



September 12, 2008

CHAIR
JOHN WITHERS
Director
Irvine Ranch Water District

SUBJECT: LAFCOs and SB 375

VICE CHAIR
SUSAN WILSON
Representative of
General Public

Dear Fellow LAFCO Commissioners:

CHERYL BROTHERS
Councilmember
City of Fountain Valley

I am writing you on behalf of the Orange County Local Agency Formation Commission (LAFCO) regarding SB 375.

BILL CAMPBELL
Supervisor
3rd District

Each of you represents a unique part of California and that diversity is our strength. One size does not fit all or address the diversity of people and agencies that make up California. And you, as a locally elected representative, truly know and understand how to best enhance the life of the citizens you serve. However we believe that your ability to address the needs of your neighbors is being undermined.

PETER HERZOG
Councilmember
City of Lake Forest

JOHN MOORLACH
Supervisor
2nd District

We believe that local control is being undermined by SB 375. The proponents of this bill have called it a "watershed moment", "landmark legislation" and "the most important land use bill" in decades. The many statewide organizations, including CALAFCO, who diligently worked to amend the bill, tell us that it is better now than it was before. That may be true but it is still a problematic bill that erodes local authority.

ALTERNATE
PAT BATES
Supervisor
5th District

ALTERNATE
PATSY MARSHALL
Councilmember
City of Buena Park

SB 375 places local control in the hands of regional planning organizations and the California Air Resources Board (CARB), a single purpose regulatory agency with no experience in land use planning or in addressing the myriad of issues that communities must face. CARB does not have the same depth of knowledge or understanding of local issues as an area's locally elected representatives.

ALTERNATE
RHONDA MCCUNE
Representative of
General Public

ALTERNATE
CHARLEY WILSON
Director
Santa Margarita
Water District

In summary, here is how SB 375 will change your decision making authority. CARB now has the statewide authority to regulate greenhouse gas emissions. SB 375 makes CARB the lead agency to decide how much greenhouse gas must be reduced in each area. CARB will then tell the 17 Metropolitan Planning Organizations (MPOs) what those goals are and each MPO must develop a transportation plan and land use plan, known as a Sustainable Communities Strategy, to meet those goals. The

JOYCE CROSTHWAITE
Executive Officer

Sustainable Communities Strategy must direct "growth in the right direction" and must be approved by CARB. CARB has the absolute, unilateral authority to reject every Sustainable Communities Strategy even if ALL the local agencies have agreed upon it.

While SB 375 does not technically require agencies to change their land use plans to conform to the Sustainable Communities Strategy, it carries a big stick. State and federal transportation monies would be funneled only to those areas that change their land use plans to conform to the Sustainable Communities Strategy. So you may not be "required" to change your area's development patterns but don't count on getting money to meet your transportation needs!

SB 375 is only the beginning. There is already discussion about additional legislation next year to "implement" the provisions of SB 375. Some have said this is a first step toward regional planning and ultimately regional governance. Centralized land use control and governance should not be supported.

What is most troubling is the haste with which SB 375 was approved. The final version was not put into print until August 13, 2008 and was rushed through the Legislature to meet the August 31 deadline. Eighteen (18) days for a "landmark" piece of legislation with potentially far-reaching consequences prevents the vast majority of Californians and even most elected representatives from knowing the details and impacts of SB 375, much less being able to voice their concerns.

There are two courses of immediate action you can take. First letters requesting a veto of SB 375 should be sent to the Governor immediately. Secondly, we urge you to contact the CALAFCO Board and ask that they re-consider their recent support for SB 375 until there is a full understanding of the consequences of this piece of legislation.

We look forward to working with in the future to support your ability to enhance the unique character of your county and to meet the varied challenges you face without the interference from a centralized control by CARB or other state agencies.


Peter Herzog
Orange County LAFCO Commissioner