



COLAB SAN LUIS OBISPO COUNTY
WEEK OF AUGUST 30-SEPT. 5, 2015



COLAB
 San Luis Obispo County

MORRO BAY
MIXER 2015

PREPARING FOR 2016:
THE COUNTY IN THE BALANCE



Wednesday, September 23rd

5:30—7:30 PM

Morro Bay Grange Hall
 1340 Atascadero Road (Hwy 41)
 Morro Bay

From Hwy 1—take the Atascadero Rd exit, you will go 2.6 miles on Atascadero Rd, Hall is located on the right hand side.

Appetizers and beverages will be served.

RSVP's appreciated by Friday, September 18th.
 Email: colabsto@gmail.com or call (805) 548-0340



Guest Speaker
4th District Supervisor Lynn Compton

As a mixer highlight, we will enjoy a special briefing by San Luis Obispo County's 4th District Supervisor Lynn Compton. Hear Lynn's perspectives about her first 9 months on the infamous 4th floor of the County headquarters. Lynn's refreshing and gutsy perspectives, as an agricultural business owner and political outsider working in the ritualistic and bureaucratically dominated County culture, provide an informed and motivating basis for future action. We will enjoy a stimulating and informative conversation while sipping wine and beer and munching appetizers. Bring your friends and associates!

DESALINATION FEASIBILITY LOOK MOVES FORWARD

TRANSFER OF DEVELOPMENT CREDITS APPEALS APPROVED!

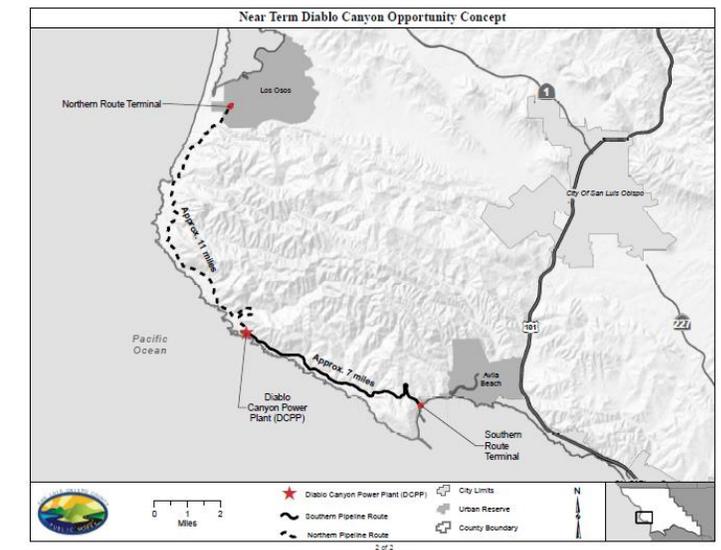
(3 BOARD MEMBERS OVERRULE STAFF)
(CITIZENS AVOID A \$20,000 PER LOT COUNTY SHAKEDOWN)

WATER LAWSUIT AGAINST COUNTY BY POTENT ADVOCACY GROUP (Page 6)

Board of Supervisors Meeting of Tuesday, August 25, 2015 (Completed)

Item - 16 Submittal of a Desalination Opportunities Summary Report and recommended direction to staff to proceed on emergency and long-term desalination opportunities. The Board voted unanimously to investigate the feasibility of connecting PG&E's Diablo Power Plant desalination facility to the public water system. The plant has surplus capacity that could generate up to 1,000 acre-feet of water per year. This could be a valuable supplement if the drought continues. Spurred by Supervisor Compton, the Board considered the benefits and risks and determined to move forward with a complete engineering, construction, environmental and financial feasibility examination of a potential project. Compton made the motion and was seconded by Hill. PG&E staff was present and was supportive of the project.

A number of citizen speakers were in support. Some anti-nuclear and/or anti-growth representatives opposed the research project. Several complained that there would be radiation in the water. PG&E pointed out that the desal plant is separate from the nuclear plant and that they have used the water on site for domestic purposes for decades. The absolute lunacy of the anti-nuclear movement was demonstrated. It will be interesting to see how hysterical some folks get if the study finds the project to be feasible. Several alternatives are shown on the map above and to the right.



Background: Per the Board’s prior direction, the staff presented a preliminary report on the feasibility of desalination. Actually there were two reports. One, the more limited in scope, addresses the possibility of utilizing surplus capacity of the Diablo Nuclear Plant desalination facility to provide either emergency water for firefighting or, in a more developed version, an actual municipal water supply. The staff characterized this one as the near term opportunities project. The second, and more global in scope (the regional project), discussed the process whereby the County and other agencies would conduct a project to assess the feasibility and costs of developing a larger scale inter-agency regional desalination facility which could provide substantial amounts of water, particularly if the current drought turns out to be part of a long-term trend.

Items 19 and 20 - Appeal of the Transfer of Development Credit (TDC) Purchase

Requirement. The Board voted 3/1/0 (Arnold, Compton, and Mecham yes, Gibson no, and Hill absent) to overrule staff and sustain two lot split appeals. Gibson, who dissented, was caustically critical of the decision and said that if someone sues, any judge will quickly see through it. Importantly, the Supervisors requested that staff bring the ordinance back as a policy issue for potential revision as part of its review of the Planning Department policy development workload later in the fall.

Background: Applicants for two separate 5-acre lot splits into two 2.5-acre parcels had been required to purchase development credits from the County’s TDC program as a condition of approval. The TDC program requires that sub-dividers pay for credits if their subdivisions are outside a village or urban limit line. The TDC program is part of the County’s smart growth program and is designed to discourage suburban and rural development of single-family freestanding homes on acreage. The TDC bank is created by the extinguishing of the right of developers to a portion of their developable land in exchange for permission to develop some of it.

The County shakes down both the sending and receiving owners. The program is simply government extortion. The County insists it’s a “voluntary” program. You don’t have to split your lot.

The applicants were not requesting increased density or substandard lots.

During the meeting it became evident that the staffer who wrote the report didn’t even know how much a development credit costs. Others had to fumble around and eventually said between \$15 and \$20 thousand per credit. Remember, this is on top of thousands of dollars of processing and permitting fees, not to mention additional thousands in other development fee exactions for roads, parks, Sheriff Facilities, firehouses, schools and administration buildings. Also and in some sections in the future, you will have to buy a water credit as well. The price for



Pauli didn’t get his tribute. (This time)

a water credit has not been disclosed by staff. Wonder how the “affordable” Workforce Housing Task Force is doing?

Board of Supervisors Meeting of Tuesday, September 1, 2015 (Scheduled)

Item 1 - Introduction of an ordinance amending the Building and Construction Ordinance, Title 19 of the County Code, to add new Chapter 9 entitled “Solar” which adds provisions for expedited permitting procedures for small residential rooftop solar energy systems; exempt from CEQA, Hearing date set for September 22, 2015. The ordinance is supposedly designed to allow for expedited permitting for rooftop solar. The problem is that the fine print does not provide a hard deadline. What does reasonable time mean? You are not allowed a reasonable time to pay your property tax or permitting fees. If the Board is serious it should set a hard standard. Otherwise this is simply more “feel good” propaganda.

*d. Applications for small residential rooftop solar energy systems shall be administratively reviewed and approved by the building official as nondiscretionary permits **within in a reasonable time** following receipt of a complete application that meets the requirements of the County’s approved checklists, standards plans, and payment of all required permit processing and inspection fees.*

The section highlighted in yellow below is a huge cop out. What standards constitute “substantial evidence of adverse impact on public health and safety?”

*e. The Department of Planning and Building may require **the applicant to apply for a plot plan or site plan pursuant to Title 22 or Title 23 of the San Luis Obispo County Municipal Code and all provisions of those sections of the applicable title (Title 22 – inland, Title 23 – coastal) of San Luis Obispo County Municipal Code shall apply if the Department finds, based on substantial evidence, that the proposed small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety.***

a. Again, what is the hard timeline for the staff to make this determination?

b. What is the appeal process?

c. Instead of putting the onus and cost on homeowners, why doesn’t the ordinance require that the staff issue the permit unless it proves that the application is not compliant? The Board should set a hard deadline for this process.

d. The item fails to live up to its promise because it doesn’t even say how much the fees are for issuance of these permits currently. Nor does it say how the expedited process would reduce processing time from the current situation to the new “improved version.” In turn it does not indicate how this would reduce the time and therefore the fees.

Item 11 - Bids for Traffic Signal at Willow /Pomeroy and Thompson/Titan in Nipomo Come In Way Over Estimate.

Two bids were received. They are as follows:

Lee Wilson Electric Co., Inc. \$573,705.40

CalPortland Construction 766,797.00

Engineer's Estimate \$425,180.00

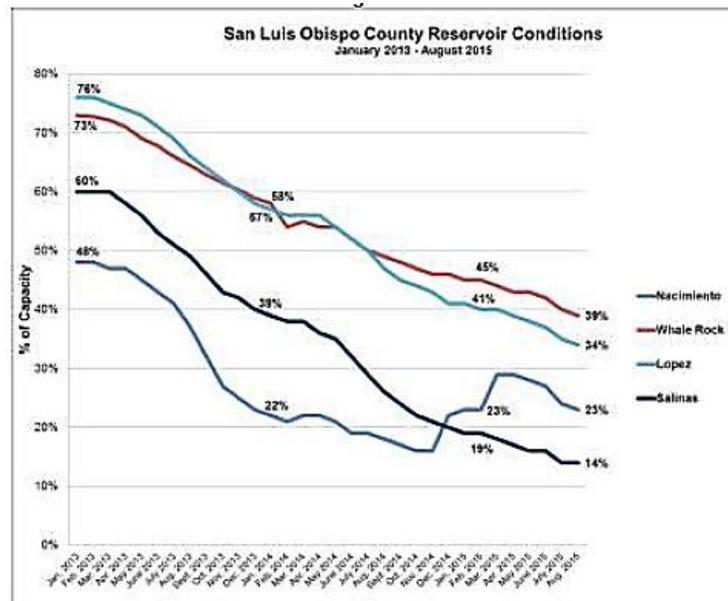
The staff recommends that the Board accept the Wilson bid. At some point a budget true up with transfers will be required. This may require that some other project be delayed.

What if the County had not spent \$1,015,000 million for acorns for the Willow Road / State Highway 101 oak tree “mitigation”?

Item 21 - Monthly Drought Report -- Is Something Up? For the first time in many months the drought report is on the business agenda rather than the consent agenda. There is likely to be a presentation and Board discussion. Most of the report consists of updates to subjects that have been included in the past. These include reservoir status, rainfall information, fire danger,

agricultural impacts, economic impacts, action taken by the County to save water in its own facilities, and State and national conditions. There is new section this time, which discusses the potential of a positive impact from the *el nino* phenomenon. It turns out that the presence of an *el nino* is not a slam dunk for a rainy winter.

A question is why has this item been placed on the business calendar? It may be that the Board or staff wish to discuss the *el nino*. On the other hand, someone may be contemplating a new policy initiative of some kind. Vigilance is the watch word. We have been ambushed on water matters several times.



The full report can be seen at the link below:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/5081/QXR0YWNobWVudCAxIJYgTW9u dGhseSBEm91Z2h0IFVwZGF0ZS5wZGY=/12/n/49454.doc>

New Water Lawsuit: Major Implications

A not-for-profit advocacy group called the California Water Impact Network (C-WIN) has announced that it plans to sue the County for violating the California Environmental Quality Act (CEQA) unless it agrees to a moratorium on all new wells. The C-WIN website is extensive and states the main purpose of C-WIN as:

- 1) *Ensuring adequate fresh water flows through the Delta and in upstream rivers to protect and restore public trust resources such as open water ecosystems and salmon fisheries.*
- 2) *Stopping poor irrigation practices from poisoning land, wetlands, rivers, streams, and wildlife.*
- 3) *Ensuring that decisions about water allocation are transparent, just, and in accord with principles of environmental protection.*

The notice sent to the County is displayed below:

<p>Law Offices of THOMAS N. LIPPE, APC</p>	
<p>201 Mission Street 12th Floor San Francisco, California 94105</p>	<p>Telephone: 415-777-5604 Facsimile: 415-777-5606 Email: LippeLaw@sonic.net</p>
By mail and fax (805) 781-4211	August 26, 2015
<p>Gregory W. Thomas County Health Officer Public Health Director Public Health Department San Luis Obispo County 2156 Sierra Way, P.O. Box 1489 San Luis Obispo, CA 93406-1489</p>	<p>Curtis A. Batson, Director, Environmental Health Services Public Health Department San Luis Obispo County 2156 Sierra Way, P.O. Box 1489 San Luis Obispo, CA 93406-1489</p>
<p>Re: <u>Revised</u> Notice of Intent to Commence CEQA Action Regarding Well Construction Permits And Demand to Settle Dispute in Advance of Litigation</p>	
<p>Dear Mr. Thomas and Mr. Batson:</p>	
<p>This office represents the California Water Impact Network ("CWIN") with respect to the County's approval of well construction permits.</p>	
<p>I am writing to provide written notice, pursuant to Public Resources Code section 21167.5 that CWIN intends to file one or more lawsuits challenging the County's approval, on or after August 27, 2015, of well construction permits pursuant to Chapter 8.40 of the County Code. The grounds for said lawsuit(s) are that said approvals violate the requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.). Said approvals violate CEQA because they are discretionary decisions that trigger the application of CEQA's environmental review procedures, but the County has failed and continues to fail to apply CEQA or to determine whether its approval of said well construction permits may have significant adverse environmental effects.</p>	
<p>CWIN requests that immediately begin applying CEQA's environmental review procedures to its review and approval of well construction permits pursuant to Chapter 8.40 of the County Code in order to avoid the need for this planned litigation.</p>	
<p>Thank you for your attention to this matter.</p>	
<p>Very truly yours,  Thomas N. Lippe</p>	
<p>C001d Notice of Intent to County.wpd</p>	

C-WIN's Press Release says, among other things, that the PASO 1:1 offset plan and other measures are inadequate. It plans to make its lawsuit (and/or settlement negotiations) impact the entire County.

San Luis Obispo County Notified of Intended Lawsuit to Apply CEQA to New Wells

Proposed SLO Conservation Program Will Not Prevent Aquifer Overdraft

The California Water Impact Network (C-WIN, online at www.c-win.org) has notified the County of San Luis Obispo of its intent to file lawsuits challenging the County's approval of new water well permits without the environmental impact reviews required by the California Environmental Quality Act (CEQA). "Groundwater is the critical water source for San Luis Obispo County," says Carolee Krieger, the executive director of C-WIN. "The county has little in the way of surface sources, and State Water Project deliveries are both minimal and unreliable. Residents live or die by groundwater."

The County's proposed water conservation program is based on "offsets" that are inadequate to stop overdraft of local aquifers, Krieger says.

"The only option left for protecting dwindling groundwater resources is to apply CEQA to all new permit applications," Krieger says. "Without specific language that proscribes over pumping, any proposed 'water conservation program' is meaningless. It's just verbiage, hot air, and wheel spinning. California is in a water emergency, and the situation in San Luis Obispo County is especially dire. We can't afford half measures that will only exacerbate the crisis."

Krieger says the lawsuit initially will challenge wells not subject to conservation offsets because the county's emergency offset program expires on August 27, and the adoption date for a new proposed offset program has not been finalized. Ultimately, the lawsuit may address all new wells.

A letter signed by Devin Best, the executive director of the Upper Salinas-Las Tablas Resource Conservation District, noted the plan fails to meet its own stipulated goals of providing a means to "substantially reduce groundwater extraction and lowering of groundwater levels in the Paso Robles Groundwater Basin (PRGB)."

"The PRGB is one of the largest and most important aquifers in the state," Best says. "Not only does the current plan fail to address over drafting of the PRGB. It provides insufficient information on impacts to hydrology, water quality, and biological resources. The RCD is ready to offer its services and expertise to mitigate the plan's shortcomings."

Given that over drafting is causing severe groundwater depletion, says Best, "There must be a process that assesses the environmental effect of new wells. CEQA provides that process."

In explaining C-WIN's decision to sue the county, Krieger observed that groundwater overdraft is an accelerating problem throughout the state, citing recent [data](#) from NASA confirming massive land subsidence throughout the Central Valley due to groundwater depletion.

"This isn't a temporary problem that will disappear if heavy precipitation returns," Krieger says. Aquifers can take years to recharge in the best of circumstances, and overdraft can greatly reduce groundwater availability because land subsidence destroys aquifer structure and holding capacity. Land subsidence also compromises infrastructure such as pipelines, roads, and bridges. We have to protect San Luis Obispo County's aquifers before it's too late."

An Interesting Relationship: C-WIN has been particularly critical of Paramount Farming, some of whose principals are alleged to be involved in the PRAAGS effort to create the proposed Paso Robles AB 2453 water district. A section of the C-WIN website devoted to this issue is displayed below:

GAMING THE WATER SYSTEM



Stewart and Lynda Resnick



US Senator Dianne Feinstein

There are several key figures at work in profiteering from California's beleaguered water system, but here we highlight some recent and historical media coverage concerning the activities of:

- Stewart and Lynda Resnick, owners of Roll Corporation and Paramount Farms (and owners in the Kern Water Bank Authority).
- US Senator Dianne Feinstein, D-California

[In September 2009, Resnick wrote to the Senator who wrote to the National Academy of Sciences to request a scientific evaluation of the Delta smelt and salmon biological opinions](#) that regulate Delta pumping currently.

Author Mark Arax published an extended profile of and interview with Stewart Resnick in his recent book, *West of the West* (published in 2009, pages 17 through 26).

You may use our search engine in the left margin of our web site to search our water news archives on these and other subjects, or visit our [Archived News](#) section. Here are some significant recent article links concerning these individuals:

- [A Run on the Water Bank](#)
- [Feinstein's Big Checks From Corporate Farmer](#)
- [Corporate farmer calls upon political allies to influence delta dispute](#)
- [How Limousine Liberals, Water Oligarchs and Even Sean Hannity Are Hijacking Our Water Supply](#)
- [Farming's Power Couple \(the Resnicks\) \(from the *Contra Costa Times*, May 2009\)](#)
- [Water Heist: How Corporations are Cashing In On California's Water from Public Citizen.](#)
- [Massive Farm Owned by L.A. Man Uses Water Bank Conceived for State Needs](#)
- [State bond lets firms profit from water - SF Chronicle](#)
- [Standing Up to Big Water's Astroturf Groups](#)
- [Big Ag's Power Couple Betting on Brown, Feinstein](#)
- [The Looming Water Disaster That Could Destroy California, and Enrich Its Billionaire Farmers](#)
- [LA Billionaire Sued Over California Water Sales](#)

How is quiet title/adjudication looking at this point? Why did this come on the day the moratorium expired? Did some folks know in advance? Is this why the proposed Water Conservation Program adoption is now not so urgent? What ambushes are lurking now?

No Board of Supervisors Meeting Scheduled on Tuesday, September 8, 2015

Tuesday, September 8, 2015 follows the Labor Day Holiday. It is the normal practice of the Board to not schedule meetings on a Tuesday following a holiday. Remember the oil industry, the Diablo plant, and home building provide great entry level/career growth jobs which benefit workers, their families, and the community. Do your elected officials, Planning Commissioners, and County staffers really support these industries on all the days other than Labor Day?



No Weekly Update for the Week of September 4-12, 2015

