Housing, Land Use, & Transportation Policy Committee
120th CSAC Annual Meeting
Wednesday, November 19, 2014 · 8:30 a.m. – 10:00 a.m.
Magic Kingdom 4 · Disneyland Hotel
Orange County, California

AGENDA

Supervisor Phil Serna, Sacramento County, Chair
Supervisor Susan Adams, Marin County, Vice Chair

8:30 a.m. I. **Welcome, Introductions, and Opening Remarks**
Supervisor Phil Serna, Chair, Sacramento County

8:40 a.m. II. **CSAC Update**
- **2014 Legislative, Budget & Administrative Wrap-Up**
- **2015 HLT Priorities**

Kiana Buss, CSAC Legislative Representative
Chris Lee, CSAC Legislative Analyst
Attachment One: 2015-16 HLT Policy Committee Priorities

9:00 a.m. III. **CSAC Indian Gaming Working Group Update**
Chris Lee, CSAC Legislative Analyst
Supervisor David Rabbit, Sonoma County, Co-Chair
Supervisor Ryan Sundberg, Humboldt County, Co-Chair
Attachment Two: Draft Tribal and Intergovernmental Affairs Platform Chapter

9:30 a.m. IV. **Cap and Trade Implementation Update**
Kiana Buss, CSAC Legislative Representative
Attachment Three: CSAC Comments to Strategic Growth Council Re: Affordable Housing and Sustainable Communities Program Guidelines

9:50 a.m. V. **CSAC 2015-16 Platform Update Process**
Chris Lee, CSAC Legislative Analyst
Attachment Four: Transportation and Public Works Platform Chapter
Attachment Five: Planning, Land Use, and Housing Platform Chapter
Attachment Six: Climate Change Platform Chapter

10:00 a.m. VI. **Adjournment**

ATTACHMENTS

Attachment One

2015-16 HLT Policy Committee Priorities

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CSAC HOUSING, LAND USE, AND TRANSPORTATION PRIORITIES FOR THE 2015-16 LEGISLATIVE SESSION

I. Transportation Funding

The 2014 California Statewide Local Streets and Roads Needs Assessment Report reaffirms that funding for the maintenance and preservation of the local transportation system is wholly inadequate. Without new, sustainable sources of revenue, 25-percent of county roads and city streets will be in failed condition in the next decade. Counties and cities are facing a 10-year shortfall of $78.3 billion for just the upkeep of the existing system. The consequences of inaction are monumental, as it costs 12 times as much to rebuild a road as it does to maintain one in good condition. These consequences will ultimately be borne by taxpayers, local businesses and our economy.

At the state level, CSAC will work with the Legislature, Administration and transportation stakeholders to evaluate potential new revenue options to replace and/or augment the gasoline excise tax (gas tax). This will include options such as returning truck weight fees back to transportation (currently being diverted to pay transportation related general fund bond debt service), identifying a replacement revenue source to pay existing and future transportation bond debt service, new transportation infrastructure bonds, reducing the voter threshold for local transportation sales tax measures (estimated to potentially generate over $300 million annually for local transportation priorities), and exploring a road user charge. Additionally, CSAC will work with stakeholders to sunset the existing diversion of $128 million in annual Highway User Tax Account (HUTA) revenue to the general fund and secure near-term repayment of existing transportation loans, estimated to mean $1.2 billion for transportation. The state must meet its current obligations to transportation before asking the voters to increase revenues for critical transportation improvements. Staff will also continue to monitor gas tax subventions to counties to ensure receipt of accurate levels of funding.

At the federal level, the focus is on ensuring the Highway Trust Fund is solvent and increasing federal revenues to local transportation priorities, such as safety and local bridge projects. CSAC continues to push for National Environmental Policy Act (NEPA) reform, such as allowing lead agencies in California to use the California Environmental Quality Action (CEQA) to meet federal environmental review requirements. Congress will need to reauthorize the Moving Ahead for Progress in the 21st Century Act (MAP 21) by May 2015 or provide another extension to bridge the gap until a long-term reauthorization agreement is reached.

II. Cap and Trade Implementation

A significant majority of cap and trade auction revenues were continuously appropriated in the FY 2014-15 state budget, including 20-percent of all future cap and trade proceeds for affordable housing and sustainable communities. With the fuels coming under the cap in 2015, auction revenues are expected to grow significantly into the future. CSAC has and will continue to work with the Strategic Growth Council (charged with implementing the Affordable Housing and Sustainable Communities Program) and other state agencies and departments to ensure all counties are eligible to apply for grants and loans under the program and that eligible projects include improvements to the local street and road network that have greenhouse gas (GHG) emissions reductions benefits and provide the right-of-way for active transportation and mass transit.

III. Native American Affairs

With the reformation of the CSAC Indian Gaming Working Group and an updated tribal and intergovernmental affairs policy near completion, CSAC is poised to proactively engage on a number of state and federal Native American issues. First, CSAC staff will use the results of our 2014 tribal gaming

survey to influence the renegotiation of 1999 Tribal-State Gaming Compacts which are set to expire in 2020. CSAC's priorities for the revised compacts include requiring judicially enforceable local mitigation agreements for any new or expanded gaming or related facilities, a more comprehensive tribal environmental review process, and ensuring robust mitigation mechanisms for preexisting local off-reservation impacts from gaming enterprises underway prior to the date of any new compact.

The Special Distribution Fund (SDF), the sole mechanism for mitigation of local impacts under the 1999 compacts, is insolvent. Starting in FY 2014-15, counties will no longer receive SDF grants unless the Legislature and Governor backfill the account or gaming revenues paid into the account increase. As these grants were insufficient to mitigate all local impacts from the program's inception, CSAC will focus on funding the SDF or another mechanism to get mitigation funds flowing again. We will also seek statutory changes that dictate the administration of the mitigation funds as they have become so restrictive that counties cannot use them for the best and greatest need in the community.

CSAC will continue to push for fee-to-trust reform at the federal level as well as participate in the regulatory process on federal acknowledgement as we want the process to remain open to meaningful input and outreach to counties. CSAC will continue to oppose any fix to the *Carcieri* decision without comprehensive fee-to-trust reforms.

IV. Building Sustainable Communities

SB 375 (Chapter No. 728, Statutes of 2008) implementation is reaching the next milestone as California's 18 metropolitan planning agencies begin development of their next regional transportation plan, including an update to the sustainable communities strategies (SCSs). The California Air Resources Board (CARB) is in the process of revising the targets for the second round of SCSs. CSAC will monitor the development of the plans and work to ensure counties are actively engaged at the regional level so the plans reflect what is ambitious and achievable at the local level.

For implementation to be successful however, the state must recognize that SCSs require funding to make the plans a reality. While the cap and trade auction revenues area start, the AHSC Program is not flexible enough to provide funding for the myriad of strategies that contribute to sustainable communities. Regulatory barriers also remain a hurdle for successful SB 375 implementation. CSAC staff will maximize opportunities to dedicate funding towards SCS implementation and aim for regulatory reforms that promote building sustainable communities across the state.

V. Supporting Affordable Housing

Safe, decent and affordable housing is the foundation of healthy and sustainable communities. The Department of Housing and Community Development reports that 1 million Californians lack access to affordable housing, that 2 in 3 renters are overpaying, and that 1 in 5 renters have overcrowded households. The AHSC Program provides an opportunity to invest new revenues into building affordable housing in the state, but a more flexible permanent source of funding, not limited to GHG-related revenues, is also needed. CSAC will support efforts to create a permanent source of affordable housing.

With a new HCD director in place, CSAC will continue regular conversations with the department to ensure state oversight of local planning activities is commensurate with statutory authority. The challenge of affordable housing requires a proactive partnership between counties, cities and the state. CSAC staff will work to develop new relationships and find ways to partner together to incentivize and encourage planning for affordable housing in California.

Attachment Two

Draft Tribal and Intergovernmental Affairs Platform Chapter

Chapter Sixteen

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.

Section 2: FEDERAL ACKNOWLEDGEMENT

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 judicially enforceable agreements between counties and tribal governments must be required. These agreements must 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.

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.

3. 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.

4. 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.

5. CSAC supports standards 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 used only for non-gaming or non-intensive economic purposes, including religious, cultural, and governmental uses and housing projects for tribes that lack sufficient trust lands for these purposes.

6. 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. 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.

7. CSAC supports the use by a tribe of non-tribal land for development provided the tribe fully complies with state and local government laws and regulations applicable to all other development, including full compliance with environmental laws, health and safety laws, and mitigation of all impacts of that development on the affected county.

8. CSAC will support federal legislation that furthers the ability of counties to require and enforce compliance with all environmental, health and safety laws.

9. 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.

10. 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.

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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 opportunities for economic development opportunities for tribes 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.

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 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.

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 consistent with NEPA and CEQA standards and provide adequate information to fully assess the impacts of a project. This process should occur prior to a dispute concerning the intergovernmental agreement going to arbitration and before a new facility may operate or an existing facility can expand.

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 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, , should be subject to binding written agreement on such points between the county and the tribe as part of an intergovernmental agreement.

8. A Tribal Government operating a casino or other 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, law enforcement, 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), should not be the exclusive source of mitigation, but will be 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.

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 limit tribes to a single casino per compact, with the exception of amended or extended compacts for tribes that already operate two casinos.

Section 6: SACRED SITES

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

In the sprit of government-to-government relationships, local governments and tribal governments should work cooperatively to ensure sacred sites are protected at the earliest possible time in 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.

Chapter Sixteen

Tribal and Intergovernmental Relations

Section 1: GENERAL PRINCIPLES

CSAC supports government-to-government relations that recognize the unique roles and ~~unique~~ interests of tribes, states, and counties~~, and other local governments~~ ~~to~~ in protecting ~~all members of~~ their ~~communities~~ mutual constituents and ~~to provide~~ providing governmental services and infrastructure beneficial to all ~~Indian and non-Indian alike~~.

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~~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 ~~ensure the ability to~~ provide for the public safety, health, and welfare of all ~~community members~~county constituents, including tribal members.

~~Nothing in f~~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 ~~to the community~~. 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.

Section 2: FEDERAL ACKNOWLEDGEMENT

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~~s~~ 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, ~~Indian~~ 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 1999 Compacts allow tribes to develop two casinos, expand existing casinos within certain limits, and do not restrict casino development to areas within a tribe's current trust land or legally recognized aboriginal territory.~~

The overriding principle supported by CSAC is that when tribes are permitted to engage in gaming activities under federal law, then judicially enforceable agreements between counties and tribal governments must be required. These agreements ~~would~~must 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, ~~in some counties, land developers are seeking partnerships with~~when tribes seek to acquire additional trust land, subsequent tribal development projects, which may ~~in order to avoid local land use controls and to build projects, which would~~ not have otherwise been ~~allowed~~ consistent with~~under the~~ 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.

~~Some tribes are seeking to acquire land outside their current trust land or their legally recognized aboriginal territory and to have that land placed into federal trust and beyond the reach of a county's land use jurisdiction.~~

~~Furthermore, Congress continues to show an interest in the land-into-trust process and revisiting portions of IGRA.~~

~~The overriding principle supported by CSAC is that when tribes are permitted to engage in gaming activities under federal legislation, then judicially enforceable agreements between counties and tribal governments must be required in the legislation. These agreements would~~

~~fully mitigate local impacts from a tribal government's business activities and fully identify the governmental services to be provided by the county to that tribe.~~

CSAC believes that existing law fails to address the off-reservation impacts of tribal land development~~, particularly in those instances when local land use and health and safety regulations are not being fully observed by tribes in their commercial endeavors.~~ .

The following provisions would address this issue while emphasize~~e~~ing 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. Nothing in federal law should interfere with provision of public health, safety, welfare or environmental services by local governments, particularly counties.~~

~~2.~~1. ~~Consistent with this policy,~~ CSAC ~~is~~ support~~ives~~ ~~of all~~ 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.

~~3.~~2. CSAC supports federal legislation and ~~policy~~ 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.

~~Federal legislation is deserving of CSAC's support if that legislation requires counties' consent to the taking of land into trust for a tribe.~~

~~4.~~3. CSAC supports federal legislation and regulations which ensure ~~that counties receive timely notice of all trust applications and an adequate time to respond to the Tribe and BIA. In addition~~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.

~~5.~~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.

Comment [CL1]: Staff Rec: Duplicative of "general principles" above

Comment [CL2]: Staff Rec: remove.

6. CSAC supports standards 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 used only for non-gaming or non-intensive economic purposes, including religious, cultural, and governmental uses and housing projects for tribes that lack sufficient trust lands for these purposes.

~~6.~~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.

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.

~~7.~~8. CSAC ~~does not oppose~~supports the use by a tribe of non-tribal land for development provided the tribe fully complies with state and local government laws and regulations applicable to all other development, including full compliance with environmental laws, health and safety laws, and mitigation of all impacts of that development on the affected county.

~~8.~~ CSAC will support federal legislation that furthers the ability of counties to require and enforce compliance with all environmental, health and safety laws. ~~Counties and tribes need to negotiate in good faith over what mitigation is necessary to reduce all off-Reservation impacts from an Indian gaming establishment to a less than significant level and to protect the health and safety of all of a county's residents and visitors.~~

Comment [CL3]: Staff rec: Remove; duplicative of gaming compact section.

9. 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.

~~9.~~10. ~~CSAC supports the position that all C~~class II ~~and class~~ bingo-style video gaming devices have similar off-reservation impacts to the environment and local government services as those of class III ~~gaming~~ devices. ~~should be subject to IGRA.~~ CSAC supports requiring tribes that operate such machines to work with local governments to mitigate all impacts caused by such businesses.

~~CSAC is concerned about the current definition of Class II, or bingo-style, video gaming machines as non-casino gaming machines. These machines are nearly indistinguishable from Class III, slot-style gaming machines, and thereby generate the same type of impacts on communities and local governments associated with Class III gaming.~~

~~CSAC believes that operation of Class II gaming machines is a form of gaming, and tribes that install and profit from such machines should be required to work with local governments to mitigate all impacts caused by such businesses~~.

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 opportunities for economic development opportunities for tribes that do not participate in gaming.

Section ~~2~~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.

~~The Governor of the State of California entered into the first Compacts with California tribes desiring or already conducting casino-style gambling in September 1999. Since that time tribal gaming has rapidly expanded and created a myriad of significant economic, social, environmental, health, safety, and other impacts.~~

~~Some Compacts have been successfully renegotiated to contain most of the provisions recommended by CSAC including the requirement that each tribe negotiate with the appropriate county government on the impacts of casino projects, and impose binding "baseball style" arbitration on the tribe and county if they cannot agree on the terms of a mutually beneficial binding agreement~~

~~However~~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.

~~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.~~

~~In the spirit of developing and continuing government-to-government relationships between federal, tribal, state, and local governments, CSAC specifically requests that the State request negotiations with tribal governments pursuant to section 10.8.3, subsection (b) of the Tribal-State Compact, and that it pursue all other available options for improving existing and future Compact language.~~

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 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.

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 consistent with NEPA and CEQA standards and provide adequate information to fully assess the impacts of a project. This process should occur prior to a dispute concerning the intergovernmental agreement going to arbitration and before a new facility may operate or an

existing facility can expand.

~~1.~~6. The compact should require ~~A~~a ~~T~~tribal ~~G~~government constructing or expanding a casino or other related business~~es~~ that impact~~s~~ off-reservation land ~~will~~ 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.

~~2. The Compact shall provide a process to ensure that Tribal environmental impact reports are consistent with CEQA standards and provide adequate information to fully assess the impacts of a project before a facility may operate and prior to mitigation disputes being subject to arbitration.~~

~~3. A Tribal Government operating a casino or other related businesses will mitigate all off-reservation impacts caused by that business. In order to ensure consistent regulation, public participation, and maximum environmental protection, Tribes will promulgate and publish environmental protection laws that are at least as stringent as those of the surrounding local community and comply with CEQA with the tribal government acting as the lead agency and with judicial review in the California courts.~~

~~4.~~7. ~~A Tribal Government operating a casino or other related businesses will be subject to the authority of a local jurisdiction~~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, ~~and law enforcement~~, ~~and reach~~should be subject to binding ~~-~~written agreement on such points between the county and the tribe as part of an intergovernmental agreement.

~~5.~~8. A Tribal Government operating a casino or other 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, law enforcement, 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 ~~types of costs typically paid by non-Indian businesses~~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.

~~6.~~10. The Indian Gaming Special Distribution Fund (SDF), ~~will~~ should not be the exclusive source of mitigation, but will be 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.

~~7. To fully implement the principles announced in this document and other existing principles in the Tribal-State compact, Tribes will meet and reach a judicially enforceable agreement with local jurisdictions on these issues before a new compact or an extended compact becomes effective.~~

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.

~~8.~~12. Compacts should limit tribes to a single casino per compact, with the exception of amended or extended compacts for tribes that already operate two casinos.

Section ~~4~~6: SACRED SITES

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

In the sprit of government-to-government relationships, local governments and tribal governments should work cooperatively to ensure sacred sites are protected at the earliest possible time in 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.

~~1.~~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.

Attachment Three

CSAC Comments to Strategic Growth Council Re: Affordable Housing and Sustainable Communities Program Guidelines

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95814

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916.441.5507

October 31, 2014

Ken Alex, Chair
Strategic Growth Council
Sacramento, CA 95814
ahsc@sgc.ca.gov

VIA E-MAIL

RE: Affordable Housing and Sustainable Communities Program Guidelines

Dear Chairman Alex and members of the Strategic Growth Council:

On behalf of the California State Association of Counties (CSAC), I appreciate the opportunity to submit comments on the draft guidelines for the Affordable Housing and Sustainable Communities (AHSC) grant program. CSAC is the unified voice of California's 58 counties before the state and federal governments. California's counties are committed to promoting sustainability through the implementation of SB 375 sustainable communities' strategies and similar regional transportation plans in areas outside of MPOs. We are glad to see state funding specifically targeted at implementation of the concepts included in these plans. CSAC appreciates the guideline's broad eligibility for projects that counties may wish to pursue under the program, including funding for the basic public infrastructure necessary to promote infill development. Generally, CSAC encourages the Council to adopt guidelines that are as streamlined and simple as practical, which offer broad eligibility to greenhouse gas (GHG)-reducing transportation and land use projects, and which do not unnecessarily constrain the type of project that can be implemented in a specific context.

Complexity

While CSAC recognizes and supports the SGC's desire to ensure that projects funded in the first round are completed expeditiously and quickly demonstrate the program's success in reducing GHG emissions, we worry that the complexity of the guidelines and the specificity of the project requirements may limit the number and type of GHG-reducing transportation and land use projects that will be eligible for funding. We urge the Council to thoroughly review the guidelines and tend towards permissive rather than restrictive criteria unless there is a specific reason based on the program's fundamental mandate to reduce GHGs from transportation and land use. In general, we feel that there should be broad eligibility for GHG-reducing transportation and land use projects, and that GHG reductions should be a primary metric by which to compare applications.

For instance, specific numerical requirements for density and number of units for affordable housing developments may preclude otherwise worthy projects from receiving funding. As affordable developers have pointed out, it may occasionally be difficult to find sites to accommodate large scale developments in urban areas with high quality transit. Moreover, while CSAC appreciates the focus on infrastructure, requirements that any program-based funding be accompanied by an infrastructure element, and that integrated connectivity projects must include two different eligible uses seem unnecessarily restrictive. While we believe research has demonstrated that GHG-reducing benefits are maximized through

synergistic projects that combine multiple land use and transportation strategies, we feel that such projects would naturally rise to the top under a streamlined approach that considered GHG reductions as its primary metric. The prescriptive nature of the guidelines, however, may limit creative and effective projects that may not adhere to the guidelines' notions of what a successful project will look like.

Given the complexity of the program, which is inherently constrained due to several specific statutory requirements, CSAC supports the proposal to require a conceptual pre-application prior to an invitation to submit a full application. This will serve as a means to both mitigate for the complexity of the application process, and to focus technical assistance efforts on communities that have worthy projects, but which may lack the capacity to prepare a full application without additional resources and assistance.

Eligibility

CSAC appreciates that the guidelines value participation by the local government with jurisdiction over the project area as demonstrated by the requirement to submit a joint application for AHSC grant funding. Local governments by their nature must take a broad view of the priorities of the communities that they serve, and requiring their participation will ensure that high quality applications are submitted. This requirement is especially important in light the limitation of one award per project area, with a maximum award of $15 million per funding cycle per city/county or unincorporated area.

CSAC would support less burdensome requirements for local government participation, such as letters of support rather than full co-applicant status. Under such a framework, we feel that regional agencies would be uniquely positioned to play a role in coordinating the applications from a specific area, thereby ensuring that the highest quality projects are submitted and potential geographical conflicts in light of funding limitations are minimized.

Geographic Equity

As a statewide association, CSAC is also concerned about the geographic equity of the program. When transportation fuels come under the cap and trade program, consumers in every part of the state will indirectly make financial contributions to the auction proceeds. While each area of the state may not benefit equally from every auction proceed-funded program, CSAC firmly believes that there are GHG-reducing sustainable communities' projects that can be successfully implemented in every geographic context within the state.

By precluding applications in transit-rich areas unless they are associated with a concurrent—rather than existing or planned—affordable housing development, the guidelines will limit the applicability and efficacy of the program in densely-populated unincorporated areas (e.g. East Los Angeles, or near BART stations located in or near unincorporated areas in the East Bay). Moreover, while we recognize the legitimacy of concerns about gentrification and displacement, this limitation seems superfluous given the requirement that at least 50% of the funding support must be allocated to affordable housing projects. On the other hand, CSAC is concerned that the requirement for a transit stop, although broadly defined, may hinder the applicability of the Integrated Connectivity Project component in rural areas that lack transit, but which may have small downtown corridors where projects promoting active modes could successfully reduce car trips and emissions.

We understand that the above stated limitations on project type may be intended as a way to ensure that the limited grant funding available is used to improve a broad variety of communities in the first round. We also understand that the AHSC program will be operated in an iterative way based on program performance. We hope that the Council will consider reducing or eliminating some of these restrictions in this round and in future rounds as we learn from the initial applications and projects; especially if there is a greater amount of funding is available in the future.

Focus on Gap Financing

CSAC appreciates that the Council has focused on leveraging other funding sources through robust considerations for matching funds and requirements that projects be very close to shovel-ready in order to apply for funding. While this approach will be beneficial in demonstrating the efficacy of the program in its initial round, we hope that future rounds will increase flexibility by allowing funding to be allocated to transformational projects that may need seed funding prior to pursuing other funding opportunities. Such an approach may be especially useful in pursuing innovative transportation and connectivity projects, for which dedicated funding may be especially limited.

Concerns for Transportation-Related Projects

CSAC is concerned that some of the grant requirements may disadvantage transportation infrastructure projects broadly. The guidelines include requirements that projects only receive funding if "no other source of compatible funding is reasonably available" and "costs are not eligible for funding if there is another feasible, available source of funding for the Capital Use." We trust that this requirement will be implemented fairly, and not serve as a rationale for limiting funding allocated to transportation infrastructure projects. While there are indeed some highly-flexible sources of transportation funding, including Highway User Tax Account revenues, local governments have huge maintenance backlogs to simply maintain existing facilities in their current condition. Moreover, routine road maintenance is especially important in areas served by heavy transit buses that strain local roads and for promoting safe routes for bicyclists and other active modes. Flexible local transportation dollars will almost certainly be used to match AHSC funds for complete streets projects that support active modes and transit, but the fact that agencies cannot devote all of their flexible funding to such uses given their massive maintenance obligations should not disadvantage these projects under the AHSC guidelines.

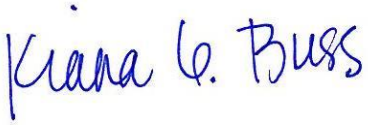
CSAC again acknowledges the program's focus on shovel-ready projects, but also must recognize that the requirement for project to have completed NEPA and CEQA review, including the exhaustion of time periods for legal challenges, will potentially limit candidate projects to those sponsored by agencies that can afford to incur these significant upfront costs. This may be an especially important consideration for small, rural, and/or disadvantaged communities.

Finally, CSAC is concerned with language that requires projects that need approval by a local public works department, or other responsible local agency must include a statement from that department indicating that the Infrastructure Project is consistent with all applicable local rules, regulations, codes, policies and plans enforced or implemented by that department. While the requirement is clearly intended to prevent cost-overruns or inconsistent projects from applying, lead agencies are concerned that public agencies may be unwilling to sign such as statement before there has been final design of the

infrastructure to be built. A commitment to review and ensure that the finished project will be consistent with applicable standards might be more manageable, as well as consistent with typical infrastructure grant assurance language.

Thank you for the opportunity to submit these comments. Please do not hesitate to contact me via email at kbuss@counties.org or by phone at 916-327-7500 ext. 527 should you have any questions about CSAC's comments.

Sincerely,



Kiana Buss
Legislative Representative

Attachment Four

Transportation and Public Works Platform Chapter

CHAPTER ELEVEN

Transportation and Public Works

Section 1: GENERAL PRINCIPLES

Transportation infrastructure and multi-modal transportation choices ~~services and facilities~~ are essential for the current and future well-being of the State of California. A balanced transportation system utilizes all ~~available means~~modes of travel ~~cooperatively and~~ in a ~~mutually~~ complimentary manner to provide all users access and mobility ~~options~~ to safely move about their communitya ~~total service for the needs of the community~~.

Transportation ~~services~~ infrastructure investments should ~~also responsibly meet~~balance the competing ~~future~~ needs of all segments of ~~industry and~~ society and the economy with maximum coordination between all levels of government and reasonable amounts of free choice for the consumer ~~of the transportation service.~~.

~~Balanced transportation does not simply mean the provision of highways or public transit devices. A balanced transportation system is a method of providing services for the mobility requirements of people and goods according to rational needs.~~

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.

Counties also recognize that climate change and the release of ~~greenhouse gases (~~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 XV, which outlines CSAC's climate change policy.

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. 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

A. System Policy and Transportation Principles

~~Government belongs as close to the people and their related problems as possible. The system of transportation services, similarly, must recognize various levels of need and function.~~

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~~s~~ should be an asset to present and future generations. It must consider and protect the natural and built environment~~al~~ and support economic development of the state. ~~within a framework of its ability to invest.~~

~~All people of the state bear a share of the responsibility to ensure proper environmental elements of the transportation system.~~

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.

The local road system, a large component of the State's transportation network, is critical in order to address congestion, meet farm to market needs, address freight and goods movement, and provide access to other public transportation systems.

Public safety, particularly access for public safety services, is dependent on a well-maintained local road network.

Analysis of the cost effectiveness of all modes of transportation, existing and proposed, is needed in order to provide the most coordinated and efficient transportation system.

Additionally, 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.

System process modifications are needed to expedite project delivery and minimize project cost.

B. 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 ~~greenhouse gases~~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.

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. Further, 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~~, both metropolitan planning organizations and countywide transportation agencies.~~.

Adequate state and federal transportation funding is necessary ~~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 local streets and roads, highways, public transit, airports or any other modal system as determined by each area in accordance with local, regional, and statewide needs and goals. 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.

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.

The cost of transportation facilities and services should be fairly shared by the users and also by indirect beneficiaries.

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.

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.

Efforts to obtain additional revenue should include an examination of administrative costs associated with project delivery and transportation programs.

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.

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.

~~Rural and urban transportation funding needs must be balanced so as to build and operate a single transportation system.~~

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.).

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. Further, additional revenue raising authority at the local and regional level is needed as well as other strategies as determined by individual jurisdictions and regions.

Transportation revenues must be utilized for dedicated 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.

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~~that fund other modes ~~of transportation~~.

Future revenues must be directed to meet mobility needs efficiently and cost effectively with emphasis on maintaining our current infrastructure first and investing in more ~~current modal use and~~ transportation choices for the public.

C. 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.

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.

No county or city should be split by regional boundaries without the consent of that county or city.

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.

D. Management Policy

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

Greater attention should be devoted to delivery of ~~overall~~ transportation infrastructure ~~products and services~~ in a cost-effective manner with flexibility in delivery methods and project management. ~~attendant management flexibility at the implementation level of the management system.~~

Special transportation districts should be evaluated and justified in accordance with local conditions and public needs.

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.

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 the to social and economic needs of individual communities.

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

A. Aviation

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.

State and federal airport planning participation should be limited to coordination of viable statewide and nationwide air transportation systems.

Local government should retain complete control of all airport facilities, including planning, construction, and operation.

B. Streets and Highways

The local street and road system, over 80-percent of the total maintained miles in the state, continues to play an important role in the mobility of Californians and critical fort a vibrant economy. Further, local roads serve as the right-of-way for active transportation and transit. 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.

Highways ~~transit~~--in a coordinated statewide transportation system--will continue to carry a great percentage of the goods and people transported within the state. A program of maintenance, operations and safety ~~and~~ improvements to~~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.

Non-motorized transportation facilities, such as pedestrian and bicycle facilities are proper elements of a balanced transportation system. 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. 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.

C. Public Transit

Counties and cities should be responsible for local public transit systems utilizing existing transportation agencies and districts as appropriate.

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.

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.

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.

Public transit planning should include a continuing effort of identifying social, economic, and environmental requirements.

D. 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.

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.

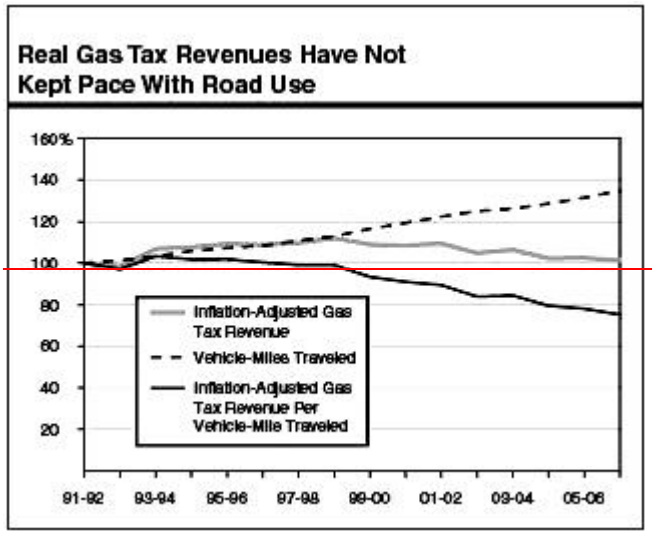
Research and development of innovative and safe uses of rail lines should be encouraged.

Section 4: CONCLUSION

Since 1970, transportation demands and needs have out-paced investment in the system. An examination of transportation revenues and expenditures compared to population, travel and other spending in the state budget, adjusted for inflation, shows a long period of under-investment in transportation. ~~continuing through the 1990s and into the next decade.~~ California's population continues to increase, motorists are buying less fuel, and yet the total vehicle miles traveled in the state is still increasing.

~~Between 1990 (when the gas excise tax was increased) and 2004, California's population increased 20.6%, while travel in the state increased 36.3% and the number of registered vehicles in California increased 43.2%. According to the~~

~~Legislative Analyst's Office, travel is outpacing gas tax revenue (see chart, below).~~



~~*Source: Legislative Analyst's Office, Budget Analysis 2006*~~

~~Further, i~~Inflation has seriously eroded the buying power of gas tax dollars. ~~-~~The base 18-cent state excise tax, last adjusted in 1994, is now only worth 9-cents when adjusted for inflation and fuel efficiency. ~~While revenues from the gas tax increase in the 1990s roughly kept pace with miles traveled, with no increases since 1994, travel has now outpaced revenues,~~ The lack of adequate investment has create~~ding not only~~ chronic congestion ~~but also~~and extreme wear and tear on ~~the~~ state highway~~s~~ and the local street and road system. ~~Further, the sufficiency of gas tax revenues to fund transportation has declined over time as cars have become more fuel efficient and as project costs have increased. Inflation-adjusted gas tax revenues declined 8% just in the last seven years.~~

~~The gas tax once funded most transportation programs in the state, including operations and construction. Now the per-gallon fuel tax collected at both the state and federal levels and the state weight fees does not even provide enough revenue to meet annual maintenance, operations, and rehabilitation needs for the state highway system (the State Highway Operation and Protection Program or SHOPP). Counties and cities dependent upon a portion of the State's gas tax revenues are in the same situation in that revenues are short of meeting their preservation needs of the local system. Basic Maintenance programs for California's aging system now consume 100% of gas tax revenues in most local jurisdictions.~~

~~In 2010, the State enacted a historic transportation tax swap in which the excise tax on gasoline was increased by 17.3 cents and the sales tax on gasoline~~

~~(Proposition 42) was eliminated. Counties, cities, and the State Transportation Improvement Program (STIP) will receive similar amounts from the increase in excise tax as would have been provided by the sales tax. However, the local and state systems are still woefully underfunded.~~ The 2014~~0~~ 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 66, an "at risk" rating. ~~Approximately 67% of the local streets and roads system are "at risk" or in "poor" condition.~~ The condition is projected to deteriorate to a PCI of 54 by 2020. In addition, the percentage of "failed" streets will grow from 6.1% to almost 25% of the network by 2020. Furthermore, the funding shortfall considering all existing revenues is $78.3~~9~~ billion over the next 10 years.

The bottom line is that the current revenue system is not providing the funding necessary to maintain existing transportation systems, much less to finance operation, safety, and expansion needs.

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. 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), and Federal Highway Administration (FHWA)).

Attachment Five

Planning, Land Use, and Housing Platform Chapter

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 III). 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 XV, which outlines CSAC's climate change policy.

Counties have and must retain a primary responsibility for basic land use decisions.

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.

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.

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.

Counties must have sufficient funding from state sources to meet state mandated planning programs.

Counties define local planning needs based on local conditions and constraints.

Section 2: THE COUNTY ROLE IN LAND USE

A. 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.

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. Zoning and other implementation techniques should be a logical consequence to well thought out and locally certified plans. 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.

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.

Policy development and implementation should include meaningful public participation, full disclosure and wide dissemination in advance of adoption.

B. Public Facilities and Service

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. Counties should accept responsibility for community services in newly developing unincorporated areas where no other appropriate entity exists.

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.

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.

C. 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.

The CEQA process and requirements should be simplified wherever possible including the preparation of master environmental documents and use of tiered

EIRs and negative declarations, including Climate Action Plans and associated environmental impact reports for tiering under CEQA. The length of environmental reports should be minimized without impairing the quality. Further, 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.

Counties should continue to assume lead agency roles where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.

CEQA documents should include economic and social data when applicable; however, this data should not be made mandatory.

D. 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.

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. Comprehensive plans should also include preservation of open space, development of commercial and recreational small craft harbor facilities, camping facilities, and commercial and industrial uses.

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. 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. Counties support measures to streamline the process for approving and amending Local Coastal Plans. Measures should re-prioritize Commission staff and resources to the early scoping phase of any proposed amendment, to help identify key issues early on. 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. Counties support legislative funding options that will enhance efficiency and accountability in the local coastal planning process.

E. 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.

In order for counties to fully implement open space plans, it will be necessary to have:

1. Additional revenues for local open space acquisition programs, such as the subvention funds formerly provided by the Williamson Act.
2. Reimbursement to local agencies for property tax losses.
3. Greater use of land exchange powers for transfer of development rights.
4. Protection of current agricultural production lands through the purchasing of development rights.

In some cases, open space easements should be created and used by local jurisdictions to implement open space programs, like the Williamson Act program. Timber preserve zones and timber harvesting rules should enhance protection of this long-term renewable resource.

F. 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. This encompasses

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

G. Environmental Justice

Counties support policies and programs that ensure environmental justice--or 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--by providing information and raising awareness on a number of environmental issues, such as air quality, water quality, noise and heavy industrial uses. Counties also 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; and 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. 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.

The state‘s participation in land use decisions in those designated areas shall be strictly limited to insuring the defined state interest is protected at the local level. Any regulatory activity necessary to protect the state’s interest, as defined in statute, shall be carried out by local government.

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.

In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship. 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.

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. 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.

Adequate financial resources shall be provided, before a state-mandate is activated, to insure 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~~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. 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.

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. Further, 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 over 80 ~~-2~~ 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.

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. Counties support voluntary revenue-sharing agreements for existing revenues at the regional level, and any mandated revenue sharing must be limited to new revenues.

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.

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. 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." Nothing is served by rhetorically attacking "fragmentation." 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. CSAC supports a role by the state Department of Housing and Community Development 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. 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. Counties support the following principles in relation to housing:

1. Reform housing element law. Existing housing element law must be streamlined and simplified. A greater emphasis should be placed on obtaining financing and enabling production, rather than the overly-detailed data analysis now required under state law. A sweeping reform of the current requirements should be undertaken. 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. 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.

2. Identify and generate a variety of permanent financing resources and subsidy mechanisms for affordable housing, including a statewide permanent source for affordable housing. 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 and were being held for affordable housing projects some of which are already in progress and many of which were being planned for the next few years.

   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 insure (a) production of new subsidized units, and (b) adequate funds for housing subsidies to households. 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. In addition, 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.

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

4. Promote a full range of housing in all communities. 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. This will require a cooperative effort from the beginning of the planning and approval process as well as creatively applying incentives and development standards, minimizing regulations and generating adequate financing. Using this approach, housing will become more affordable and available to all income groups.

5. Establish 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.

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.

Attachment Six

Climate Change Platform Chapter

Chapter Fourteen

CSAC Climate Change Policy Guidelines

Section 1: GENERAL PRINCIPLES

- 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 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 to address the role public lands play in the context of climate change must occur.

- 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 greenhouse gas emissions and create energy efficiency strategies that are appropriate for their respective communities.

Section 2: 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 area should include a mechanism to compensate county governments for the loss of property taxes and other fees and taxes.

Section 3: LAND USE, TRANSPORTATION, AND HOUSING

CSAC recognizes that population growth in the state is inevitable, thus 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 plays 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. 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, Statues 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). With the first round of SB 375 sustainable communities strategies (SCSs) complete, it is critical that the state deliver on its commitment to fund the transportation, housing and land use projects within SCSs, and other GHG reducing regional transportation plans, that will make the strategies a reality. ~~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 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 also 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 existing policy also 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 policy also 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 policy supports providing incentives for regional blueprint 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 SB 375 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 4: 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 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.

- 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 its development of a reasonable regulatory measure with a feasible timeline, that will 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.

- CSAC continues to support its existing energy policy, which states that counties should seek to promote energy conservation and energy efficiency and 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 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.

Section 5: 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 – (rain or snow), changes in runoff timing and volume, effects of sea level rise and changes in the amount of irrigation water needed. CSAC has an existing policy that recognizes the need for state and local programs that promote water conservation and water storage development.

- CSAC supports the incorporation of projections of climate change into state water planning and flood control efforts.

- 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 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 6: 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 less of a 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 continues to support its existing policy on sustainable forestry, 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 7: 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 strateiges 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 8: 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 supercede 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 9: 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 10: 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 walk ability 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.

Glossary of Terms

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 (H_2O), carbon dioxide (CO_2), nitrous oxide (N_2O), methane (CH_4) and ozone (O_3) are the primary greenhouse gases in the Earth's atmosphere.
United Nations Intergovernmental Panel on Climate Change