



# COLAB

## San Luis Obispo County

May 2011 Newsletter

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## GLOBAL ENVIRONMENTAL GOVERNANCE

**B**oth San Luis Obispo and Santa Barbara Counties have for many years extolled the virtues of local control. For decades County Supervisors have fought to keep Sacramento out of local decisions and to “keep local revenue local.”

Indeed both Counties prominently feature local control as fundamental policy doctrine in their Annual Legislative Platforms (formal policy documents which both generally and specifically propose and oppose new laws and financial provisions at the State and Federal Levels). Both Counties pay salaried staff members and outside State and Federal lobbyists to shepherd the matters they favor and to oppose the matters which are detrimental.

For example, several years ago Santa Barbara County led a major statewide legislative effort to curtail the power of the California State Department of Housing and Community Development (HCD) with respect to mandates imposing higher zoning densities in the name of affordable housing. More recently both Counties have opposed destructive regulations aimed at agriculture proposed by the State’s Central Coast Regional Water Quality Control Board. Santa Barbara County has opposed Federal and State erosion of local control over offshore oil drilling, Indian gaming, setting speed limits, and euthanizing animals. No subject has been more sacrosanct than local land use control (planning and zoning).

Now, in a profound reversal of the policy of resisting mandates, the Board of Supervisors’ left ideological majorities in both Counties have enthusiastically embraced State climate change legislation (AB 32, SB 375, and SB

97<sup>1</sup>). San Luis Obispo County is further down the road than Santa Barbara County and has published a draft Climate Action Plan. This is a slick full color document replete with justifications for yet another layer of land use regulation, intrusive energy audits, dense condo villages, penalties for driving cars, and expansion of government into the home repair and home loan business. It is the driving theory underlying the County’s “smart growth initiative.” Santa Barbara County’s document (also a slick full color offering) is entitled the Santa Barbara County Climate Action Study Climate Action Strategy Phase 1-Draft Climate Action Study. This long convoluted title betrays some apprehension on the part of the staff with respect to the extent of their professional commitment to the whole idea. They are hedging. During an April 26, 2011 workshop on the subject, staff repeatedly emphasized that they produced the document in response to formal direction from the Board of Supervisors and that any decision to actually create a full climate action plan would come from the Board. Like Pontius Pilot, they want the blood on someone else’s hands. They go to some lengths to point out that Santa Barbara County has already achieved reductions in greenhouse gases, that the County has lost industrial businesses (and thousands of related

1 - AB 32 requires the State and its political subdivisions to reduce greenhouse gas emissions (GHG) back to 1990 levels by 2020. It is not yet a mandate for counties but it is expected the State will issue targets, rules and consequences in 2012. SB 97 requires that GHG emissions be addressed in CEQA documents. SB 375 requires a regional planning process (like smart growth) and strengthens the ability of the State Housing and Community Department to enforce jobs/housing balance requirements.

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# What the Heck is ICLEI? (continued from page 1)

jobs), and that the State has already promulgated rules which will help lower the attainment base levels (meaning the County can do less). They further emphasize that they recommend a voluntary approach versus a regulatory approach. Residents of Santa Barbara County will need to remain alert and vigilant lest the Board majority and their extremist backer/manipulators overrule the staff and in the end compel a coercive regulatory plan. Residents of San Luis Obispo County need to organize and rebel.

While these concerns are troubling in and of themselves, there is an underlying and insidious ideological movement which has penetrated and seeks to internationalize both Counties' approaches to their climate action planning (and ultimately to their derivative land use and regulatory schemes). Both Counties have become dues paying members of the International Council for Local Environmental Initiatives (ICLEI). Last year ICLEI modified its name to reflect its so-called "bottom up approach" of enlisting cities, counties, and other localities worldwide as its key members and service market. The new name is "ICLEI: Local Governments for Sustainability." (ICLEI's web site can be readily accessed on your browser by typing in "ICLEI" or at [www.iclei.org](http://www.iclei.org)).

At a quick glance ICLEI might seem to be a benign organization designed to assist cities and counties by providing technical assistance and sharing best practices with respect to "sustainability." Both San Luis Obispo and Santa Barbara Counties have adopted its greenhouse gas (GHC) measurement protocols. They have also adopted its basic strategic planning format for their climate action plans. As is stated in Santa Barbara County's Climate Action Study, "This Study ... provides the first steps towards completing the five milestones to reducing greenhouse gases set by ICIEI, of which the County of Santa Barbara is an active member. The Cities for Climate Protection Milestone Guide developed by ICLEI establishes a five-milestone program that local governments can adapt to work towards reducing GHC emissions." The report then goes on to detail how the County is using the guide to implement the various

recommended milestones. San Luis Obispo County has incorporated the same milestone structure as its overall Climate Action Planning Process. San Luis Obispo County received technical assistance from ICLEI staffers, Program Officer Jonathan Strunin and Allison Culpen, in developing its Baseline Green House Gas Inventory in 2006. Quoting from that report, "As advised by ICLEI, quantifying recent year emission levels is essential to 1) establish a baseline to measure future emission levels, and 2) an understanding of where the highest levels of emissions are coming from, and, therefore the greatest opportunities for emissions reductions." The ICLEI Milestones are introduced to San Luis Obispo County in this report. Like Santa Barbara County, and as noted above, San Luis Obispo County used the ICLEI Protocol for its GHG assessment.

Delving a little deeper, one finds that there is more to ICLEI than technical assistance. Its web site reports that it was founded in 1990 when 200 local governments held a World Congress for a Sustainable Future at the United Nations. What it fails to mention is that one of the originators was former Berkeley City Council member and now State Assembly member Nancy Skinner (not to be confused with the liberal radio show commentator of the same name) Ms. Skinner is one of the most left leaning legislators in the Assembly. For example and in a typical social engineering attack on free markets, she has proposed AB 638, which would require that California reduce the use of petroleum based fuels to 15% below the 2003 level by 2022 to "stimulate the use of advanced bio, synthetic, natural gas and electricity." Like Apple Computer, she started ICLEI in a Bay area garage. Somewhat like Apple, her enterprise has grown. ICLEI reports 1220 member communities containing 550 million residents in 70 nations. Its world headquarters is in Bonn, Germany and there are regional headquarters in Africa, Korea, Japan, Europe, South America, Mexico, Canada, United States, Oceania, South Asia, and Southeast Asia.

ICLEI casts itself as a "Movement of Local Governments." It states that it supports International Goals

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# Land Use Policies from the U.N.?(continued from page 2)

which “link local action to internationally agreed-upon goals and targets such as Agenda 21 and The Rio Conventions, including the UN Framework for Climate Change, The UN Convention on Biological Diversity, and the UN Convention to Combat Desertification. <sup>2</sup> "ICLEI's Charter states, "The Association's mission shall be to build and serve a worldwide movement of local governments to achieve tangible improvements in global sustainability with special focus on conditions through cumulative local actions." The Charter further states:

The Association shall promote, and ask its individual members to adopt, the following Earth Charter Principles to guide local action:

1. Respect Earth and life in all its diversity.
2. Care for the Community of life with understanding, compassion and love.
3. Build democratic societies that are just, participatory, and peaceful.
4. Secure Earth's bounty and beauty for present and future generations.
5. Protect and restore the integrity of Earth's ecological systems, with special concern for biological diversity and the natural processes that sustain life.
6. Prevent harm as the best method of environmental protection and, when knowledge is limited, apply a precautionary approach.
7. Adopt patterns of production, consumption, and reproduction that safeguard Earth's regenerative capacities, human rights, and community wellbeing.
8. Advance the study of ecological sustainability and promote the open exchange and wide application of the knowledge acquired.

9. Eradicate poverty as an ethical, social, and environmental imperative.

10. Ensure that economic activities and institutions at all levels promote human development in an equitable and sustainable manner.

11. Affirm gender equality and equity as prerequisites to sustainable development and ensure universal access to education, health care and economic opportunity.

12. Uphold the right of all, without discrimination, to a natural and social environment supportive of human dignity, bodily health, and spiritual well-being, with special attention to the rights of indigenous peoples and minorities.

13. Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making, and access to justice.

14. Integrate into formal education and life-long learning the knowledge, values, and skills needed for a sustainable way of life.

15. Treat all human beings with respect and consideration.

16. Promote a culture of non-violence and peace.

**The Association shall develop, and encourage its**

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## **members to use, a framework for measuring performance in the area of sustainable development and environment.**

This certainly goes far beyond any limited notion of an organization which is providing a forum for technical assistance and sharing best practices. It is nothing less than a manifesto for a particular vision of society which, as it says in the preamble above, its members "should adopt and use to guide local action." Clearly ICLEI is using the lure of technical assistance and mutual support to distribute propaganda. There is nothing in it about free enterprise, private property rights, limited government, individualism, protected speech, freedom from searches, and other fundamental American values, particularly as they pertain to the very issue at hand -- government regulation.

Interestingly, the ICLEI web site contains no financial information about the organization: no budget, no annual financial report, and no list of contributions by funder. There is a list of funders which includes the City of Bonn, The European Union, and something called the "Ministerium fur Generationen, Familie, Frauen und Integration des Landes Nordrhein-Westfalen," but no corresponding list of amounts. There is a second list of "Partners." It is not clear if they are also funders. Some sample partners include the World Economic Forum, The Clinton Climate Initiative (former President Clinton's foundation), The United Nations Environment Program (UNEP), the United Nations Human Settlements Program (UN-HABITAT), United Nations Framework Convention on Climate Change (UNFCCC), and the World Bank. So much for the transparency principle. It would be interesting to follow the money. ICLEI USA reports 155 member jurisdictions. In California most of the members are Bay area cities, with a smattering in the Los Angeles area. Supervisor Salud Carbajal of Santa Barbara County is a regional director. In addition to Santa Barbara and San Luis Obispo, California member counties include Napa, Sacramento, San Francisco, San Mateo and Santa Clara. In April 2010, the US Department of Energy selected ICLEI USA to provide technical assistance to help up to 5000 U.S. local governments "scale up solar power in their communities."

On February 23, 2011 ICLEI Secretary General ( their CEO) Konrad Otto- Zimmermann issued a position paper proposing "three key steps that are needed for effective Global Environmental Governance," as follows:

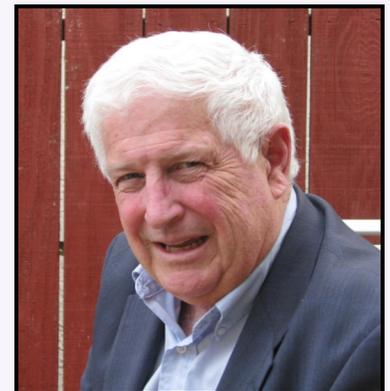
**Let's craft a framework of Global Environmental Governance, seeking to include all nations, and to not merely repair the system of UN agencies and conventions.**

**Let's tie local governments, sub-national governments, and business into a global framework of policy setting, implementation and accountability, and link this to the multilateral structure of national governments which are part of it.**

**Let's try it out; let's pilot it and learn from it; let's widen, deepen and formalize the new approach as we go.**

You probably didn't know that as a citizen of San Luis Obispo or Santa Barbara County, your Board of Supervisors joined you to this "world- wide movement."  
You probably didn't know that you ostensibly support Agenda 21. You probably didn't know that you ostensibly support the Earth Charter Principles. You probably didn't know that your County is paying dues to support all this.  
Now you do know that your local land use policies are coming from Bonn, Rio, and Berkeley.

*by Mike Brown, Governmental Affairs Director of the Coalition of Labor, Agriculture and Business of San Luis Obispo County.*



# ENERGY HYPOCRISY

**B**oth the Santa Barbara County and San Luis Obispo County Boards of Supervisors have taken positions to request Pacific Gas and Electric (PG&E) to withdraw its application to the United States Nuclear Regulatory Commission for re-licensing the Diablo Canyon Nuclear Power Plant in San Luis Obispo County. Both Counties request that certain computerized three dimensional seismic studies of the area be completed and evaluated prior to resumption of the re-licensing process.

In fact PG&E determined to suspend its re-licensing effort in early April, 2011. These requests began about a year ago and have been energized by the nuclear plant radiation leaks and fires in Japan resulting from the massive earthquake and accompanying tsunami. Criticism of PG&E has been exacerbated on the basis of the gas main explosion in San Bruno last fall. There have been some calls to shut the plant down immediately and a growing sentiment to not re-license it and eventually replace it with "renewable" sources of electric generation (solar, bio mass, geothermal, wind, wave, small hydro).

By way of perspective, the plant produces 2300 megawatts (MGW) per day on 750 acres (mostly open space) and provides power for 2.2 million people. On a typical mild April day the California Independent System Operator reports that total demand in the State is about 30,000 MGW during the daily peak usage hours.<sup>1</sup> The average available state-wide supply is in the high 30 thousands. The amount available depends on how many power plants are on line (some may be down for repairs). During a summer hot spell the peak use may rise to 43,000-47,000 MGW. If the demand exceeds supply, outages can occur. When a period of shortages is forecast, utilities request industry and the public to reduce usage. This can be very disruptive to manufacturing, retail, and other industries. Sudden blackouts are worse. PG&E reports that on a typical day the plant produces about 10 percent of the electricity used in the State and 20 percent of the electricity used in its service area, which extends from Santa Ynez to Eureka and which encompasses major metro areas such as the San Francisco Bay Area. It is not so simple or prudent to abandon this plant.

For years environmentalists and a variety of social engi-

neers have been clamoring for solar power as a major part of the solution to alleged problems of industrialization and climate change. On February 2, 2011, the San Luis Obispo County Planning Commission unanimously approved a Conditional Land Use Permit for a 250 megawatt, \$1.4 billion solar plant on 4685 acres. It is a very complex project which may employ 350-450 people on average during the 3 year construction phase. At the peak of construction, it could employ as many as 950 people. These are good jobs in the building trades, engineering, and transportation. The proposed solar plant will be exempt from property taxes on the actual power generation facilities under State green energy incentive policies (a foregone \$14 million per year for the County and schools). However, it will generate some new property tax on increased land values and non-power generation facilities. It will pay sales taxes on materials and equipment used for construction, to the extent that they are purchased in San Luis Obispo County. The County has included provisions to enforce this in its project approval conditions. The site itself has been declared the point of sale for these materials. This could be \$15 to \$20 million in one-time revenue during the construction phase. The project will create a short-term economic multiplier effect in the County. The direct jobs and purchases of materials and services will generate induced demand for housing, construction, automotive, furniture and appliances, food, and services, which will in turn result in employment in those sectors. The applicant and County and their consultants developed extensive projections which are included in the Environmental Impact Report. Independent experts (including lawyers who oppose projects for a living) have testified that the EIR is one of the most complete and professional they have ever seen. There are 149 conditions which must be fulfilled before construction can even begin.

Interestingly, the environmental analysis indicates that the project will not be growth inducing in a negative sense

1 The Independent System Operator is a non-profit public benefit organization charged with operating the majority of California's high voltage power grid. Balancing the demand for electricity with an equal supply of megawatts, the ISO is the independent link between power plants and the utilities that serve more than 30 million customers.

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# Civilization is NOT Sustainable? (cont. page 5)

(that is it will not stress public services, require large numbers of new residents and commuters, or inflate housing prices) because the economy is so bad. It can easily absorb any growth since there is so much unemployment. It is estimated that the project will supply electricity for 100,000 homes and reduce 263,000 metric tons of carbon dioxide per year if it replaces 250 megawatts per day generated from carbon sources. You would think everyone would be thrilled. (Not on your life!!)

Four different appellants containing 6 organizations filed appeals and requested the Board of Supervisors to deny the project. Among the appellants is the Center for Biological Diversity and the Sierra Club. They oppose any disturbance in the Carrizo Plain, citing the unique habitats of many mammals, reptiles, birds, plants, and insects. The appellants profess to support solar but maintain that the project should be located further to the northeast in Kings and Fresno Counties. Furthermore, while they support individual roof solar and distributed small neighborhood plants, they oppose industrial scale solar.

It should be noted that the SLO County and the applicants have designed a project which preserves thousands of acres of habitat in perpetuity and that the plant is passive in that there are no moving parts, factory processes, or volatile or hazardous materials. Ultimately, the Board approved the project on April 19, 2011. Based on the testimony and written filings of the appellants, lengthy and costly court appeals could follow which could delay the project for years. As we have pointed out in the past, "the left will always be one demand ahead of you."

A second project, the 550 megawatt Topaz Solar Farm Project on 6,730 acres, which is under consideration in the Carrizo, would reduce 288,477 metric tons per year in comparison with the current mix supplied by PG&E. The same issues which apply to the 250 megawatt plant are also likely to come into play with respect to Topaz. Santa Barbara County is not as far along as San Luis Obispo County and is working on changing its zoning to allow solar plants on agriculturally zoned land. It has not determined how to handle the Williamson Act (land where the owner has contracted with the County to maintain the land in agriculture in exchange for a lower tax assessment) issue, which would forestall projects for up to ten years until

existing contracts expire. Santa Barbara County had planned to encourage and finance distributed individual roof systems but has been blocked by Federal mortgage guarantee agency loan underwriting. It has also annihilated its Housing and Community Development Department and driven off the key managers and experts who were leading the effort.

Both Counties have substantial opportunity to develop proven oil and gas reserves. Both Counties have generally opposed offshore oil and gas development. Both Counties have draft "Climate Action Plans" posted on their web sites for public review. These plans castigate the use of fossil fuels and contain provisions to force reductions by imposing ever more oppressive land use regulations, restricting life style choices, and further eroding property rights. Examples of key implementing provisions include herding people together into dense condo villages, restricting parking to compel workers to use mass transit, requiring mandatory home energy audits, and requiring installation of smart electric meters which enable the charging of severe block rates (sharp progressive increases based on time of day usage, total usage, and even the relative efficiency of household appliances).

The radical left, environmentalists, and a variety of elitist Nimbys have combined to oppose expansion of long reach oil drilling from existing platforms. Curiously, local government employee unions and education unions support the left politicians who oppose any oil development. These public employees are losing jobs, wages, and benefits as a consequence of these anti-economic development policies (including the limiting and ultimate abolition of oil production).

**In the end and when real projects are on the table, the energy hypocrites are exposed.** They oppose nuclear, fossil, solar, wind, and hydro dams. Their ultimate solution is in "conservation." We must reduce our industrial standard of living. The millennia of human progress are over and not "sustainable." The fruits of the agricultural revolution, the renaissance, the industrial revolution, and the scientific revolution must now be suppressed. Would they accept a Neolithic standard of living? Perhaps not. Neolithic people had fire.

# COALITION OF LABOR AGRICULTURE AND BUSINESS

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# COLAB

San Luis Obispo County

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## URGENT ACTION ALERT!

### TRANSFER OF DEVELOPMENT CREDITS ON AGENDA

On Tuesday May 10, 2011 the SLO Board of Supervisors will consider a Planning Commission recommendation to make this excation even more onerous. Item C-3 contains a provision that would require an applicant who wanted to create a new lot anywhere outside Urban ( or Village) Reserve Lines to have to retire a transfer of development credit (TDC) on a one for one basis. This would be required even if the existing zoning permits the proposed lot split or subdivision.

Please oppose this addition to Chapter 22.24.070 (B)(2) of the County Land Use Code which would enable this taking.