



® Housing, Land Use and Transportation Policy Committee Meeting
CSAC 126th Annual Meeting
Monday, November 16, 2020 — 11:30am - 12:30pm
Via Zoom: [Click here to join](#)
Meeting ID: 876 5555 8802 | Passcode: HLT2020
Conference Line: (669) 900-6833
Meeting ID: 876 5555 8802 | Passcode: 7665715

Supervisor Denise Carter, Colusa County, Chair
Supervisor Alfredo Pedroza, Napa County, Vice Chair

- 11:30 am I. Welcome and Introductions**
Supervisor Denise Carter, Colusa County, Chair
Supervisor Alfredo Pedroza, Napa County, Vice Chair
- 11:35 am II. What’s Next for Housing and Land Use in 2021?**
The Honorable Assemblymember Cecilia Aguiar-Curry, Chair,
Assembly Local Government Committee
- 11:55 am III. Housing, Land Use and Transportation Platform Updates – ACTION ITEM**
Chris Lee, Legislative Representative, CSAC
Marina Espinoza, Legislative Analyst, CSAC
- 12:05 pm IV. 2020 Year in Review and 2021 Housing, Land Use and Transportation Policy Committee Work Plan – ACTION ITEM**
Chris Lee, Legislative Representative, CSAC
Marina Espinoza, Legislative Analyst, CSAC
- 12:15 pm V. Recent Developments in Tribal Gaming Compacts**
Justin Crumley, Senior Deputy County Counsel, San Diego County; Chair, County Counsels’ Association Native American Tribal Lands Committee
Chris Lee, Legislative Representative, CSAC
- 12:30 pm VI. Closing Comments and Adjournment**

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October 15, 2020

To: Housing, Land Use and Transportation Policy Committee

From: Chris Lee, CSAC Legislative Representative
Marina Espinoza, CSAC Legislative Analyst

Re: Housing, Land Use and Transportation Policy Platform Updates – ACTION ITEM

At the end of each two-year legislative session, CSAC undertakes a policy platform review process to capture changes in law from bill signings and to prepare for potential policy debate in the coming session. To begin the process of updating the CSAC Policy Platform, staff sent the proposed drafts of the chapters under the purview of the Housing, Land Use and Transportation Policy Committee to policy committee members, as well as legislative coordinators on October 8 and requested feedback from counties by October 30.

The chapters under the purview of the Housing, Land Use and Transportation Policy Committee are listed below, along with a brief description of any proposed changes:

Chapter Seven – Planning, Land Use and Housing

- Section 6: New proposed language consistent with recent CSAC positions on housing streamlining bills under the “State Role in Housing Planning” paragraph:
 - *CSAC supports locally-driven plans that seek to implement broad state goals allowing for the development of homes affordable to households at all income levels.*
 - *While CSAC generally opposes direct state intervention in local zoning, state laws that streamline the housing development process must also provide opportunities for counties to more easily meet their housing element planning requirements.*

New proposed language related to county priorities for housing element reform:

- *Housing element reform must consider the unique characteristics of unincorporated communities, including the limited availability of infrastructure to support urban development, limited transit services, and policies to protect agricultural lands and open space.*
 - *Housing element reform must consider natural resources issues, including exposure to natural hazards and availability of resources to support new growth, especially in more rural unincorporated areas.*
- Minor grammar corrections.

Chapter Ten – Transportation and Public Works

- No changes proposed.

Chapter Fourteen – Climate Change

- Note that this chapter is also under the purview of the Agriculture, Environment and Natural Resources Committee.
- Section 2: Updated introductory paragraph discussing the ongoing importance of local roads in serving all roadway users.

Proposed language to inform CSAC advocacy on implementation of the Governor’s [Executive Order N-19-19](#) and any related legislative proposals on transportation and climate change. The draft language below is based on feedback counties shared with CalSTA during the Housing, Land Use and Transportation Committee’s meeting in early August:

- *CSAC supports adding safe facilities for bicycle, pedestrian, and transit use on state highways that serve as local main streets, especially in rural unincorporated communities. The state should bear the costs of constructing and maintaining these improvements rather than putting additional pressure on limited local funds or competitive grant funding.*
- *CSAC supports a balanced transportation policy that recognizes the need to promote alternatives to driving by improving state and local roadways to add safe access for transit, bicycles and pedestrians where feasible and appropriate. At the same time, CSAC supports transportation investments that facilitate interregional travel and goods movement, especially in parts of the state that are growing more rapidly.*
- *CSAC supports continued dedicated state and federal funding for maintenance and rehabilitation of local roadways and bridges as part of a broader climate change strategy. Effective asset management can reduce the lifecycle carbon emissions associated with these facilities.*

Proposed language to inform CSAC advocacy on legislation and policies related to traffic safety and moving toward a goal of zero deaths:

- *CSAC supports policies intended to reduce traffic-related fatalities and injuries by promoting vehicle, pedestrian and bicycle safety; including policies allowing local governments to reduce speed limits, continued funding for projects under the Highway Safety Improvement Program, enhanced traffic safety enforcement, public education and traffic safety campaigns, and improved availability of road safety data for local agencies.*

Chapter Fifteen – Tribal Intergovernmental Relations

- No substantive changes proposed. Minor grammar corrections.
- Section 5: Updated reference to recent gaming compacts in the introductory paragraphs.

Chapter Seventeen – CEQA Reform General Principles and Policy Statements

- No substantive changes proposed. Minor grammar corrections.

Attachments

Chapter Seven – Planning, Land Use and Housing

Chapter Ten – Transportation and Public Works

Chapter Fourteen – Climate Change

Chapter Fifteen – Tribal Intergovernmental Relations

Chapter Seventeen – CEQA Reform General Principles and Policy Statements

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Attachment Two
Chapter 7 – Planning, Land Use and Housing

Chapter Seven

Planning, Land Use and Housing

Section 1: General Principles

General-purpose local government performs the dominant role in the planning, development, conservation, and environmental review processes. Within this context, it is essential that the appropriate levels of responsibility at the various levels of government be understood and more clearly defined. These roles at the state, regional, county, and city level contain elements of mutual concern; however, the level of jurisdiction, the scale of the problem/issue, available funding and the beneficiaries of the effort require distinct and separate treatment.

The following policies attempt to capture these distinctions and are intended to assist government at all levels to identify its role, pick up its share of the responsibility, and refrain from interfering with the details of how other agencies carry out their responsibility.

The housing needs throughout the state, lack of revenue, and controversial planning law in the area of housing have resulted in the need for new focus on housing planning law. Housing principles are identified and included under a separate heading in this section.

Counties are charged with comprehensive planning for future growth, the management of natural resources and the provision of a variety of public services both within the unincorporated and incorporated areas.

Although Agriculture and Natural Resources are in this Platform as a separate chapter, there is a correlation between Planning and Land Use, and Agriculture and Natural Resources (Chapter Three). These two chapters are to be viewed together on matters where the subject material warrants.

Additionally, climate change and the release of greenhouse gases (GHGs) into the atmosphere have the potential to dramatically impact our environment, land use, public health, and our economy. Due to the overarching nature of climate change issues this chapter should also be viewed in conjunction with Chapter Fourteen, which outlines CSAC's climate change policy.

- 1) Counties have and must retain a primary responsibility for basic land use decisions.
- 2) Counties are cognizant of the need for resource conservation and development, maintaining our economic and social well being, protecting the environment and guiding orderly population growth and property development.
- 3) Counties are responsible for preparing plans and implementing programs to address land use, transportation, housing, open space, conservation, air quality, water distribution and quality, solid waste, and liquid waste, among other issues.

- 4) Counties play a major role in facilitating inter-jurisdictional cooperation between all levels of government in order to achieve the balanced attainment of these objectives.
- 5) Counties must have sufficient funding from state sources to meet state mandated planning programs.
- 6) Counties define local planning needs based on local conditions and constraints.

Section 2: The County Role in Land Use

General Plans and Development

Counties should protect vital resources and sensitive environments from overuse and exploitation. General and specific plans are policy documents that are adopted, administered, and implemented at the local level. State guidelines can serve as standards to insure uniformity of method and procedure, but should not mandate substantive or policy content. Land use and development problems and their solutions differ from one area to another and require careful analysis, evaluation, and appraisal at the local government level. Local government is the best level of government to equitably, economically and effectively solve such problems. Further, it is important that other public agencies, (e.g. federal, state, regional, cities, schools, special districts, etc.) participate in the local general planning process to avoid conflicts with future local decisions that are consistent with the general plan.

- 1) State requirements for general plan adoption should be limited to major planning issues and general plan mandates should include the preparation of planning elements only as they pertain to each individual county.
- 2) Zoning and other implementation techniques should be a logical consequence to well thought out and locally certified plans.
- 3) Counties support a general plan judicial review process which first requires exhaustion of remedies before the Board of Supervisors, with judicial review confined to a reasonable statute of limitations and limited to matters directly related to the initial hearing record. Counties also support retaining the current judicial standard whereby the courts defer to the judgment of the local agency when that judgment is supported by substantial evidence in the record.
- 4) Policy development and implementation should include meaningful public participation, full disclosure and wide dissemination in advance of adoption.

Public Facilities and Service

Counties have a vital role in ensuring that municipal services and public facilities are provided to ~~re~~residents in the unincorporated area in an efficient manner.

- 1) Within the framework of the general plan, counties should protect the integrity and efficiency of newly developing unincorporated areas and urban cores by prohibiting fringe area development, which would require services and compete with existing infrastructure.
- 2) Counties should accept responsibility for community services in newly developing unincorporated areas where no other appropriate entity exists.
- 3) In the absence of feasible incorporation, County Service Areas or Community Service Districts are appropriate entities to provide needed services for urbanizing areas. They work against proliferation of single purpose districts, allow counties to charge the actual user for the service, permit direct control by the Board of Supervisors, and set the basis of reformation of multi-purpose districts.
- 4) County authority to require land and/or in-lieu fees to provide public facilities in the amount needed to serve new development must be protected.

Environmental Analysis

The environmental review process under the California Environmental Quality Act (CEQA) provides essential information to be constructively used in local decision-making processes. Unfortunately, the CEQA process is too often used as a legal tool to delay or stop reasonable development projects.

- 1) The CEQA process and requirements should be simplified wherever possible including the preparation of master environmental documents and use of tiered environmental impact reports (EIRs) and negative declarations, including Climate Action Plans and associated environmental impact reports for tiering under CEQA.
- 2) The length of environmental reports should be minimized without impairing the quality of these reports.
- 3) Other public agencies (federal, state, regional, affected local jurisdictions, special districts, etc.) should participate in the environmental review process for plans and projects in order to provide a thorough review and analysis up front and avoid conflicts in future discretionary actions.
- 4) Counties should continue to assume lead agency roles where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.
- 5) CEQA documents should include economic and social data when applicable; however, this data should not be made mandatory.

Coastal Development

Preservation, protection, and enhancement of the California coastline is the planning responsibility of each county and city with shoreline within its boundaries. Planning regulation and control of land use are the implementation tools of county government whenever a resource is used or threatened.

Counties within the coastal zone are also subject to the California Coastal Act which is implemented via cooperative agreements between the California Coastal Commission and counties and cities. Most development in the coastal zone requires a coastal development permit issued by local agencies with a certified Local Coastal Plan, or by the Commission in the absence of a cooperative agreement. LCPs link statewide coastal policies to local planning efforts in an attempt to protect the quality and environment of California's coastline.

- 1) Counties are committed to preserve and provide access to the coast and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise coastal plans and appropriate zoning.
- 2) Comprehensive coastal plans should also include preservation of open space, development of commercial and recreational small craft harbor facilities, camping facilities, and commercial and industrial uses.
- 3) Local jurisdictions must have the statutory and legal authority to implement coastline programs. Statewide efforts related to the California coastline must respect local land use authority. The State should collaboratively and cooperatively work with counties and cities to ensure decisions do not erode local control and decision-making.
- 4) The State, counties, and cities should mutually encourage, seek, and support efforts to streamline, improve, and modernize coastal development permit and local coastal planning processes, without compromising or undermining the original intent and tenets of these laws.
- 5) Counties support measures to streamline the process for approving and amending Local Coastal Plans.
 - a. Measures should re-prioritize Commission staff and resources to the early scoping phase of any proposed amendment, to help identify key issues early on.
 - b. Measures should identify standard timelines for each stage of the amendment process and develop specific procedures/mechanisms for adhering to those timelines, and should also require clearly identified reasons for any extensions requested by Commission staff.
- 6) Counties support legislative funding options that will enhance efficiency and accountability in the local coastal planning process.

Open Space Lands

Counties support open space policy that sets forth the local government's intent to preserve open space lands and ensures that local government will be responsible for conserving natural resources and developing and implementing open space plans and programs. Counties need state policies and fiscal resources to fully implement open space plans.

- 1) Counties support additional revenues for local open space acquisition programs, such as the subvention funds formerly provided by the Williamson Act.
- 2) Counties support reimbursement to local agencies for property tax losses.
- 3) Counties support greater use of land exchange powers for transfer of development rights.
- 4) Counties support protection of current agricultural production lands through the purchasing of development rights.
- 5) In some cases, open space easements should be created and used by local jurisdictions to implement open space programs, like the Williamson Act program.
- 6) Timber preserve zones and timber harvesting rules should enhance protection of this long-term renewable resource.

Healthy Communities

Counties support policies and programs that aid in the development of healthy communities which are designed to provide opportunities for people of all ages and abilities to engage in routine daily physical activity.

- 1) Counties support promoting active living via bicycle- and pedestrian-oriented design.
- 2) Counties support mixed-use development, providing recreation facilities, and siting schools in walkable communities.

Environmental Justice

Environmental justice is the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

- 1) Counties support policies and programs that ensure environmental justice by providing information and raising awareness on a number of environmental issues, such as air quality, greenhouse gas emissions, water quality, noise and heavy industrial uses.
- 2) Counties support environmental justice by providing sufficient services and infrastructure; protecting and conserving open space, natural and resource areas, and making them accessible; preventing and minimizing pollution impacts.
- 3) Counties support environmental justice by facilitating stakeholder participation in planning efforts.

Section 3: State Role in Land Use

Local government recognizes that state government has a legitimate interest in proper land use planning and utilization of those lands which are of critical statewide concern.

- 1) The state interest shall be statutorily and precisely defined and strictly limited to those lands designated to be critical statewide concern in concert with attainable and specified state goals and policies.
- 2) In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship.
- 3) The state should prepare a statewide plan that reconciles the conflicts between the various state plans and objectives in order to provide local governments with greater certainty in areas of statewide concern. This is not intended to expand the State's authority over land use decisions; rather it should clarify the state's intent in relation to capital projects of statewide significance.
- 4) The state's participation in land use decisions in those designated areas shall be strictly limited to [insuring-ensuring](#) the defined state interest is protected at the local level.
- 5) Any regulatory activity necessary to protect the state's interest, as defined in statute, shall be carried out by local government.
- 6) Counties enforcement procedures for violations of zoning and building ordinances should not be hampered by State established maximum fines that in some cases do not serve as a deterrent and are merely incorporated into the cost of doing business.
- 7) Climate change is a programmatic issue of statewide concern that requires a clear understanding of the roles and responsibilities of each level of government as well as the state's interest in land use decisions to ensure statewide climate change goals are met. Population growth in the state is inevitable, thus climate change strategies will affect land use decisions in order to accommodate and mitigate the expected growth in the state.
- 8) Local government, as the chief land use decision-maker and integral part of the housing planning process, must have a clearly defined role and be supported with the resources to achieve the State's climate change goals.
- 9) Adequate financial resources shall be provided, before a state-mandate is activated, to ensure local government has the ability to carry out state-mandated planning requirements.

Section 4: Regional Governments

Counties support voluntary participation within regional agencies as appropriate to resolve regional problems throughout the State. Regional approaches to planning and resolution to issues that cross jurisdictional boundaries are increasingly important. While California's growth rate has slowed since the boom in the 1980's, the State will still see significant population gains over the next 50-years with the total population projected to reach 52.7 million by 2060. Within that same time frame, 13 counties will have one million or more residents and six of those counties will have a population of two million or more residents.

Regional agencies in California play an important role in the allocation of regional housing need numbers, programming of Federal and State transportation dollars, in addressing air quality non-attainment problems, and climate change to name a few. Regional collaboration remains important to

address issues associated with growth in California, such as revenue equity issues, service responsibilities, a seamless and efficient transportation network, reducing GHGs and tackling climate change, job creation, housing, agricultural and resource protection, and open space designation.

- 1) The passage of SB 375 in 2008 and the preparation of regional Sustainable Communities Strategies in most of the State's regions elevate the importance of regional collaboration. Regional agencies must make genuine and substantive efforts to include local governments in their regional planning efforts.
- 2) While planning at the regional scale is increasingly important, land use decisions shall remain the exclusive province of cities and counties based on state planning and zoning law and the police powers granted to them under the State Constitution.
- 3) Cities and counties are responsible for a vast infrastructure system, which requires that cities and counties continue to receive direct allocations of revenues to maintain, operate and expand a variety of public facilities and buildings under their jurisdiction. As an example, cities and counties own and operate 81 percent of the state's publically maintained road miles, thus must retain direct allocations of transportation dollars to address the needs of this critical network and protect the public's existing investment.
- 4) Regional approaches to tax sharing and other financial agreements are appropriate and often necessary to address service needs of future populations; however, cities and counties must maintain financial independence and continue to receive discretionary and program dollars directly.
- 5) Counties support voluntary revenue-sharing agreements for existing revenues at the regional level, and any mandated revenue sharing must be limited to new revenues.
- 6) Regional agencies must consider financial incentives for cities and counties that have resource areas or farmland instead of (or in addition to) high growth areas. For example, such incentives should address transportation investments for the preservation and safety of city and county road systems, farm to market transportation, and interconnectivity transportation needs.
- 7) Regional agencies should also consider financial assistance to address countywide service responsibilities in counties that contribute towards the GHG emissions reductions targets by implementing policies for growth to occur within their cities and existing urbanized areas.

Section 5: Special Districts

In recent years, Local Agency Formation Commissions (LAFCOs) have been generally successful at regulating incorporations, annexations, and the formation of new special districts. However, the state has a legacy of a large number of independent special districts that leads to fragmentation of local government.

- 1) Counties find that there are many fully justified districts that properly serve the purpose for which they were created. However, there are districts whose existence is no longer "defensible."
- 2) Counties find that nothing is served by rhetorically attacking "fragmentation."

- 3) LAFCOs should retain the authority to evaluate special districts to test their value to the community for whom they were initially formed to serve and identify those districts that no longer serve the purposes for which they were created.

Section 6: Housing

Housing is an important element of economic development and essential for the health and well being of our communities. The responsibility to meet the state's housing needs must be borne by all levels of government and the private sector. Reductions in state and federal funding and the loss of redevelopment housing set aside funding create a need for new funding sources to support the development of affordable housing. Moreover, reforms are needed to address the current property and sales tax systems in California, which can work against housing affordability by providing fiscal disincentives for additional housing development.

Counties support the following principles in relation to housing. These principles must be taken as a whole, recognizing the importance of their interdependence. These principles provide a comprehensive approach to address the production of housing, recognizing the role of counties, which is to encourage and facilitate the production of housing. They should not be misinterpreted to hold counties responsible for the actual production of housing; instead they should recognize the need for various interests to cooperatively strive to provide affordable housing that is accessible and available to meet the needs of California residents at all income levels and in all geographic areas.

State Role in Housing Planning

- 1) CSAC supports a role by the state Department of Housing and Community Development (HCD) that focuses on assisting local governments in financing efforts and advising them on planning policies--both of which strive to meet the state's housing needs.
- 2) HCD's role should focus on facilitating the production of housing, rather than an onerous and unpredictable housing element compliance process that detracts from local governments' efforts to seek funding and actually facilitate housing production.
- 3) CSAC supports locally-driven plans that seek to implement broad state goals allowing for the development of homes affordable to households at all income levels.
- 4) While CSAC generally opposes direct state intervention in local zoning, state laws that streamline the housing development process must also provide opportunities for counties to more easily meet their housing element planning requirements.

Housing Element Reform

- 1) A sweeping reform of the current housing element requirements should be undertaken to streamline and simplify existing housing element law.
- 2) The housing element should place a greater emphasis on obtaining financing and enabling production, rather than the overly-detailed data analysis now required under state law.

- 3) Housing element reform should provide local governments with the flexibility and creativity to adopt local housing elements, comprehensive housing assistance strategies, and other local plans and programs that will be effective in their communities.
- 4) Housing element reform should conserve state and local resources by promoting predictable HCD review consistent with statutory requirements, including transparent standards that are uniformly applied and includes timelines for comment periods and decision-making.
- 5) Housing element reform must consider the unique characteristics of unincorporated communities, including the limited availability of infrastructure to support urban development, limited transit services, and policies to protect agricultural lands and open space.
- 4)5) Housing element reform must consider natural resources issues, including exposure to natural hazards and availability of resources to support new growth, especially in more rural unincorporated areas.

Affordable Housing Funding

- 1) Counties support identifying and generating a variety of permanent financing resources and subsidy mechanisms for affordable housing, including a statewide permanent source for affordable housing.
- 2) These sources need to be developed to address California's housing needs, particularly with the reduction of federal and state contributions in recent years. The elimination of redevelopment in 2012 redirected most public funds previously dedicated to affordable housing development and preservation, as it ended all future receipts of affordable housing set-aside funds, as well as recapturing many millions of dollars in housing funds that had been received in prior years.
- 3) The need for new affordable housing units exceeds the number of new units for which financing and subsidies will be available each year. Therefore, additional funding is necessary to ensure production of new subsidized units, and adequate funds for housing subsidies to households.
- 4) Policies should be established to encourage continued flow of capital to market rate ownership housing in order to assure an adequate supply of low-cost, low-down payment mortgage financing for qualified buyers.
- 5) A need exists to educate the private building and financial communities on the opportunities that exist with the affordable housing submarket so as to encourage new investments.

- 6) Establish and adequately fund federal and state tax incentives for the provision of affordable housing. The tax codes and financial industry regulations need to be revised to provide stimulus to produce affordable housing, particularly for median, low and very low-income households. Counties support expansion of existing tax credit programs to better allow local governments to meet statewide goals for the development of affordable homes.

Restructure Local Government Funding to Support Housing Affordability

The current property and sales tax systems in California are not supportive of housing development and work against housing affordability because housing is not viewed as a "fiscal winner" by local governments as they make land use and policy decisions.

- 1) Local government finance should be restructured at the state level to improve the attractiveness and feasibility of affordable housing development at the local level.
- 2) At a minimum, there should be better mechanisms to allow and encourage local governments to share tax revenues.

Promote a Full Range of Housing in All Communities

- 1) Local governments, builders, the real estate industry, financial institutions and other concerned stakeholders should recognize their joint opportunities to encourage a full range of housing and should work together to achieve this goal.
- 2) Promoting a full range of housing will require cooperative effort from the beginning of the planning and approval process.
- 3) CSAC supports creatively applying incentives and development standards, minimizing regulations and generating adequate financing in order to make housing more affordable and available to all income groups.
- 4) CSAC supports reforms that facilitate the ability of counties to provide for the construction and financing of affordable housing, including the repeal of constitutional limitations on the ability of local government to financially support affordable housing without voter approval.

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Attachment Three
Chapter 10 – Transportation and Public Works

Chapter Ten

Transportation and Public Works

Section 1: General Principles

Transportation infrastructure and multi-modal transportation choices are essential for the current and future well-being of the State of California. A balanced transportation system utilizes all modes of travel in a complimentary manner to provide all users access and mobility options to safely move about their community. Counties also recognize that climate change and the release of GHGs into the atmosphere have the potential to dramatically impact our environment, land use decisions, transportation networks, and the economy. Due to the overarching nature of climate change issues, all sections in this chapter should be viewed in conjunction with Chapter Fourteen, which outlines CSAC's climate change policy.

- 1) Transportation infrastructure investments should balance the competing needs of all segments of society and the economy with maximum coordination between all levels of government and reasonable amounts of free choice for the consumer.
- 2) Transportation systems must be fully integrated with planned land use; support the lifestyles desired by the people of individual areas; and be compatible with the environment by considering greenhouse gas (GHG) emissions, air and noise pollution, aesthetics, ecological factors, cost benefit analyses, and energy consumption measures.
- 3) Transportation systems should be designed to serve the travel demands and desires of all the people of the state and support a robust economy, recognizing the principles of local control and the unique restraints of each area.
- 4) Local control recognizes that organizational and physical differences exist and that governments should have flexibility to cooperatively develop systems by which services are provided and problems resolved.

Section 2: Balanced Transportation Policy

System Policy and Transportation Principles

It is of statewide interest to provide for a balanced, seamless, multi-modal transportation system on a planned and coordinated basis consistent with social, economic, political, and environmental goals within the state. The statewide network includes the local streets and roads, state highways, transit, bicycle and pedestrian facilities, rail, and ports. Rural and urban transportation needs must be balanced so as to build and operate a single transportation system. While urban transportation systems support significant daily vehicle miles traveled and the transportation of millions of people, the rural transportation network connects communities together and plays a critical role in the movement of goods for the entire state. The statewide transportation system should be an asset to present and future generations. It must consider and protect the natural and built environment and support economic development of the state.

- 1) Transportation systems must be regularly and consistently maintained in order to preserve the existing public infrastructure (current revenues are not keeping pace with needs of the local road or state highway or transit systems), reduce the future costs to tax-payers, and to protect the environment. All users of the system have a responsibility to adequately invest in the transportation infrastructure that is so critical to every-day life.
- 2) Repairs to local access roads that are damaged in the course of emergency operations (for example, in fighting a fire or flood) should be eligible for reimbursement under the same programs as roads which are directly damaged by the event.
- 3) System process modifications are needed to expedite project delivery and minimize project cost.
- 4) Heavy vehicles impose exponentially greater wear and tear on roadways than lighter vehicles. Many locally-maintained roads may not have been designed to accommodate heavy vehicles. Proposed increases in weight limits to improve efficiency by reducing number of heavy vehicle trips required, or to meet other policy goals should be balanced against the costs of additional wear and tear on roads, bridges and highways.

Financing Policy and Revenue Principles

Transportation financing needs exceed existing and foreseeable revenues despite growing recognition of these needs at all levels of government. Further, traditional sources of revenue for transportation are declining as communities develop more sustainably and compactly in order to reduce vehicle miles traveled and GHG emissions to meet statewide climate change goals. Additional funding is required and should be supported and any new sources of funding should produce enough revenue to respond significantly to transportation needs.

- 1) As the owner and operator of a significant portion of the local system, counties support continued direct funding to local governments for preservation and safety needs of that system.
- 2) Counties support regional approaches for transportation investment purposes for capital expansion projects of regional significance and local expansion and rehabilitation projects through regional transportation planning agencies.
- 3) Single transportation funds—comprised of state and federal subventions—should be available at each of the local, regional and statewide levels for financing the development, operation, and/or maintenance of highways, public transit, airports or any other modal system as determined by each area in accordance with local, regional, and statewide needs and goals.
- 4) The cooperative mechanisms established by counties and cities to meet multi-jurisdictional needs should be responsible for the financing, construction, operation and maintenance of regional transportation systems utilizing—as appropriate—existing transportation agencies and districts.
- 5) Federal and state funds for safety and preservation purposes should be sent directly to applicable operational levels without involvement of any intermediate level of government. Pass-through and block grant funding concepts are highly desirable.
- 6) The cost of transportation facilities and services should be fairly shared by the users and also by indirect beneficiaries.

- 7) Transportation funding should be established so that annual revenues are predictable with reasonable certainty over several years to permit rational planning for wise expenditure of funds for each mode of transportation.
- 8) Financing should be based upon periodic deficiency reports by mode to permit adjustment of necessary funding levels. Additional elements such as constituent acceptance, federal legislative and/or administrative actions, programmatic flexibility, and cost benefit studies should be considered.
- 9) Efforts to obtain additional revenue should include an examination of administrative costs associated with project delivery and transportation programs.
- 10) Funding procedures should be specifically designed to reduce the cost of processing money and to expedite cash flow. Maximum use should be made of existing collection mechanisms when considering additional financing methods.
- 11) In the development of long-range financing plans and programs at all levels of government, there should be a realistic appreciation of limitations imposed by time, financing, availability, and the possibility of unforeseen changes in community interest.
- 12) Existing funding levels must be maintained with historical shares of current funding sources ensured for counties (e.g. state and federal gas tax increases, etc.).
- 13) Although significant transportation revenues are raised at the local level through the imposition of sales taxes, additional state and federal revenue sources are needed such as additional gas and sales taxes, congestion pricing, public-private partnerships, and user or transaction fees to provide a diverse financing strategy.
- 14) Additional revenue raising authority at the local and regional level is needed as well as other strategies as determined by individual jurisdictions and regions.
- 15) Transportation revenues must be utilized for transportation purposes only and purposes for which they are dedicated. They should not be diverted to external demands and needs not directly related to transportation activities.
- 16) Revenue needed for operational deficits of transit systems should be found in increased user fees, implementation of operating efficiencies and/or new sources, rather than existing sources depended upon by other modes of transportation.
- 17) Future revenues must be directed to meet mobility needs efficiently and cost effectively with emphasis on current modal use and transportation choices for the public.

Government Relations Policy

The full partnership concept of intergovernmental relations is essential to achieve a balanced transportation system. Transportation decisions should be made comprehensively within the framework of clearly identified roles for each level of government without duplication of effort.

- 1) Counties and cities working through their regional or countywide transportation agencies, and in consultation with the State, should retain the ability to program and fund transportation projects that meet the needs of the region.
- 2) No county or city should be split by regional boundaries without the consent of that county or city.
- 3) Counties and cities in partnership with their regional and state government, should attempt to actively influence federal policies on transportation as part of the full partnership concept.

Management Policy

Effective transportation requires the definite assignment of responsibility for providing essential services including fixed areas of responsibility based upon service output.

- 1) Greater attention should be devoted to delivery and maintenance of transportation infrastructure in a cost-effective manner with flexibility in delivery methods and project management.
- 2) Special transportation districts should be evaluated and justified in accordance with local conditions and public needs.
- 3) The State Department of Transportation should be responsible for planning, designing, constructing, operating, and maintaining a system of transportation corridors of statewide significance and interest. Detailed procedures should be determined in concert with regional and local government.
- 4) Restrictive, categorical grant programs at federal and state levels should be abandoned or minimized in favor of goal-oriented transportation programs which can be adjusted by effective management to best respond to the social and economic needs of individual communities.
- 5) Policies and procedures on the use of federal and state funds should be structured to minimize "red tape," recognize the professional capabilities of local agencies, provide post-audit procedures and permit the use of reasonable local standards.

Section 3: Specific Modal Transportation Policies

Aviation

- 1) Air transportation planning should be an integral part of overall planning effort and airports should be protected by adequate zoning and land use. Planning should also include consideration for helicopter and other short and vertical take-off aircraft.
- 2) State and federal airport planning participation should be limited to coordination of viable statewide and nationwide air transportation systems.
- 3) Local government should retain complete control of all airport facilities, including planning, construction, and operation.

Streets and Highways

The local street and road system, over 81-percent of the total maintained miles in the state, continues to play an important role in the mobility of Californians and critical for a vibrant economy. Further, local roads serve as the right-of-way for active transportation and transit. In a coordinated statewide transportation system, highways will continue to carry a great percentage of the goods and people transported within the state. Non-motorized transportation facilities, such as pedestrian and bicycle facilities are also proper elements of a balanced transportation system.

- 1) Counties and cities must work cooperatively with regional agencies, the state, and the federal government to ensure the local system is maintained in a cost-effective and efficient condition and that is fully integrated into the statewide transportation network.
- 2) A program of highway maintenance and improvement of this modal system must be continued in coordination with the development of other modal components. Efforts to maximize utilization of transportation corridors for multi-purpose facilities should be supported.
- 3) Counties support efforts to design and build complete streets, ensuring that all roadway users – motorists, bicyclists, public transit vehicles and users, and pedestrians of all ages and abilities – have safe access to meet the range of mobility needs.
- 4) Given that funding for basic maintenance of the existing system is severely limited, however, complete streets improvements should be financed through a combination of sources best suited to the needs of the community and should not be mandated through the use of existing funding sources.

Public Transit

- 1) Counties and cities should be responsible for local public transit systems utilizing existing transportation agencies and districts as appropriate.
- 2) Multi-jurisdictional public transit systems should be the responsibility of counties and cities acting through mechanisms, which they establish for regional decision-making, utilizing existing transportation agencies, and districts as appropriate.
- 3) The State should be responsible for transportation corridors of statewide significance, utilizing system concepts and procedures similar to those used for the state highway system. Contracts may be engaged with existing transit districts and public transportation agencies to carry out and discharge these state responsibilities.
- 4) Consideration of public transit and intercity rail should be an integral part of a local agency's overall planning effort and should maximize utilization of land for multi-purpose transportation corridors.
- 5) Public transit planning should include a continuing effort of identifying social, economic, and environmental requirements.

Rail

Railroads play a key role in a coordinated statewide transportation system. In many communities, they form a center for intermodal transportation.

Rail carries a significant portion of goods and people within and out of the state. The continued support of rail systems will help balance the state's commuter, recreational, and long distance transportation needs. Support for a high-speed rail system in California is necessary for ease of future travel and for environmental purposes.

- 1) Rail should be considered, as appropriate, in any local agency's overall planning effort when rail is present or could be developed as part of a community.
- 2) Research and development of innovative and safe uses of rail lines should be encouraged.

Section 4: Conclusion

Between 1994 (when the state gas excise tax was last increased) and 2017, when the Legislature passed SB 1 (Beall), California's population and travel increased, while revenues for maintenance and improvement of state highways and local roads failed to keep pace. In fact, by 2017 the value of the existing state gasoline tax had eroded to roughly half of its 1994 value due to inflation and improvements in vehicle fuel efficiency. SB 1 provides an ongoing source of approximately \$5 billion in revenue to invest in state highways, local roads, regional improvements, public transportation and active transportation and will allow California to reverse the trend of deteriorating transportation infrastructure.

The 2018 California Statewide Local Streets and Roads Needs Assessment Report Update found that the statewide average local street and road Pavement Condition Index (PCI), which ranks roadway pavement conditions on a scale of zero (failed) to 100 (excellent), is 65, an "at risk" rating. Through a combination of SB 1 funding and increased use of sustainable pavement preservation techniques, local agencies will be able to stabilize the average condition of pavements at a PCI of 64, reduce the deferred maintenance backlog by \$18.4 billion in the coming decade, and improve a significant percentage of the network from at-risk to good condition.

Accordingly, it is vitally important to protect the \$1.5 billion share of local street and road formula funding from SB 1, which will be adjusted based on inflation and increasing vehicle values. Furthermore, CSAC must continue to advocate for streamlining administrative processes and environmental review and promoting efficiencies and sustainable practices that allow counties to make the most of every dollar of transportation funding.

The citizens of California have invested significant resources in their transportation system. This \$3 trillion investment is the cornerstone of the state's commerce and economic competitiveness. Virtually all vehicle, pedestrian, and bicycle trips originate and terminate on local streets and roads. Emergency response vehicles extensively use local roads to deliver public service. Public safety and mobility rely on a well-maintained transportation infrastructure. Protecting transportation funding is important to the economy and the economic recovery of the state. Increased investment in the transportation network is essential to stimulate the economy, to improve economic competitiveness and to safeguard against loss of the public's existing \$3 trillion investment in our transportation system.

(The source of information for the statistics provided is from the Transportation California website and includes reports from the: California Transportation Commission (CTC), Legislative Analyst Office (LAO), United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), and the Local Streets and Roads Needs Assessment).

Attachment Four
Chapter 14 – Climate Change

Chapter Fourteen

CSAC Climate Change Policy Guidelines

- CSAC recognizes that sustainable development and climate change share strong complementary tendencies.
- CSAC recognizes that mitigation and adaptation to climate change – such as promoting sustainable energy, improved access and increased walkability, transit oriented development, and improved agricultural methods – have the potential to bolster sustainable development.
- CSAC recognizes that climate change will have a harmful effect on our environment, public health and economy. Although there remains uncertainty on the pace, distribution and magnitude of the effects of climate change, CSAC also recognizes the need for immediate actions to mitigate the sources of greenhouse gases.
- CSAC recognizes the need for sustained leadership and commitment at the federal, state, regional and local levels to develop strategies to combat the effects of climate change.
- CSAC recognizes the complexity involved with reducing greenhouse gases and the need for a variety of approaches and strategies to reduce greenhouse gas (GHG) emissions.
- CSAC supports a flexible approach to addressing climate change, recognizing that a one size fits all approach is not appropriate for California’s large number of diverse communities.
- CSAC supports special consideration for environmental justice issues, disadvantaged communities, and rural areas that do not have the ability to address these initiatives without adequate support and assistance.
- CSAC supports cost-effective strategies to reduce GHG emissions and encourages the use of grants, loans and incentives to assist local governments in the implementation of GHG reduction programs.
- CSAC recognizes that adaptation and mitigation are necessary and complementary strategies for responding to climate change impacts. CSAC encourages the state to develop guidance materials for assessing climate impacts that includes adaptation options.

- CSAC finds it critical that the state develop protocols and GHG emissions inventory mechanisms, providing the necessary tools to track and monitor GHG emissions at the local level. The state, in cooperation with local government, must determine the portfolio of solutions that will best minimize its potential risks and maximize its potential benefits. CSAC also supports the establishment of a state climate change technical assistance program for local governments.
- CSAC believes that in order to achieve projected emission reduction targets, cooperation and coordination between federal, state and local entities must occur to address the role public lands play in the context of climate change.
- CSAC recognizes that many counties are in the process of developing, or have already initiated climate change-related programs. CSAC supports the inclusion of these programs into the larger GHG reduction framework and supports acknowledgement and credit given for these local efforts.
- CSAC acknowledges its role to provide educational forums, informational resources and communication opportunities for counties in relation to climate change.
- CSAC recognizes that collaboration between cities, counties, special districts, and the private sector is necessary to ensure the success of a GHG reduction strategy at the local level.
- CSAC encourages counties to take active measures to reduce GHG and create energy efficiency strategies that are appropriate for their respective communities.

Section 1: Fiscal

The effects of climate change and the implementation of GHG reduction strategies will have fiscal implications for county government.

CSAC recognizes the potential for fiscal impacts on all levels of government as a result of climate change, i.e. sea level rise, flooding, water shortages and other varied and numerous consequences. CSAC encourages the state and counties to plan for the fiscal impacts of climate change adaptation, mitigation and strategy implementation.

- CSAC supports the use of grants, loans, incentives and revenue raising authority to assist local governments with the implementation of climate change response activities and GHG reduction strategies.

- CSAC continues to support its state mandate principles in the context of climate change. CSAC advocates that new GHG emissions reduction programs must be technically feasible for counties to implement and help to offset the long-term costs of GHG emission reduction strategies.
- CSAC advocates that any new GHG reduction strategies that focus on city-oriented growth and require conservation of critical resource and agricultural lands within the unincorporated areas should include a mechanism to compensate county governments for the loss of property taxes and other fees and taxes.
- CSAC supports the allocation of cap and trade revenues to fund programs that help reduce GHG emissions at the local level.
- CSAC supports changes and refinement to the California Communities Environmental Health Screening Tool (CalEnviroScreen) to include criteria that reflects the diversity of disadvantaged communities in California.

Section 2: Land Use, Transportation, and Housing

CSAC recognizes that population growth in the state is inevitable, and therefore climate change strategies that affect land use must focus on how and where to accommodate and mitigate the expected growth in California. Land use planning and development play a direct role in transportation patterns, affecting travel demands and in turn vehicle miles traveled (VMT) and fuel consumption. It is recognized that in addition to reducing VMTs, investing in a seamless and efficient transportation system to address congestion also contributes to the reduction of GHG emissions. [In addition to serving vehicles and facilitating goods movement, local streets and roads are the primary right-of-way for transit, bicycles, and pedestrians. Continued dedicated funding will be required to maintain local roads and bridges, while also improving safety for all road users, and adding capacity for transit and active transportation where the local context is appropriate.](#)

The provision of housing affordable to all income levels also affects the ability to meet climate change goals. Affordable housing in close proximity to multi-modal transportation options, work, school, and other goods and services is a critical element to reducing GHG emissions in the state. Smart land use planning and growth, such as that required by SB 375 (Chapter 728, Statutes of 2008), remains a critical component to achieve the GHG emission reduction targets pursuant to AB 32 (Chapter 488, Statutes of 2006), particularly to address the emissions from the transportation sector (i.e. vehicle, air and train). In order to better understand the link between land use planning, transportation, housing, and climate change further modeling and consideration of alternative growth scenarios is required to determine the relationship and benefits at both the local and regional levels.

- CSAC supports measures to achieve reductions in GHG emissions by promoting housing/jobs proximity and transit-oriented development, and encouraging high density residential development along transit corridors. CSAC supports these strategies through its support for SB 375 (Chapter No. 728, Statutes of 2008) and other existing smart growth policies for strategic growth. These policies support new growth that results in compact development within cities, existing unincorporated urban communities and rural towns that have the largest potential for increasing densities, and providing a variety of housing types and affordability.
- [CSAC supports adding safe facilities for bicycle, pedestrian, and transit use on state highways that serve as local main streets, especially in rural unincorporated communities. The state should bear the costs of constructing and maintaining these improvements rather than putting additional pressure on limited local funds or competitive grant funding.](#)
- [CSAC supports a balanced transportation policy that recognizes the need to promote alternatives to driving by improving state and local roadways to add safe access for transit, bicycles and pedestrians, where feasible and appropriate. At the same time, CSAC supports transportation investments that facilitate interregional travel and goods movement, especially in parts of the state that are growing more rapidly.](#)
- [CSAC supports continued dedicated state and federal funding for maintenance and rehabilitation of local roadways and bridges as part of a broader climate change strategy. Effective asset management can reduce the lifecycle carbon emissions associated with these facilities.](#)
- CSAC supports policies that efficiently utilize existing and new infrastructure investment and scarce resources, while considering social equity as part of community development, and strives for an improved jobs-housing balance.
- [CSAC supports policies intended to reduce traffic-related fatalities and injuries by promoting vehicle, pedestrian and bicycle safety; including policies allowing local governments to reduce speed limits, continued funding for projects under the Highway Safety Improvement Program, enhanced traffic safety enforcement, public education and traffic safety campaigns, and improved availability of road safety data for local agencies.](#)
- CSAC supports the protection of critical lands when it comes to development, recognizing the need to protect agricultural lands, encourage the continued operations and expansion of agricultural businesses, and protect natural resources, wildlife habitat and open space.

- CSAC acknowledges that growth outside existing urban areas and growth that is non-contiguous to urban areas may be necessary to avoid the impacts on critical resource and agricultural lands that are adjacent to existing urban areas.
- CSAC supports providing incentives for regional blueprints and countywide plans, outside of SB 375, to ensure that all communities have the ability to plan for more strategic growth and have equitable access to revenues available for infrastructure investment purposes. It is CSAC's intent to secure regional and countywide blueprint funding for all areas.
- CSAC supports new fiscal incentives for the development of countywide plans to deal with growth, adaptation and mitigation through collaboration between a county and its cities to address housing needs, protection of resources and agricultural lands, and compatible general plans and revenue and tax sharing agreements for countywide services.
- CSAC recognizes that counties and cities must strive to promote efficient development in designated urban areas in a manner that evaluates all costs associated with development on both the city and the county. Support for growth patterns that encourage urbanization to occur within cities must also result in revenue agreements that consider all revenues generated from such growth in order to reflect the service demands placed on county government. As an alternative, agreements could be entered into requiring cities to assume portions of county service delivery obligations resulting from urban growth.
- While local governments individually have a role in the reduction of GHG emissions through land use decisions, CSAC continues to support regional approaches to meet the State's GHG emission reduction and climate change goals, such as efforts which build upon existing regional blueprint and transportation planning processes. CSAC continues to support regional approaches over any statewide "one size fits all" approach to addressing growth and climate change issues. Further, CSAC supports countywide approaches to strategic growth, resource and agricultural protection, targeting scarce infrastructure investments and tax sharing for countywide services.
- CSAC finds it critical that state and federal assistance is provided for data and standardized methodologies for quantifying GHG emissions for determining and quantifying GHG emission sources and levels, vehicle miles traveled and other important data to assist both local governments and regional agencies in addressing climate change in environmental documents for long-range plans.

Section 3: Energy

Reducing energy consumption is an important way to reduce GHG emissions and conserve. Additionally, the capture and reuse of certain GHGs can lead to additional sources of energy. For example, methane gas emissions, a mixture of methane, carbon dioxide and various toxic organic and mercuric pollutants, from landfills and dairies have been identified as potent GHGs. Effective collection and treatment of these gases is not only important to the reduction of GHG emissions, but can also result in an additional source of green power.

CSAC continues to support efforts to ensure that California has an adequate supply of safe and reliable energy through a combination of conservation, renewables, new generation and new transmission efforts.

Energy Efficiency

- CSAC supports energy conservation and energy efficiency, along with broader use of renewable energy resources. Counties are encouraged to undertake vigorous energy action programs that are tailored to the specific needs of each county. When developing such action programs counties should:
 - (1) assess available conservation and renewable and alternative energy options and take action to implement conservation, energy efficiency and renewable energy development when feasible;
 - (2) consider the incorporation of energy policies as an optional element in the county general plan; and,
 - (3) consider energy concerns when making land use decisions and encourage development patterns which result in energy efficiency.
- CSAC supports incentive based green building programs that encourage the use of green building practices, incorporating energy efficiency and conservation technologies into state and local facilities. A green building is a term used to describe structures that are designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives using energy, water and other resources more efficiently and reducing the overall impact to the environment.
- CSAC supports the state's development of green building protocols sustainable building standards, including guidelines for jails, hospitals and other such public buildings.
- CSAC supports the use of grants, loans and incentives to encourage and enable counties to incorporate green building practices into their local facilities.

- CSAC supports the use of procurement practices that promote the use of energy efficient products and equipment.

Methane Emissions

- CSAC supports state efforts to develop a dairy digester protocol to document GHG emissions reductions from dairy farms. CSAC supports funding mechanisms that support the use of dairy digesters to capture methane gas and convert it to energy.
- CSAC supports state efforts to capture methane gases from landfills, and supports development of a reasonable regulatory measure with a feasible timeline to require landfill gas recovery systems on landfills that can support a self-sustaining collection system.
- CSAC supports the development of a guidance document for landfill operators and regulators that will recommend technologies and best management practices for improving landfill design, construction, operation and closure for the purpose of reducing GHG emissions.
- CSAC also supports funding mechanisms, including grants, loans and incentives to landfill operators to help implement these programs.

Section 4: Water

According to the Department of Water Resources, projected increases in air temperature may lead to changes in the timing, amount and form of precipitation, changes in runoff timing and volume, sea level rise, and changes in the amount of irrigation water needed. CSAC recognizes the need for state and local programs that promote water conservation and water storage development.

CSAC recognizes that climate change has the potential to seriously impact California's water supply. CSAC continues to assert that adequate management of water supply cannot be accomplished without effective administration of both surface and ground water resources within counties, including the effective management of forestlands and watershed basins.

- CSAC supports the incorporation of projections of climate change into state water planning and flood control efforts.
- CSAC supports water conservation efforts, including reuse of domestic and industrial wastewater, reuse of agriculture water, groundwater recharge, and economic incentives to invest in equipment that promotes efficiency.

- CSAC continues to support the study and development of alternate methods of meeting water needs such as desalinization, wastewater reclamation, watershed management, the development of additional storage, and water conservation measures.

Section 5: Forestry

With a significant percentage of California covered in forest land, counties recognize the importance of forestry in the context of climate change. Effectively managed forests have a lower probability of releasing large amounts of harmful GHG emissions into the atmosphere in the form of catastrophic wildfires. Furthermore, as a result of natural absorption, forests reduce the effects of GHG emissions and climate change by removing carbon from the air through the process of carbon sequestration. CSAC also recognizes the benefits of biomass energy as an alternative to the burning of traditional fossil fuels, as well as the benefits of carbon sequestration through the use of wood products.

- CSAC supports encouraging sustainable forestry practices through the existing regulatory process, and encouraging continued reforestation and active forest management on both public and private timberlands.
- CSAC supports responsible optimum forest management practices that ensure continued carbon sequestration in the forest, provide wood fiber for biomass-based products and carbon-neutral biomass fuels, and protect the ecological values of the forest in a balanced way.
- CSAC supports the state's development of general forestry protocols that encourage private landowners to participate in voluntary emission reduction programs and encourage National Forest lands to contribute to the state's climate change efforts.
- It is imperative that adequate funding be provided to support the management of forest land owned and managed by the federal government in California in order to ensure the reduction of catastrophic wildfires.
- CSAC supports additional research and analysis of carbon sequestration opportunities within forestry.

Section 6: Agriculture

The potential impacts of climate change on agriculture may not only alter the types and locations of commodities produced, but also the factors influencing their production, including resource availability. Rising temperatures, changes to our water supply and soil composition all could have significant impacts on California's crop and livestock management. Additionally,

agriculture is a contributor to GHG emissions in form of fuel consumption, cultivation and fertilization of soils and management of livestock manure. At the same time, agriculture has the potential to provide offsets in the form of carbon sequestration in soil and permanent crops, and the production of biomass crops for energy purposes.

- CSAC supports state efforts to develop guidelines through a public process to improve and identify cost effective strategies for nitrous oxide emissions reductions.
- CSAC continues to support incentives that will encourage agricultural water conservation and retention of lands in agricultural production.
- CSAC continues to support full funding for UC Cooperative Extension given its vital role in delivering research-based information and educational programs that enhance economic vitality and the quality of life in California counties.
- CSAC supports additional research and analysis of carbon sequestration opportunities within agriculture.

Section 7: Air Quality

CSAC encourages the research and development and use of alternative, cleaner fuels. Further, air quality issues reach beyond personal vehicle use and affect diesel equipment used in development and construction for both the public and private sector.

- CSAC supports state efforts to create standards and protocols for all new passenger cars and light-duty trucks that are purchased by the state and local governments that conform to the California Strategy to Reduce Petroleum Dependency. CSAC supports state efforts to revise its purchasing methodology to be consistent with the new vehicle standards.
- CSAC supports efforts that will enable counties to purchase new vehicles for local fleets that conform to state purchasing standards, are fuel efficient, low emission, or use alternative fuels. CSAC supports flexibility at the local level, allowing counties to purchase fuel efficient vehicles on or off the state plan.
- CSAC supports identifying a funding source for the local retrofit and replacement of county on and off road diesel powered vehicles and equipment.
- CSAC opposes federal standards that supersede California's ability to adopt stricter vehicle standards.

- Counties continue to assert that federal and state agencies, in cooperation with local agencies, have the ability to develop rules and regulations that implement clean air laws that are both cost-effective and operationally feasible. In addition, state and federal agencies should be encouraged to accept equivalent air quality programs, thereby allowing for flexibility in implementation without compromising air quality goals.
- CSAC also recognizes the importance of the Air Pollution Control Districts (APCDs) and Air Quality Management Districts (AQMDs) to provide technical assistance and guidance to achieve the reduction of GHG emissions.
- CSAC supports the development of tools and incentives to encourage patterns of product distribution and goods movement that minimize transit impacts and GHG emissions.
- CSAC supports further analysis of the GHG emission contribution from goods movement through shipping channels and ports.

Section 8: Solid Waste and Recycling

The consumption of materials is related to climate change because it requires energy to mine, extract, harvest, process and transport raw materials, and more energy to manufacture, transport and, after use, dispose of products. Recycling and waste prevention can reduce GHG emissions by reducing the amount of energy needed to process materials, and reducing the amount of natural resources needed to make products.

CSAC continues to support policies and legislation that aim to promote improved markets for recyclable materials, and encourages:

- The use of recycled content in products sold in California;
- The creation of economic incentives for the use of recycled materials;
- Development of local recycling markets to avoid increased emissions from transporting recyclables long distances to current markets;
- The expansion of the Electronic Waste Recycling Act of 2003 and the Beverage Container Recycling Program;
- The use of materials that are biodegradable;
- Greater manufacturer responsibility and product stewardship.

Section 9: Health

CSAC recognizes the potential impacts of land uses, transportation, housing, and climate change on human health. As administrators of planning, public works, parks, and a variety of public health services and providers of health care services, California's counties have significant health, administrative and cost concerns related to our existing and future built environment and a changing climate. Lack of properly designed active transportation facilities have made it difficult and in some cases created barriers for pedestrians and bicyclists. Lack of walkability in many communities contributes to numerous chronic health related issues, particularly obesity which is an epidemic in this country. Heat-related illnesses, air pollution, wild fire, water pollution and supply issues, mental health impact and infectious disease all relate to the health and well-being of county residents, and to the range and cost of services provided by county governments.

CSAC recognizes that there are direct human health benefits associated with improving our built environment and mitigating greenhouse gas emissions, such as lowering rates of obesity, injuries, and asthma. Counties believe that prevention, planning, research, education/training, and preparation are the keys to coping with the public health issues brought about by our built environment and climate change. Public policies related to land uses, public works, climate change and public health should be considered so as to work together to improve the public's health within the existing roles and resources of county government.

- CSAC supports efforts to provide communities that are designed, built and maintained so as to promote health, safety and livability through leadership, education, and funding augmentations.
- CSAC supports efforts to improve the public health and human services infrastructure to better prevent and cope with the health effects of climate change through leadership, planning and funding augmentations.
- CSAC supports state funding for mandated local efforts to coordinate monitoring of heat-related illnesses and responses to heat emergencies.
- CSAC supports efforts to improve emergency prediction, warning, and response systems and enhanced disease surveillance strategies.

Climate change

A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

United Nations Framework Convention on Climate Change

Carbon Sequestration

Carbon sequestration refers to the provision of long-term storage of carbon in the terrestrial biosphere, underground, or the oceans so that the buildup of carbon dioxide (the principal greenhouse gas) concentration in the atmosphere will reduce or slow. In some cases, this is accomplished by maintaining or enhancing natural processes; in other cases, novel techniques are developed to dispose of carbon.

US Department of Energy

Environmental Justice

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

US Environmental Protection Agency

Greenhouse gas

A gas that absorbs radiation at specific wavelengths within the spectrum of radiation (infrared radiation) emitted by the Earth's surface and by clouds. The gas in turn emits infrared radiation from a level where the temperature is colder than the surface. The net effect is a local trapping of part of the absorbed energy and a tendency to warm the planetary surface. Water vapour (H₂O), carbon dioxide (CO₂), nitrous oxide (N₂O), methane (CH₄) and ozone (O₃) are the primary greenhouse gases in the Earth's atmosphere.

United Nations Intergovernmental Panel on Climate Change

Attachment Five
Chapter 15 – Tribal Intergovernmental Relations

Chapter Fifteen

Tribal and Intergovernmental Relations

Section 1: General Principles

CSAC supports government-to-government relations that recognize the unique roles and interests of tribes, states, and counties in protecting their mutual constituents and providing governmental services and infrastructure beneficial to all.

CSAC recognizes and respects the tribal right of self-governance to provide for tribal members and to preserve traditional tribal culture and heritage. In similar fashion, CSAC recognizes and promotes self-governance by counties as a means to provide for the health, safety and general welfare of all residents of their communities. To that end, CSAC supports active participation by counties on issues and activities that have an impact on counties' abilities to provide for the public safety, health, and welfare of all county constituents, including tribal members.

Federal or state law should not interfere with the provision of public health, safety, welfare or environmental services by local government. CSAC will support legislation and regulations that preserve—and do not impair—the ability of counties to provide these services. CSAC will work to mitigate any impacts on the ability of counties to provide these critical functions and services should federal or state law or regulations propose to hamper the ability of counties to protect all residents of their communities and the environment.

Accordingly, CSAC's fundamental goals for county-tribal intergovernmental relations are to facilitate intergovernmental agreements, develop mechanisms to mitigate for the off-reservation impacts of tribal developments on local government services and the environment, and to promote best practices and models of successful tribal-county relationships. CSAC is committed to promoting and supporting the development of positive working relationships between counties and tribes to the mutual benefit of both parties and the communities they respectively serve.

Section 2: Federal Acknowledgment

Due to the potential interaction between Federal Acknowledgement, Restoration, and Reaffirmation decisions and the Indian Gaming Regulatory Act (IGRA), as well as the potential for such decisions to impact the services provided by counties, CSAC recommends that federal law or policy include the following steps in the acknowledgement process:

- 1) CSAC supports requirements for the Bureau of Indian Affairs to solicit input from and convene consultation meetings with local governments, including counties, concerning acknowledgment petitions, at the earliest opportunity. Counties have government-to-government relationships with tribes affecting a variety of important interests, including child welfare, gaming, environmental protection and mitigation of off-reservation impacts created by on-reservation development, including gaming in particular.
- 2) CSAC supports requirements for Bureau of Indian Affairs consultation with counties prior to authorizing re-petition by a previously denied petitioner.

- 3) CSAC recognizes that newly acknowledged tribes are a clear exception under section 20 of IGRA. Although it is separate from the acknowledgement process, CSAC supports a stringent and transparent fee to trust process with significant input from all stakeholders considered regarding “initial” reservation lands.

Section 3: Federal Tribal Lands Policy/Development on Tribal Land

The overriding principle supported by CSAC is that when tribes are permitted to engage in gaming activities under federal law, then the state should negotiate in good faith with tribes to secure gaming compacts that require judicially enforceable mitigation agreements between counties and tribal governments. These agreements should fully mitigate local impacts from a tribal government’s gaming activities and fully identify the governmental services to be provided by the county to that tribe.

Additionally, when tribes seek to acquire additional trust land, subsequent tribal development projects, which may not have otherwise been consistent with local land use regulations, could have impacts to off-reservation local government services and the environment. As such, federal law and regulations should incentivize intergovernmental agreements between counties and tribes to address the impacts of non-gaming development projects on proposed trust lands. Such agreements could also establish a process to identify and mitigate off-reservation impacts of future projects not envisioned or described in a fee-to-trust application.

CSAC believes that existing law fails to address the off-reservation impacts of tribal land development. The following provisions would address this issue while emphasizing that counties and tribal governments need to each carry out their governmental responsibilities in a manner that respects the governmental responsibilities of the other.

- 1) CSAC supports federal legislation that gives counties an effective voice in the decision-making process for taking lands into trust for a tribe and furthers the overriding principle discussed above.
- 2) CSAC supports federal legislation and regulations to provide that lands are not to be placed into trust and removed from the land use jurisdiction of local governments without adequate and timely notice and opportunity for consultation and the consent of the State and the affected county.
- 3) CSAC supports federal legislation and regulations which ensure that material changes in the use of trust land, particularly from non-gaming to gaming purposes, shall require separate approval and environmental review by the Department of the Interior.
- 4) CSAC reiterates its support of the need for enforceable agreements between tribes and local governments concerning the mitigation of off-reservation impacts of development on tribal land. CSAC opposes any federal or state limitation on the ability of tribes, counties and other local governments to reach mutually acceptable and enforceable agreements, including any federal prohibitions on deed restrictions mutually agreed to by tribal and local governments.
- 5) CSAC supports legislation or policy to incentivize intergovernmental agreements between counties and Tribes concerning an application to acquire additional trust lands. Agreements

should include provisions related to environmental review and mitigation measures for off-reservation impacts of projects planned at the time of the acquisition, as well as future, projects that would represent a material change in land use from the projects envisioned and described by a fee-to-trust application.

- 6) CSAC supports Bureau of Indian Affairs standards and regulations requiring justification of the need and purpose for acquisition of additional trust lands. CSAC also supports a lower threshold for acquisition of trust land that will be restricted to only non-gaming or non-intensive economic purposes, including development of housing for tribal members, and religious, cultural, and governmental uses for tribes that lack sufficient trust lands for these purposes.
- 7) CSAC opposes the practice commonly referred to as “reservation shopping” where a tribe seeks to place land into trust outside its aboriginal territory over the objection of the affected county.
- 8) CSAC will support federal legislation that addresses “reservation shopping” or consolidations in a manner that is consistent with existing CSAC policies, particularly the requirements of consent from Governors and local governments and the creation of judicially enforceable local agreements.
- 9) CSAC supports the use by a tribe of non-tribal land for economic development purposes. CSAC recognizes that existing law requires tribes to fully comply with state and local laws and regulations applicable to development projects, including environmental laws, health and safety laws, and mitigation of environmental impacts on the affected community.
- 10) In recognition of the unique relationship between tribal governments and the federal government, CSAC will support changes in federal law that further the ability of counties to enforce compliance with all environmental, health and safety laws. CSAC opposes legislation to authorize the Secretary of the Interior to take land into trust for tribes that were not under federal jurisdiction in 1934 unless it includes additional reforms that ensure a meaningful role for counties in the fee-to-trust process and includes standards requiring justification of the need and purpose for acquisition of additional trust lands.
- 11) Class II bingo-style video gaming devices have similar off-reservation impacts to the environment and local government services as those of class III devices. CSAC supports requiring tribes that operate such machines to work with local governments to mitigate all impacts caused by such businesses. This would require an amendment to the Indian Gaming Regulatory Act.

Section 4: Intergovernmental Relations

The relationships between tribes and counties are not limited to gaming and issues related to development on tribal lands. Counties and tribes have shared interests in promoting economic development and self-sufficiency for their overlapping constituencies, promoting the general health, safety and well-being of the entire community, and protecting natural resources.

- 1) CSAC supports policy to encourage and incentivize collaboration between counties and tribes on state and federal grant applications and other funding sources.

- 2) CSAC supports policies, including the recently-created tribal nations grant fund, which will devote a portion of tribal gaming revenues to provide equitable opportunities for economic development for tribes and tribal members that do not participate in gaming.

Section 5: Tribal-State Gaming Compacts

CSAC recognizes that Indian Gaming in California is governed by a unique structure that combines federal, state, and tribal law.

While the impacts of Indian gaming fall primarily on local communities and governments, Indian policy is largely directed and controlled at the federal level by Congress.

The Indian Gaming Regulatory Act of 1988 (IGRA) is the federal statute that governs Indian gaming. IGRA requires compacts between states and tribes to govern the conduct and scope of casino-style gambling by tribes. Those compacts may allocate jurisdiction between tribes and the state.

While subsequent compacts provide a better framework to promote effective intergovernmental relationships between counties and tribes that seek to develop a casino and supporting facilities, CSAC believes that the 1999 Compacts fail to adequately address these impacts and/or to provide meaningful and enforceable mechanisms to prevent or mitigate impacts. ~~NRecent~~ negotiations between Governor Brown and tribes ~~have already~~ resulted in new and extended compacts that address many issues with the original 1999 agreements, as have compacts recently negotiated by Governor Newsom.

The overriding purpose of the principles presented below is to harmonize existing policies that promote tribal self-reliance with policies that promote fairness and equity and that protect the health, safety, environment, and general welfare of all residents of the State of California and the United States. Towards that end, CSAC urges the State to consider the following principles when it negotiates or renegotiates Tribal-State Compacts:

- 1) Compacts should require a tribal government operating a casino or other related businesses to analyze and mitigate all off-reservation impacts caused by that business through the development of tribal environmental impact reports. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that have standards for environmental analysis and mitigation that are at least as stringent as state and federal environmental laws, including the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) with judicial review in the California courts.
- 2) Compacts should require tribes to meet and negotiate judicially-enforceable mitigation agreements with local jurisdictions prior to the construction of new or expanded gaming facilities.
- 3) Compacts should include robust mechanisms for mitigation of the impacts on local government services of casino developments that pre-exist the date of the compact. The compacts should consider the differences between tribes with very small pre-existing casinos and those that are permitted to operate larger facilities.

- 4) Compacts should impose binding “baseball style” arbitration on the tribe and county if the parties cannot agree on the terms of a mutually-beneficial enforceable agreement related to mitigation of the impacts of a new or expanded casino or related project.
- 5) Compacts should provide a process to determine whether tribal environmental impact reports ~~are~~ provide analysis and mitigation measures consistent with what NEPA and CEQA standards would require and provide adequate information to fully assess the impacts of a project. In order to properly address the impacts of a project, this process should occur prior to negotiation of an intergovernmental agreement between a tribe and local government, and therefore prior to construction of a new facility or an expansion of an existing facility.
- 6) The compact should require a tribal government constructing or expanding a casino or other related business that impacts off-reservation land to seek review and approval of the local jurisdiction to construct off-reservation improvements consistent with state law and local ordinances, including ~~the~~ CEQA with the tribal government acting as the lead agency and with judicial review in the California courts.
- 7) The compact should require counties and tribes to negotiate local agreements as to the applicability of local and state regulations concerning health and safety issues, including, but not limited to, water service, sewer service, fire inspection and protection, rescue/ambulance service, and food inspection.
- 8) A Tribal Government operating a casino or other casino-related businesses will pay to the local jurisdiction the Tribe’s fair share of appropriate costs for local government services. These services include, but are not limited to, water, sewer, fire inspection and protection, rescue/ambulance, food inspection, health and social services, the full range of public safety functions, roads, transit, flood control, and other public infrastructure. Means of reimbursement for these services include, but are not limited to, in lieu payments equivalent to property tax, sales tax, transient occupancy tax, benefit assessments, appropriate fees for services, development fees, impacts fees, and other similar payments.
- 9) To address socioeconomic impacts and other impacts of casinos that are not easily quantifiable, in addition to direct mitigation offsets, the Compact shall provide for an appropriate percentage of Net Win to go to the affected county to address in-direct impacts.
- 10) The Indian Gaming Special Distribution Fund (SDF) has not been sufficiently funded, nor has it been adequate to serve as the exclusive source of casino mitigation funding for many counties. If the SDF is retained in new and amended compacts, it should serve as an additional mechanism to ensure that counties are guaranteed funds to mitigate off-reservation impacts caused by tribal gaming. Special Distribution Funds should be provided directly to the Indian Gaming Community Benefit Committee in each county that receives this funding. The SDF program should be amended to provide greater reliability of local government funding, as well as increased flexibility in the use of mitigation funding to reasonably address casino impacts.
- 11) The Governor should establish and follow appropriate criteria to guide the discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by IGRA (25 U.S.C § 2719). The Governor

should also establish and follow appropriate criteria/guidelines to guide his/her participation in future compact negotiations.

- 12) Compacts should be specific to a particular tribal casino location rather than pertaining to a potential casino in an indeterminate location.

Section 6: Sacred Sites

California's ever-increasing population and urbanization threatens places of religious and social significance to California's Native American tribes.

In the spirit of government-to-government relationships, local governments and tribal governments should work cooperatively to ensure sacred sites are protected at the earliest possible time, without undue delay to the development process, and ideally well before environmental review for a specific development project begins.

- 1) Local governments should consult with tribal governments when adopting or amending general plans to ensure that long-range development plans do not interfere with efforts to preserve and/or mitigate impacts to Native American historical, cultural, or sacred sites.
- 2) Local governments should also consult with tribes during the review of individual development projects to avoid and mitigate impacts to tribal cultural resources.
- 3) The state should provide counties with technical and financial assistance in identifying tribes whose cultural resources may be affected by a plan or project, and in determining how to mitigate or avoid impacts to these resources.
- 4) In the spirit of government to government collaboration, tribes should also consult with counties on the off-reservation impacts of projects proposed on tribal lands early in the development process.

Glossary of Terms

Fee Simple (Fee Land)

Land ownership status in which the owner, for instance a tribal government, holds title to and control of the property. The owner may make decisions about land use or sell the land without federal government oversight.

Fee-to-Trust Conversion

When fee simple lands are converted to trust status and title is transferred to the federal government. Tribes or individual Indians can initiate the process on fee lands they already own or lands they acquire.

Indian Gaming Regulatory Act (IGRA) of 1988

The United States Congress passed IGRA and President Reagan signed it into law on October 17, 1988. The Act established a statutory framework for tribal government gaming operations and regulation. Among others, the Act defines three classes of gaming and requires negotiation of a Tribal-State gaming compact before an Indian tribe can conduct Class III (casino style) gaming on their lands.

Tribal Gaming

A business enterprise of a tribe. Tribal governments initiated gaming on reservations to create jobs and generate revenue for tribal government operations, programs and services and to create/sustain an economy on reservations.

Tribal-State Gaming Compact

IGRA requires states to negotiate in good faith with Indian tribes that seek to enter into Tribal-State compacts to conduct Class III gaming on Indian lands. Class III gaming includes slot machines and banked card games. Although the content of these compacts vary from state-to-state and from tribe-to-tribe, the Act specifies that these agreements cover two primary issues: 1) the scope of gaming that is to be conducted at the tribal gaming facility, and 2) a system of regulation for the gaming activity on Indian lands. In California, the Tribal-State gaming compact provides for revenue sharing with tribes that have little or no gaming, funding and mitigation agreements for local governments to assist in addressing the impacts of tribal gaming, and the Tribal Labor Relations Ordinance, which prescribes a process for collective bargaining.

Trust Land

Land owned either by an individual Indian or a tribe, the title to which is held in trust by the federal government. Most trust land is within reservation boundaries, but trust land can also be off-reservation, or outside the boundaries of an Indian reservation.

Attachment Six
Chapter 17 – CEQA Reform General Principles and Policy Statements

Chapter 17

CEQA Reform General Principles and Policy Statements

The California Environmental Quality Act (CEQA), signed into law by Governor Ronald Reagan in 1970, establishes a process to incorporate scientific information and public input into the approval of development projects, both public and private. Viewed by many as California's landmark environmental law, CEQA has attracted controversy throughout its 43 years and its reform is a frequent subject of proposed legislation.

In order to respond to CEQA reform proposals, CSAC convened a working group of CEQA experts including, planning directors, county counsels, and public works directors to help draft policy principles to guide CSAC through ongoing reform debates. The following chapter sets forth the CEQA Working Group's principles and policy statements regarding CEQA reforms.

Section 1: Role of CEQA

Counties acknowledge that CEQA provides essential environmental information to the local decision-making process. Its purpose is to ensure that governmental decisions take full account of environmental impacts, including reducing or avoiding significant environmental impacts wherever feasible, as well as fostering transparency in the decision making process.

The protection of our environment is a responsibility that counties take very seriously. Likewise, counties know that local governments must balance environmental protection and the need to complete necessary infrastructure projects and ensure the economic vitality of our communities. This balancing role is explicitly recognized in the CEQA statute and its Guidelines, which provide that CEQA must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. However, the CEQA process remains wrought with uncertainty, costly litigation, and project delays.

Counties believe there are several opportunities for enhancing key areas of CEQA to improve its effectiveness and the efficiency of the environmental review process while ensuring that the law's environmental protection and public involvement purposes are fulfilled. As lead agencies with responsibility for a wide range of environmental resources, counties have a unique ability to provide meaningful input into the process.

CSAC's focus is to identify improvements that will streamline our delivery of public works and other public projects and make our development review processes more efficient by enhancing CEQA in ways that apply our increasingly scarce resources to actions that actually protect the environment.

The following general principles and policy statements are CSAC's foundation for representing counties and the citizens they serve at both the administrative and legislative level.

Section 2: General Principles

- Counties support the balance of sound environmental protection with the need to complete projects that promote economic prosperity and social equity. Any proposed CEQA revisions should seek to modernize, simplify and streamline the law, and not dismantle it or create new and equally complicated processes resulting in litigation.
- Local government performs the dominant role in planning, development, conservation, and environmental procedures. Counties have and should retain the primary responsibility for land use decisions in unincorporated areas. In addition, counties should act as the lead agency where projects are proposed in unincorporated areas requiring discretionary action by the county and other jurisdictions.
- The CEQA process should be integrated with the planning process wherever possible, including the preparation of programmatic or master environmental documents that allow the use of tiered environmental review (including negative declarations) to achieve a more streamlined CEQA process for subsequent development and infrastructure projects.
- Counties support state funding to update and implement general plans, specific plans, sustainable communities strategies, and smart growth plans, including programmatic CEQA review of these plans.
- CSAC encourages state and federal agencies to provide timely and complete review of local projects within the timelines set forth in CEQA so that issues relevant to those agencies' regulatory role can be addressed at the earliest possible time.
- CSAC encourages local agencies to resolve CEQA disputes without costly litigation and in a way that buoys public confidence in local government. Examples of this include the use of non-binding mediation.
- CSAC acknowledges its role in providing educational forums, informational resources and communication opportunities for counties in regards to CEQA practice and reform efforts.

Section 3: Policy Statements

- Counties support statutory changes that provide lead agencies with the ability to find that de minimis contributions to a significant impact are not cumulatively considerable.
- Counties strongly support statutory changes to improve the defensibility of well-prepared mitigated negative declarations (MND), including but not limited to applying the substantial evidence standard of review to MNDs that meet certain criteria, such as those prepared for projects that are consistent with current zoning or an existing general plan.
- CEQA currently allows for potential issues to be raised late in the decision-making process, giving rise to disruptive and counterproductive tactics known as “late hits” and “document

dumps” to stall the project review process. Counties support limits on the submittal of late input into the process. In order to raise an issue in court, counties assert that the issue with an EIR or MND must have been raised during the Draft EIR or MND public comment period, unless the new issue was not known and could not have been raised earlier.

- Counties support CEQA exemptions and streamlining for infill projects in both cities and existing urbanized areas in counties. Conditions for such exemptions and streamlining processes should be based on population densities that reflect reasonable infill densities in counties or other objective measures of urban development, rather than arbitrary jurisdictional boundaries.
- Roadway infrastructure projects that protect the health and safety of the traveling public are subject to project delivery delays due to environmental review, even when a project replaces existing infrastructure. Counties support categorical and/or statutory exemptions and streamlining for road safety projects in the existing right-of-way. The maintenance or rehabilitation of existing public facilities, within existing public right-of-way, with previously approved environmental documents, should also be provided a streamlined process or be exempt from having to do another CEQA document.
- Support measures to reduce or eliminate duplicative environmental review for public works projects that are subject to both NEPA and CEQA. This could include action at the federal level to allow use of the CEQA document in place of a NEPA document.
- Counties support programmatic Environmental Impact Reports (EIRs) and standardized mitigation measures for the flood management system, levee maintenance and capital projects that fall under certain thresholds.
- Counties support providing the courts with more practical discretion to sever offending parts of a large project that is subject to CEQA litigation and allow the beneficial parts of a project to proceed when they are not relevant to the court’s CEQA decision.
- Counties support transparency in the preparation and distribution of environmental documents. To accomplish this, CSAC supports state funding and assistance for the electronic filing of documents. Further, counties believe they are in the best position to decide how to make governmental information available to non-English speaking communities within their jurisdictions. Counties do not support state-mandated translation of CEQA documents.
- Counties believe that in some circumstances existing environmental laws and regulations can be used to streamline the CEQA process and help avoid unnecessary duplication. However, ~~C~~Counties also believe that any such standards or thresholds must be found by the lead agency to be specifically applicable to the project where they are applied. If the use of existing environmental laws is intended to exempt a project from further CEQA review, it should be focused on specific impacts and limited to “qualified standards” that the lead agency reasonably expects will avoid significant impacts in the area addressed by the standard.
- Challenges to the contents of the administrative record have become a common way to create litigation delays and increased costs. Counties support a statutory clarification that the contents of an administrative record only include all documents that were submitted to the relevant

decision making body before the challenged decision. Counties further support a statutory clarification allowing public agencies to certify both accuracy and completeness of an administrative record prepared by a petitioner. Counties support statutory clarification that resolution of disputes regarding preparation and certification of the administrative record should occur through motions to supplement which run parallel to briefing on the merits, not prior.

- Counties support statutory revisions that increase the transparency by limiting the standing of parties filing CEQA lawsuits and actions to persons or entities with an environmental concern rather than economic interest in the project.
- Counties support statutory revisions to the private attorney general statute governing awards of attorneys' fees, which are available to petitioners but not defendants. This low-risk, high-return imbalance in favor of petitioners is one of the primary drivers for CEQA litigation.
- Counties support the use of the substantial evidence standard for challenges to a categorical exemption.

Attachment Seven
2021 Housing, Land Use and Transportation Priorities Memorandum



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EXECUTIVE DIRECTOR

Graham Knaus

November 2, 2020

To: Housing, Land Use and Transportation Policy Committee

From: Chris Lee, CSAC Legislative Representative
Marina Espinoza, CSAC Legislative Analyst

Re: 2020 Year in Review and 2021 Work Plan – ACTION ITEM

Despite the impacts of the COVID-19 pandemic, which led to significantly fewer bills under consideration by the Legislature in 2020, there was still a strong interest in housing policy. The Legislature considered major proposals to overhaul local land use regulations and to provide additional protections to homeowners and renters affected by the pandemic. While many of the broad housing and land use bills stalled, largely due to disputes between various developer and labor interests, a statewide bill protecting many tenants from eviction until February 2021, which occupied much of the Legislature’s attention, was successfully passed in September. At the request of CSAC and other local government groups, the Legislature also delayed consideration of bills seeking to change state requirements for imposing impact fees on new residential developments and to limit fees. CSAC expects that most of these proposals related to local zoning and residential impact fees will return in 2021.

Transportation legislation took a backseat in 2020, but ongoing efforts by the Administration to implement of the Governor’s 2019 climate change executive order (N-19-19), as well as a new order that seeks to phase out the sale of most gas-powered vehicles by 2035 (N-79-20), are poised to make 2021 a busy year for state transportation policy. At the federal level, Congress failed to pass a new transportation bill by September 30, 2020, instead extending the provisions of the Fixing America’s Surface Transportation (FAST) Act for one year. These ongoing discussions provide an opportunity to advance several county priorities, including increased federal funding for local bridges and road safety projects, both of which receive significant federal funds under current law, as well as policies to streamline project delivery and protect reimbursement for disaster relief projects

Finally, while there was limited activity on tribal intergovernmental relations and gaming issues at the federal level in 2020, and new Administration and Congress could reinvigorate conversations about tribal recognition and fee-to-trust reform. At the state level, expiring gaming compacts continue to be renegotiated by the Governor and affected tribes. CSAC will continue to advocate for provisions that require mitigation of off-site impacts on local government services and infrastructure, among other longstanding priorities.

In the following memo, please find a summary of major priorities for the work of the Housing, Land Use, and Transportation Policy Committee in the first year of the 2021-2022 legislative session.

I. Protecting County Land Use Authority While Promoting Housing Affordability

CSAC will continue to advocate for locally-driven land use planning to implement broad state goals to provide housing affordable at all income levels. When the state authorizes streamlined zoning and approval processes for housing developers, CSAC will advocate for commensurate streamlining to allow counties to comply with their housing element planning requirements. In addition, CSAC has objected to provisions in recent bills that would give the Administration discretion to impose state overrides of local zoning via the Department of Housing and Community Development or the Office of Planning and Research. Finally, CSAC will continue to support funding to implement local plans, including funding for housing elements, such as the successful SB 2 local planning grant program.

Counties recall that AB 101 (Committee on Budget, 2019) requires the Department of Housing and Community Development and the Governor’s Office of Planning and Research to engage stakeholders and “develop a recommended improved regional housing need allocation process and methodology that promotes and streamlines housing development and substantially addresses California’s housing shortage.” These recommendations are due to the Legislature by December 31, 2022. Counties around the state have either completed or will soon complete updates to their 6th Cycle Housing Elements. CSAC will work with planning directors and other county officials to solicit feedback on policy issues encountered during the 6th cycle and engage in the Administration in preparation for the formal stakeholder process.

Finally, the Housing, Land Use, and Transportation team will continue to look for opportunities to provide counties with tools to help expedite housing production. Efforts will include supporting financing tools in partnership with the Government Finance and Administration Committee, and opportunities to streamline state environmental processes to expedite the construction of homes affordable at all income levels.

II. Preparing for the Future of Transportation

The Committee’s 2020 priorities included convening a working group to develop principles regarding the role of counties in the oversight and regulation of automated and connected vehicles in 2020. Unfortunately, this effort was put on hold as COVID-19 led to significant changes in workload and in the legislative calendar.

More recently, an executive order from Governor Newsom, which established the goal of phasing-out the sale of most gas-powered vehicles by 2035, will create new urgency for developing a long-term, sustainable replacement revenue stream for the gas tax. Fuel tax revenues currently provide the vast majority of state funding for local streets and roads in California.

In 2021, staff proposes that the Committee convene a subcommittee including supervisors and senior staff from rural, suburban, and urban counties, to develop proposed updates to CSAC policy related to the aforementioned transportation policy issues. The subcommittee will report back to the full Housing, Land Use, and Transportation Committee with its recommendations later this year.

III. Protecting Development Impact Fee Authority and Supporting Process Improvements

Legislators once again introduced several measures affecting local government authority to impose fees to offset the infrastructure costs of new residential development in 2020. Due to the impacts of the

COVID-19 pandemic, both in terms of the ability of county governments to engage in the legislative process and the fiscal capacity for counties to rework their impact fee programs during a likely recession, CSAC was successful in requesting that the bills not be considered this year.

Previously, the Department of Housing and Community Development commissioned a study on residential impact fee programs pursuant to AB 879 (Grayson, 2018). The resulting report included recommendations focused on fee transparency, fee structure, fee design, and alternative funding options to improve local financing for infrastructure. CSAC has already identified elements of potential reforms that counties can support (Attachment 1A). In 2021, CSAC will continue to work with county experts and the Legislature to support those reforms and oppose changes that impede local governments' ability to mitigate the impacts of new development on county infrastructure and services.

IV. Advocating for a New Federal Transportation Bill

CSAC's Board of Directors adopted priorities for federal transportation reauthorization legislation in coordination with the County Engineers Association of California in 2019 (Attachment 1B). The Senate Environment and Public Works Committee passed a highway bill in 2019, and the House of Representatives passed a transportation bill as part of a broader infrastructure proposal in 2020. While Congress failed to pass a full reauthorization bill before the September 30, 2020 expiration of the Fixing America's Surface Transportation (FAST) Act, they approved a one-year extension this fall.

In 2021, CSAC and our federal advocates will continue to educate the California congressional delegation on the importance of the county road system with respect to federal transportation investments. CSAC will advocate for the Board-adopted priorities for reauthorization, including a sustainable fix for the federal Highway Trust Fund, new federal revenues to provide for dedicated funding to local bridge projects, and a focus on local road safety. At the state level, CSAC will advocate for a fair allocation of federal funding to county priorities that takes into account pressing local safety and bridge needs.

V. County Priorities in Renegotiated Gaming Compacts

CSAC has continued advocacy with the Governor's Administration to reiterate county policy priorities for tribal-state gaming compacts. These priorities, most notably the requirement for an enforceable mitigation agreement for the off-reservation impacts of the gaming facility on the affected local government, were included in the first Newsom Administration compact. Recent tribal-state gaming compacts negotiated by the Governor include provisions consistent with CSAC priorities, but there are still a few dozen agreements from 1999 that need to be renegotiated.

The Special Distribution Fund (SDF), which was the sole statewide mechanism for mitigation of local government gaming impacts under the 1999 compacts, has not had sufficient funding for SDF grants to local governments since FY 2014-15, and its authorizing legislation includes a sunset date of December 31, 2020. While SDF grants were insufficient to mitigate all local impacts since the program's inception, CSAC will advocate for a mechanism to fund mitigation from pre-existing impacts, especially for counties where local casino mitigation agreements are not in place.

VI. Federal Fee-to-Trust Reform

CSAC will continue to push for fee-to-trust reform at the federal level pursuant to adopted CSAC policy, as well as participate in the regulatory process on federal acknowledgement to ensure meaningful input and

outreach to counties. CSAC will continue to oppose any fix to the *Carcieri* decision without comprehensive fee-to-trust reforms.

VII. Protecting State Transportation Funding and Streamlining Project Delivery

In 2021, CSAC will continue to focus on protecting transportation funding allocated to counties, while also streamlining project delivery and providing tools to maximize the value of county transportation investments. Specific priorities include the following:

- Work with the Administration and Caltrans to implement the federal-state environmental reciprocity program that CSAC successfully advocated for in prior federal transportation reauthorization bills. When the US Department of Transportation issues a final rule on the program, CSAC will advocate for California to participate to help expedite projects where NEPA and CEQA review are required.
- Work with the Legislature and Administration, as well as the University of California and the California State University to provide ongoing funding for technical assistance and training to allow local government agencies to use best practices in pavement engineering. Sustainable materials and techniques can increase the useful life of county roads, while reducing costs and greenhouse gas emissions. CSAC will oppose bills that require onerous “one-size-fits-all” standards for the use of recycled materials in local pavements, while supporting local flexibility and technical assistance to help counties adopt best practices for the use of these materials.

Attachments

7A: Policy Principles for Housing Impact Fee Legislation

7B: Priorities for Federal Surface Transportation Reauthorization



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Policy Principles for Housing Impact Fee Legislation

Approved by the CSAC Board of Directors

September 5, 2019

- **Support Transparency.** Local agencies should continue to adopt housing development impact fees in a transparent, publicly-accountable manner consistent with existing law. Moreover, fee schedules should be readily available to development proponents. Counties should not, however, be required to serve as a clearinghouse for all other applicable development impact fees, including those imposed by other local districts.
- **Support Reasonable Certainty for Development Proponents.** Proponents of housing development projects should have a reasonable level of certainty that impact fees will not drastically change over the course of a project's approval process. The goal of certainty for developers must be balanced against reasonable changes in total fee charges due to changes in the scope of a project, the time elapsed between project approval and actual construction, and environmental analysis of the impacts of a project.
- **Oppose Arbitrary Caps or Fee Waivers.** Each local community has differing infrastructure and public facility needs due to geography, existing infrastructure, and community priorities. While the state has an interest in ensuring that housing is affordable for households at all income levels, it should not impose arbitrary limitations or waivers on impact fees without backfilling local costs to provide necessary infrastructure and facilities.
- **Oppose Unreasonably Burdensome Reporting Requirements.** Existing law already requires local transparency and reporting on impact fee programs. Any new reporting or disclosure requirements must be narrowly tailored and funding must be provided for implementation.
- **Support Reasonable Metrics for Calculation of Fees.** Local governments should be encouraged to review fee programs to ensure that they are calibrated to promote affordability by design. Where appropriate, fees should be designed so that they do not create impediments to smaller units that are often more affordable.
- **Support Options for Fee Deferral.** Local governments should be encouraged to provide opportunities for developers to defer housing development impact fees, ensuring that local agencies receive funding needed to address impacts while reducing construction financing costs for housing developers.
- **Support State Regulatory Changes to Reduce Fees.** State laws and regulations can increase pressure to impose impact fees through mandates that increase the costs of providing local services and infrastructure. State-led efforts to reduce local fees must also recognize the impacts of these requirements.



California State Association of Counties

CSAC PRIORITIES FOR FAST ACT REAUTHORIZATION

Approved by the CSAC Board of Directors September 5, 2019

FAST Act Reauthorization Priority: Increase Federal Revenues for Transportation Infrastructure

Without immediate bold action by Congress, the Highway Trust Fund will continue to face insolvency. Existing federal revenues continue to fall short of meeting the funding needs to bring our nation's surface transportation infrastructure into the next century. Our future economic prosperity, and our dedication to the health, safety, and welfare of the traveling public and all Americans, demands a significant reinvestment into the transportation network. **CSAC urges Congress to enhance revenues for investment in our national transportation infrastructure.**

The California State Association of Counties (CSAC) – the unified voice of California's 58 counties – believes that until the funding issue is addressed, we will not make significant progress in improving our critical transportation infrastructure. California has joined states around the country in taking action to address its transportation infrastructure funding needs. The landmark Road Repair and Accountability Act of 2017 provides over \$5 billion annually to fix local roads, state highways and bridges and invest in transit and active transportation. At the regional level, over 80% of California's residents live in a county where voters have approved a dedicated local transportation tax measure. Despite these significant investments, California still depends upon a strong federal partnership to meet our transportation infrastructure needs.

The demands on our infrastructure are relentless – Californians log 300 million vehicle miles traveled annually, more than the current system was ever intended for. Local agencies in California own over 12,000 bridges, of which 829 need to be replaced and 1,834 need rehabilitation. At the same time, federal sources of revenue are declining due to necessary improvements in fuel economy and electric vehicle technology. In order to address pressing environmental concerns ranging from air quality and climate change to impacts on our water resources and energy demands, the nation must continue its work to advance technological improvements in fuel economy, alternative vehicles such as zero emissions vehicles, and reduce the amount people must drive to access work, school, home, services, and recreation. These challenges will only exacerbate our current funding dilemma.

CSAC's policy supports a variety of new revenues sources, including exploring ways to reduce costs. Failing to address the severe funding issue within the next reauthorization effort will only negatively impact the condition of our system, our economy, our environment, and the overall quality of life for Americans. Increased revenue is our utmost priority for FAST Act reauthorization.

Once Congress addresses the funding issue, CSAC submits the following additional policy and programmatic priorities for consideration by Congress.

FAST Act Reauthorization Priority: Restore the Highway Bridge Program

- Provide dedicated revenue for on-system highway bridge projects, either by creating a set-aside similar to the off-system highway bridge set-aside or restoring the Highway Bridge Program as a core program.
- Increase dedicated funding for preventative maintenance on, and replacement of, bridges. This is a critical safety issue.

FAST Act Reauthorization Priority: Emergency Relief Projects

- Provide relief for local agencies impacted by disasters by extending the statutory limit for emergency relief projects under the Federal Highways Administration to six years with the possibility of additional one-year extensions for just cause.

FAST Act Reauthorization Priority: Focus on Safety

- Increase funding for safety infrastructure projects on the existing transportation system.
- Programs/projects must be aimed at reducing the greatest number of fatalities regardless of ownership of the system.
- Ensure the rural road system, where fatality rates are the highest, retains dedicated funding.
- Promote and increase funding for bicycle and pedestrian safety projects and programs.

Fast Act Reauthorization Priority: Fix-it-First

- Provide increased funding for maintenance and preservation of the existing system. Reinvesting in the system now prevents exponentially higher costs down the road.

FAST Act Reauthorization Priority: Streamlining Project Delivery & Environmental Review

- Support streamlining of federal regulations to facilitate more expeditious project delivery.
- Ensure that federal project oversight is commensurate to the amount of federal funding.
- Extend the at-risk project pre-agreement authority available for transit projects to highway projects for non-construction activities and for construction activities once environmental review is complete.

FAST Act Reauthorization Priority: Increase Flexibility to Meet State, Regional, and Local Needs

- Maximize the use and flexibility of federal funds by not requiring minimum federal matches.
- Eliminate the need to program multiple phases for small projects.
- Eliminate need for TIP programming for air quality neutral projects.

FAST Act Reauthorization Priority: Assistance for Data Collection

- Provide funding, training, tools, and uniform standards for the collection of roadway and traffic data specifically for the local and rural roadways, including assistance and funding for data collection required by federal performance management rules.
- Provide assistance for data collection, and determining and quantifying GHG emissions, and other important data for addressing climate change in long-range transportation plans.

FAST Act Reauthorization Priority: Improve Environmental Stewardship & Address Climate Change

- Provide financial incentives to States that adopt and set greenhouse gas (GHG) emissions reductions targets and programs to accomplish those targets.
- Provide incentives in current programs and/or provide new funding sources for climate change neutral or friendly transportation projects and programs.
- Provide financial incentives for rural sustainability.
- Provide financial support for regional and countywide planning processes that integrate transportation and land use planning to reduce GHG emissions.
- Provide funding for retrofitting equipment and for alternate fuel infrastructure.

FAST Act Reauthorization Priority: Maintain Funding for Federal Lands Access Program (FLAP)

- Maintain funding for the FLAP for projects that provide access to, are adjacent to, or are located within Federal Lands.

For more information regarding these priorities and principles, please contact:

Joe Krahn, Paragon Government Relations, (202) 898-1444

Chris Lee, California State Association of Counties, (916) 650-8180

Attachment Eight
Chart of Local Government Impact Mitigation Agreements for 1999
Compact Tribes

1999/2000 Compact Tribes	Affected County	Local Government Impact Mitigation Agreements*					
		Sheriff	Fire/EMS	Roads	Water/Sewer	HHS	Other
Tribes with Active Casinos							
Berry Creek Rancheria of Maidu Indians of California (i)	Butte	3					
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria	Colusa						
Smith River Rancheria	Del Norte	1	1		2		
Big Sandy Rancheria of Western Mono Indians of California	Fresno						
Table Mountain Rancheria of California	Fresno						
Bear River Band of the Rohnerville Rancheria	Humboldt	1					
Blue Lake Rancheria	Humboldt	1					
Cher-Ae Heights Indian Community of the Trinidad Rancheria	Humboldt						
Bishop Paiute Tribe	Inyo						
Santa Rosa Indian Community of the Santa Rosa Rancheria (ii)	Kings		1	1			
Middletown Rancheria of Pomo Indians of California	Lake						1
Robinson Rancheria Band of Pomo Indians	Lake						
Picayune Rancheria of Chukchansi Indians of California	Madera	1	4		4	1	
Cahto Tribe	Mendocino						
Hopland Band of Pomo Indians	Mendocino						
Manchester Band of Pomo Indians of the Manchester Rancheria	Mendocino						
Sherwood Valley Rancheria of Pomo Indians of California	Mendocino						
Alturas Indian Rancheria (iii)	Modoc	1	5				
Augustine Band of Cahuilla Indians	Riverside						
Cahuilla Band of Mission Indians of the Cahuilla Reservation	Riverside						
Soboba Band of Luiseno Indians	Riverside						
Chemehuevi Indian Tribe of the Chemehuevi Reservation	San Bernardino						
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation	San Diego						
Rincon Band of Luiseno Mission Indians of the Rincon Reservation (iv)	San Diego	see note		3			
Pit River Tribe	Shasta						
Redding Rancheria	Shasta						
Chicken Ranch Rancheria of Me-Wuk Indians of California (v)	Tuolumne						

* Based on county interviews with CSAC staff in 2014. See second page for key.

KEY

SDF is only source of mitigation funding - currently unfunded

(1) Provides ongoing mitigation funding

(2) Contract w/county or local district for service

(3) Limited pay-as-you-go service; one-time payments for equipment/improvements

(4) Tribe coordinates or provides mutual aid

(5) Tribe operates its own fire department

Notes:

(i) Sheriff's Department hired for event security, etc; no ongoing funding for operations

(ii) casino is surrounded by a city

(iii) casino is located on outskirts of city; there may be an agreement with city police

(iv) Agreements with Sheriff from 2002 and 2005 - CSAC does not know terms of agreement

(v) appears to be some confusion in county as to whether casino has class-II or class-III gaming

Tribes with 1999 compact but no casino or inactive casino

Resighini Rancheria

Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation

Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria

Ewiiapaayp Band of Kumeyaay Indians

Del Norte

San Diego (previously proposed off-reservation casino in Imperial)

Lake

San Diego