

COLAB SAN LUIS OBISPO COUNTY

WEEK OF MARCH 10-16, 2013



COLAB
San Luis Obispo County

4th Annual
Dinner & Fundraiser

Thursday, March 21st, 2013
Madonna Expo Center, San Luis Obispo

Speaker: Victor Davis Hanson
Author, Historian, Professor, Classicist, And Nationally Syndicated Columnist

Dr. Hanson (author of 17 books, hundreds of articles, and newspaper editorials – including in The San Luis Obispo Tribune) is one of the current era's most incisive and prophetic interpreters. Hanson, through the lens of history, argues that, "The more you give people, the more entitlements they want." "The Welfare State has driven people from self-reliance that sharpens democracy to dependency that blots it out." Dr. Hanson is the Senior Fellow in Residence in Classics and Military History at the Hoover Institution, Stanford University, and a Professor of Classics Emeritus at California State University, Fresno, as well as a nationally syndicated columnist for Tribune Media Services. He is the fifth successive generation to live in his family farm house (near Selma, California) where he was a full-time orchard and vineyard operator.



Social Hour, No Host Cocktails - **5:30 pm**
Filet Mignon Dinner Including Wine - **6:30 pm**

\$125 per person / \$1100 per Table of Ten
Reserved Seating for Tables of Ten

For Tickets, mail check to:
COLAB, PO Box 13601
San Luis Obispo, CA 93406

Remember to bring your ticket to enter in the door prize drawing!!

For more information call: (805) 548-0340

SLOCOG CONTINUES TAX SUPPORT QUESTION TO APRIL 3, 2013

PLANNED DEVELOPMENT (DENSIFICATION) ORDINANCE ON MARCH 14TH PLANNING COMMISSION

NO ACTION YET ON RESTRICTING PUBLIC COMMENT JUST GRUMBLING

Board of Supervisors Meeting of Tuesday, March 5, 2013 (Completed)

Public Comment Irritates Some Members of the Board of Supervisors: So far, the Board has not formally taken up the issue of changes in the rules for Public Comment. During the March 6th meeting, Board Chair Teixeira reiterated his admonition that inappropriate public comment would not be permitted. A speaker who violates the rules will be asked to cease. If he or she refuses, the Board will recess the meeting, have the room cleared, and then resume.

The consent calendar was adopted without question or debate.

Board of Supervisors Meeting of Tuesday, March 12, 2013 (Scheduled)

Item 13 - Resource Management System Report. The presentation of the Resource Management System Report (RMS) to the Board of Supervisors is an annual ritual which contains the systematic exploitation of the obvious and provides an excuse to hire and maintain more planners than are actually needed. Last year the Board decided (in order to save money and resources) that it would only have staff prepare the report every two years. Since they did it last year, it is not clear why it is being done again this year. The various resource indicators (see paragraph below) change slowly over the years. For this reason it would be sufficient to conduct the review every 5 years.

RMS – The Systematic Exploitation of the Obvious: The 148 page full color RMS is built on the obvious logic that urban growth is ultimately dependent on natural and man-made resources. The County has selected as its indicators water supply, sewer capacity, public school classroom space, public park acreage, level of service (how traffic flows at peak hours) capacity at various major intersections along Highway 101, and air quality (think greenhouse gases, dunes dust, and ozone). The staff rates the availability on a 3 number “level of severity scale.”

☐ *Level I is the first alert level and occurs when sufficient lead time exists either to expand the capacity of the resource, or to decrease the rate at*

which the resource is being depleted.

☐ *Level II identifies the crucial point at which some moderation of the rate of resource use must occur to prevent exceeding the resource capacity.*

☐ *Level III occurs when the demand for the resource equals or exceeds its supply and is the most critical level of concern. The County should take a series of actions to address resource deficiencies before Level III is reached.*

The Paso Robles water basin subdivision moratorium is an example of the Board of Supervisors determining that a resource (water supply in that case) reached Level III and that new subdivisions of land must be prohibited.

This year's RMS does not find any new or unanticipated problems. Most of the issues involve known water issues in Nipomo, Cambria, San Simeon, and the Paso basin. The report laboriously marches through each of the 15 community planning areas as well the larger regional planning zones and discusses the status of each resource, including past data and future projections.

The bottom line is that it is "just another brick in the wall" (as the song says) to justify regulations, fees, staff costs, and undermine productive elements in society. Why don't they do a 148-page report on how to solve the "resource problems"? The full report can be seen at the deeply buried link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/1928/QXR0YWNoZWVudF8xXzIwMTETmJhAxMI9STVNfU3VtbWFyeV9SZXBvcnQucGRm/12/n/12733.doc>

Item 9 - Regulation Alternatives for the Disposal of Sewer Sludge. This stinky matter has been on and off the Board agenda for over a decade. One of the oldest "sustainable" practices of human existence has been to recycle human waste onto agricultural fields. In the modern era treated sludge can be spread onto fields to assist plant growth. The County has been studying whether its current ordinance regulating the matter is sufficient or if it should adopt a stricter ordinance. There have been task forces and studies over the past years. Evidently there is a need to conduct a \$200,000 EIR if a new, stricter ordinance is to be considered. The County has been requesting the various sewer treatment plant operators (cities and special districts) to share in the cost. They have not received agreement on this point. This has resulted in the question being continued and the current temporary ordinance being extended.

Smart Toilets? Perhaps the enviro-socialists at the Regional Water Quality Control Board will help by requiring smart meters for your toilet. You can only flush from 11PM to 7AM. The County Planners can include the electronically transmitted data in the RMS. No doubt most government buildings would hit a "level of severity III" immediately.

Planning Commission Meeting of Thursday, March 14, 2013 (Scheduled)
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Planned Development Ordinance (PDO). The Commission will conduct a hearing on adoption of the proposed Planned Development Ordinance (PDO). The PDO is a new ordinance which is designed to allow residential project developers build more compact single family home projects (it will allow 2 units in one building as well) than are currently permitted under the standard zoning. It will allow densities of one dwelling unit per 6000 sq. feet of land and units as small as 300 sq. ft. It is a necessary step in the implementation of the County's "smart growth" strategy. Since under "smart growth" doctrine, projects on larger lots with freestanding homes with yards are discouraged, future development must be more dense and concentrated in urban and village settings.

There is a separate section of the ordinance that allows for an analogous concept for commercial and industrial projects.

The staff report cites state law for the definition of a Planned Development:

"A development (other than a community apartment project, a condominium project, or a stock cooperative) having a common area that is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area."

Our discussion below is divided into 3 sections: 1. Larger Policy Considerations, 2. CEQA, and 3. Practical Considerations:

1. SOME LARGER POLICY CONSIDERATIONS

Smart Growth Implementation: The theory is that the new, more compact development concentrated in urban and village areas will require less long-range automobile commuting; will encourage walking and biking to schools, recreation and shopping; will encourage the use of mass transit, will provide housing "choices;" and will promote economic and social equity. The major benefit claimed is that the new pattern of living will cause people to use less fossil fuels for commuting, lighting, heating, and cooling, thereby reducing CO2 emissions and slowing global warming. It is asserted that such development will also use less water than traditional freestanding houses on larger lots with yards and private gardens. The County staff write up is explicit that the ordinance is designed to promote "smart growth"

The proposed ordinance amendments will help to implement a balance between environmental, economic and social equity concerns. The ordinance will maintain the flexibility that makes a Planned Development more compatible with the neighborhood, more financially feasible for the builder, and responsive to more desirable characteristics such as walkability, energy efficient, and water-conserving while providing more predictability for both developers and the community.

- 1. What are the “social equity concerns” which are being “balanced?” Can the Planning staff and the Planning Commissioners list the concerns? What is being balanced? Do these words have any substantive policy meaning or are they gibberish?**
- 2. Do the planners have any studies which present data which indicates that there is a social equity problem (in contradistinction to studies which indicate that there are severe income differences) within San Luis Obispo County?**
- 3. What are the kinds of social inequity which need to be remedied?**
- 4. Who are the impacted people?**
- 5. Are they in specific geographic locations? (For example, how many are there, and where are they located in the unincorporated county, which is the purview of this ordinance?)**
- 6. Is it the proper role of a County Government to undertake a program of social engineering to achieve greater equity through land use regulation?**
- 7. Can the staff or the Commission members cite any recent or current published sources, literature, or public policy expert analysis suggesting that such land use innovations are good tools for promoting “social equity”?**

The proposed ordinance amendments will encourage more creative and innovative site design and higher quality architecture for proposed planned developments. The proposed ordinance will help to implement the Strategic (smart) Growth principles in development consistent with the Policy in the Housing Element including providing a wider range of housing choices and mix of uses. The ordinance includes measures to ensure compatibility with existing adjacent residential land uses.

2. California Environmental Quality Act (CEQA)

Failure to Conduct Environmental Review: Once again, we see the County not subjecting its plans and ordinances to environmental review. The Smart Growth Plan itself and the Paso Robles Water Basin land subdivision moratorium were both adopted without environmental impact reports. The failure to conduct EIR’s resulted in lawsuits in both cases.

This time the County states in another copout:

CEQA REVIEW

This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The project is to amend the County Land Use Ordinance to include an ordinance governing Planned Developments as well as multiple amendments throughout to ensure document consistency. Planned Developments are currently allowed with little guidance to site parameters such as setbacks, heights, and open space. The proposed ordinance will provide this needed guidance, but will not change the allowed residential density or development potential that can already be achieved on any given site. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; and so the activity is not subject to CEQA.

1. What would be the accumulative impacts of 10 or 20 such projects over a period of time?

2. If the County demurs and says it will study the projects as they occur, aren't they piecemealing the policy in terms of CEQA?

3. Denser Development tends to result in more police calls, more fire and emergency response calls, more public health needs, more planned recreation needs, more traffic issues, more code enforcement issues, etc. Should not a proposed public policy which invokes these conditions be subject to CEQA review? How can a major policy which invokes such development "be seen with certainty" to result in a situation where "there is no possibility" ... that there is a "significant impact on the environment."

<p>3. Some Practical Considerations: Does the Proposed Ordinance Actually do What it Purports to do? (Make it Easier for Home Builders to Deliver an affordable quality product that the County will actually approve and the public will buy)?</p>
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1. Is there a market for the type of homes allowed by the ordinance?

2. Can the homes (including land, permitting costs, County and APCD exactions, housing in lieu fees [really a tax] and construction costs) be produced at a price which people who can afford them, will pay?

3. Since the ordinance does not change the mathematical density requirements (but simply compresses the buildings together in exchange for a dedicated common open space, smaller lots, smaller setbacks, etc.), will marketable projects pencil out? It should be noted that the ordinance does allow for density bonuses in certain cases. Is this for low-income units only?

4. Will banks make loans on the homes in the projects?

5. The Board letter mentions mixed-use but the ordinance allows only residential projects. What happened to the concept of true mixed-use form based zoning, which

would allow retail and entertainment uses on the first floor, more affordable units on the 2nd floor, and high-end luxury units on the 3rd floor?

6. Projects which are more than 1,320 feet away from parks must provide common open space at a ratio of 250 sq. ft. per 2 units. This space must contain amenities such as picnic tables and benches. This begins to sound like 1950's public housing. Will private owners' actually use this type of common space, or is it just an irritant and sometimes a safety problem where drugs can be sold and/or people sit around and drink? No one is really in control.

7. The ordinance seems to suggest that all the underlying substantive zoning requirements remain in place and that applicants must still undergo the long, tedious, and uncertain "roll of the dice" processing that apply to regular projects. Thus, even the planned development projects, which the county is touting as a preferred form of development, are not guaranteed any expedited processing or other incentives. Wouldn't a builder still be smarter to build 4500 sq. ft. luxury houses on one acre lots with a larger profit margin – assuming the County doesn't figure out how to ban them entirely?

8. The language in the ordinance is convoluted and confusing, and the tables are also difficult to decipher.

Better Than Nothing: Direct stake holders such as home builders, developers, and others are in support of the ordinance. Some have worked long and hard to improve it. They hope to make further suggestions which will make it more flexible. Accordingly and while we criticize the overall policy context and underlying assumptions, we support the efforts of such groups to achieve progress and survive within that current policy context.

San Luis Obispo County Council of Governments (SLOCOG) Meeting of Wednesday March 6, 2013 (Completed)
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Item B-2 - Legislative Program. After some public comment and SLOCOG Board debate, consideration of the Legislative Program was continued to the Wednesday, April 3, 2013 meeting. Supervisor Arnold supported by Atascadero Mayor Tom O'Malley, questioned statements in the program endorsing higher fees as well as taxes posing as fees for various non-capital (infrastructure items) such as "smart growth" studies and "smart growth" implementation grants. Supervisor Gibson, with a grim visage, voted against the continuance.

There are reportedly 26 bills pending in the Legislature which propose various versions of reducing the 67% voter requirements to pass tax measures and tax overrides.

The April meeting is now shaping up to be an important policy forum on the fundamental direction of the County and cities with respect to both voter thresholds for tax increases and

to assess whether our local officials will docilely submit to State “smart growth” mandates or begin fighting back.

Background: In February, a major agenda item involving endorsing ballot measures reducing required voter thresholds for tax measures from 67% to 55% had been continued and is now also scheduled for the April SLOCOG meeting. As our readers and meeting attendees may recall, there was considerable discussion at the February meeting on this issue. The arguments are likely to be repeated at SLOCOG in April. The meeting may also be a continuing forum on the extent to which public comment is allowed in San Luis Obispo County (see the item below).

SLOCOG Board Reaction to Public Comment Speakers: As our readers may recall, during the February 6, 2013 SLOCOG meeting, several SLOCOG Board members were critical of a public speaker who expressed concerns that the SLOCOG and the jurisdictions were traveling down a path ultimately inspired by international ideological doctrines, which advocate dense development, severe restrictions on carbon based fuels, mandated use of public transit, restrictions on the use of private automobiles, restrictions on suburban development, and a number of economic and social equity concepts. These are embodied in public policy documents such as the United Nations Agenda 21 (climate action principles) and the Charter of the International Communities for Local Environmental Initiatives (ICLEI). San Luis Obispo County was a member of ICLEI for a period of time and hired two ICLEI staffers as consultants to help prepare its Greenhouse Gas Assessment prefatory to developing its Climate Action Plan.

During the March 6, 2013 meeting, a number of speakers appeared and rebuked the two SLOCOG members for their prior month’s disrespect. Unfortunately, public comment was limited to 2 minutes per speaker because the SLOCOG had previously set the adjournment time for the meeting at 12:30 PM and was running out of time to complete its agenda.

As readers of this Update and the public media know, some Board of Supervisors members (particularly Hill and Gibson and perhaps others) and some city officials (among them - SLO Mayor Marx and Paso Robles City Council member Strong) are not enamored of sitting and listening to speakers who challenge the underlying premises of current public policies such as “smart growth,” government expansion, tax and fee growth, docile compliance with State mandates, and general support of the enviro-socialist inspired slide of the State into economic, cultural, and social decay. Note: when the public speakers are there to support “smart growth,” plastic bag bans (including Mr. Ecco, people dressed as trees, and school kids who were pulled out of class to join the support group), oppose oil drilling, and similar positions, the officials will sit there all day and lavish praise on the commentators.

Given recent incidents of disrespect and intimidation by some officials as well as statements by some officials, it will be important to assess the tolerance for public comment in the coming months. Also some officials are worried that too much public comment will impede the process of public business. Actually, given the current state of public policy, why would that be bad?

Direct action is a proven technique for marginalized groups, minority policy position groups, and excluded groups to try to gain attention and change public policy. Public speaking before public bodies is one form of providing information and demonstrating direct action. Sending letters, emails, and policy papers are another. Leafleting, picketing, and conducting rallies and training sessions are others. After all, the majority environmentalists want to control our farms, ranches, private cars, nutrition choices, housing choices, incomes, and provide “equity” (whatever that is). You would think that hundreds of people would be showing up to some of these meetings.

**SAVE WEDNESDAY APRIL 3, 2013 – OPPOSE SLOCOG SUPPORT
FOR LOWER TAX VOTE THRESHOLDS
8:30 AM**



Why is this acceptable free speech?
October 1964



Why is this extremist?
2012