biased in favor of the county. Provisions to charge enforcement costs gives the county almost unlimited power to bury a violator with costs, without review by a court of unbiased third party outside the county. A provision authorizing enforcement officers to enter on any property lacks strong enough protection for property owners.**

***Violations* – The new ordinance includes designation of some violations, which gives the appearance of creating new violations. This ordinance should be about enforcement; all designation of violations should appear elsewhere in the county codes. (one of the 'new' violations being proposed is: "the accumulation or storage of trash and debris on any property is declared to be a public nuisance.")**

**We suspect that the upward trend in code violations over the last few years has been the result of calls to the county by the so-called "code rangers," a self-appointed group of citizens who look for possible violations to report, not some unique surge in violations.**

**The Board of Supervisors agreed that the process to date did not appear to be inclusive of all concerned 'stakeholders' and they postponed their consideration of the proposed new ordinance. They designated Supervisor Jerry Smith to work with our group and the code rangers in an effort to resolve the outstanding issues we had raised.**

**We have met once with Supervisor Smith and the 'code rangers' and staff. We thought we made good progress until we saw the most recent staff report! This matter has been postponed again by the Supervisors which will allow us more time to meet and try to resolve the remaining outstanding issues.**

**If you would like a copy of the proposed 'new' ordinance and/or 'our' groups recommendations to understand the potential**

adverse impacts to you, please call our Consultant, Nancy Isakson, 583-0971.

## Ag Waiver

Several of your Directors along with our Consultant, have been participating in the various committees pertaining to the Ag Waiver. Roger Moitoso was Chair of the Ag Committee's Cost Allocation subcommittee. Bob Martin is a member of the Committee and is a Board member of CCWQP Inc. The Cost Allocation Committee developed a methodology to allocate the costs of the cooperative monitoring program as required by the Regional Water Quality Control Board. The following is the methodology adopted by the committee and recommended by the full Ag Committee to CCWQP Inc.

***Formula to Develop Monitoring Fee***  
*(CMP Budget - Grants - Total Annual Fees) = Total Monitoring Fees to be collected*

*(Total Type 1 acres × 1X) + (Total Type 2 acres × 2X) = Total Monitoring Fees*

### ***Monitoring Fee***

*Type 1 Storm Only runoff*

*1X Capped at \$1.00 per acre*

*Type 2 Irrigation & Storm runoff*

*2X Capped at \$2.00 per acre*

*Type 3 Low Impact/BMP starting 2007*

Fees will be reviewed annually and adjusted as necessary to implement the cooperative monitoring program.

Roger and his committee, along with the entire Ag Committee is to be congratulated on their success in developing a fair and proportional cost allocation.

While there has been much success in getting the RWQCB to agree that we could develop a cooperative monitoring program rather than mandatory individual monitoring, and in developing a cooperative monitoring program and the cost allocation methodology, there remains some outstanding issues:

- The SWRCB mandated fee—can it be collected in a way that protects the privacy of the Cooperative

Monitoring Program members and/or are individuals being given the choice as to how they want to pay this fee?

- Who will enforce the requirements of the Ag Waiver and the Cooperative Monitoring Program – the RWQCB or CCWQP Inc. and how?
- Alternative Monitoring Program – the RWQCB gave the Region 3 Ag Community the opportunity to develop and implement an alternative monitoring program. Can we conduct monitoring in an alternate way that would meet the requirements of the Ag Waiver and be more efficient and cost-effective?

Your Directors and your Consultant will continue to participate and monitor the various activities associated with the development and implementation of the Ag Waiver. Please call us if you have any questions or need additional information.

## **DATES TO REMEMBER**

Oct. 11<sup>th</sup>, 1:30pm: BOS GPU workshop on Ag Element

Oct. 14<sup>th</sup>, 10:00am: MCWRA Finance Committee Workshop on budget issues surrounding increase litigation and project costs for SVWP

Oct. 24<sup>th</sup>, 1:00 pm: MCWRA BOD meeting

Oct. 26<sup>th</sup>: SWRCB workshop to be held locally – location and time DBA

Oct. 31<sup>st</sup>, 9:00 am: BOS PGU workshop on Public Services, including 'water'

*Published by Salinas Valley Water Coalition  
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