



COLAB SAN LUIS OBISPO COUNTY



WEEK OF JULY 12-18, 2015

**BOARD ADOPTS CIVILITY RESOLUTION BUT
COUNTY COUNSEL SAYS IT HAS NO REAL
IMPACT ON BOARD OR CITIZENS**

**MECHAM AND HILL TO THROW AG UNDER
THE BUS?**

**MECHAM DIRECTS
INTENSIFICATION AND BROADENING
OF THE EVENTS ORDINANCE**

**HILL TOYS WITH IDEA OF
EVENTS/FACILITY MORATORIUM
URGENCY ORDINANCE**

**SAVE THURSDAY, JULY 30, 2015
(FOR THE PLANNING COMMISSION FINAL HEARING ON THE
MORATORIUM, AG OFFSET REQUIREMENTS, AND MORE)**

SAVE TUESDAY, AUGUST 11, 2015
(FOR THE BOARD OF SUPERVISORS HEARING ON THE MORATORIUM, AG OFFSET REQUIREMENTS, AND MORE)

Board of Supervisors Meeting of Tuesday, July 7, 2015 (Completed)

Item 32 - Continued hearing to consider an appeal by Wilton and Helen Webster, and Ron Jolliffe and Collen Runyen of the Planning Department Hearing Officer's approval of Willow Creek NewCo LLC Minor Use Permit (DRC2013-00028) to allow the phased expansion of an existing olive oil/wine processing facility, 20 temporary events with 200 guests, and modifications to ordinance standards to allow adjustments to setbacks, and an increase to the limits of retail sales area and consideration and adoption of the Mitigated Negative Declaration at 8530 Vineyard Drive, west of the community of Templeton, continued from June 2, 2015. District 1.

Part I - The Instant Issues and Action on the Pasolivo Ranch Olive Farm Events Program.

After much handwringing, the Board voted 5/0 to deny the appeal. A large group of area residents showed up to support the appeal and oppose the expansion of the olive operation. The appellants and the applicants were lawyered up. The key dispute was the expansion of the size and number of events which will be allowed to take place at



the expanded facility. The applicant, who is reportedly from LA and will not actually live on the property, also proposed the demolition of a barn which is characteristic of late 19th century-early 20th century California barn architecture. Many of the area residents are fond of the barn and are particularly irked by this part of the program. The decision to demolish the barn was a tactical mistake, as it probably galvanized opposition and demonstrated insensitivity to community sentiment. The applicants will replace the barn with a larger events facility. Their reasoning is that they are attempting to minimize the non-agricultural facilities footprint in relationship to the total acreage, so rather than keeping the old barn plus adding the new facility, they would place the new facility where the old barn is located. This is certainly a case where lack of flexibility in County and Williamson Act regulations (severe restriction on the amount of land in Ag developments that is not actually in planted or open space) causes a worse result than if common sense could be used. Incomprehensibly, no one on the Board of Supervisors asked the question: why can't we have both? The Board had the discretion to modify the conditions.

Hill's approach during the deliberations and questions was curious. He seemed to want to see the project approved but didn't seem to want to come out and clearly state that he was in support of it. He kept looking at Mecham and asking him what he wanted to do. He seemed to get worried during periods in the deliberations when it appeared that the Board might coalesce to sustain the appeal. This kabuki play went on several times during the consideration. In the end, while Hill expressed sympathy for the neighborhood opponents, he let Mecham take the lead once it was clear that Mecham would move to approve the project. Hill then stated that that this applicant should not be penalized because this was the most recent in a series of tasting room expansions, event expansions, and event facility expansions in the area. In this regard both Hill and Mecham then raised the theory of an agricultural event **"tipping point"** and **"saturation."**

Background: The staff recommended that the appeal be denied. The content of the appeal was fairly technical and raised all the usual issues of traffic, water, procedural errors, and land use incompatibility. There was extensive correspondence. It is strange that this item was not set for an afternoon session. It started in the morning and ended up taking most of the afternoon. Essentially the applicants wish to expand their facility, add events, and increase the sales area in response to a growing agricultural business.

Part II - Agricultural "Ancillary Facility" Tipping Point: Mecham Calls For Revival of a More Robust Events Ordinance While Hill Mentions a Moratorium/Urgency Ordinance.

Ominously, the Pasolivo appeal resulted in a call by Mecham and Hill to initiate a new staff project to beef up the events ordinance. The events ordinance regulates the number of events that may be conducted on particular property in any one year, sets standards for the facilities, and sets standards for the conduct of the events (noise, hours, parking, staffing etc.).

Mecham is calling for **"standardization"** between requirements in the Events Ordinance and the separate Winery Ordinance. He is also calling for olive farms, nut farms, fruit orchards, breweries, and distilleries to be included. Events and onsite retail sales are absolutely vital for the survival of these types of agriculture and particularly the smaller and family operations. They are critical marketing and revenue components. Note that weddings at farms, wineries, ranches, and private residences (estate houses) may be the largest class of events. It is likely that vacation rentals, agricultural bed and breakfasts, and other attractions will be dragged into this impending policy attack.



Agriculture is a Commercial Business (and way of life and heritage), not an open space preservation program or a fancy neighborhood amenity. People who live in agricultural areas need to understand that those operational requirements, technology, and processes change in relation to markets and the economy. There are machines, pesticides, fertilizers, employees, facilities, trucking, and customers and noise.

Are Mecham and Hill saying that they are ready to throw agriculture under the bus in the name of affluent upper class estate living?

Policy Disconnect: In June the Board facilitated the approval of a new Tourism Management District (TMD) whereby the hospitality industry will be taxing itself to conduct national scale campaigns to attract more tourism into SLO County. Now, at least some members of the Board of Supervisors are saying there are too many events. Eventually the TMD will be spending \$5 million per year to promote the very activities which are at the heart of the uniquely SLO agricultural tourism program and which Mecham and Hill are saying have reached “saturation.” A tourism poster is illustrated to the right.



Item 34 - Submittal of a resolution supporting the Civility and Civil Discourse Accord resolution. The Board adopted the proposed Resolution supporting civility at public meetings 5/0. The County Counsel basically said that the resolution has no force or legal power. We will be testing reality in the coming months. For example will the APCD Board apologize on behalf of Hill, Gibson, and Marx for their outrageous treatment of a public speaker at its June meeting?

Background: The League of Women Voters of San Luis Obispo thinks that meetings of local public bodies need to be more civil. It does not cite any data demonstrating that the conduct of meetings of the Board of Supervisors, regional agencies, various city councils, special districts, or school boards are characterized by uncivil behavior by disruptive citizens or public officials.

Which Planet Was the League On? Of course, and as regular attendees at Board meetings and other bodies well know, Supervisor Gibson is the poster boy for dismissive and manipulative disrespect for public comment with which he disagrees. Also he was particularly nasty to Supervisor Arnold during the first part of her term. His arrogance is well known. When comment with which he disagrees is made, or when colleagues propose a course of action with which he disagrees, he often becomes petulant and impatient, stating that their opinions are a waste of time and that the Board has more important work to do. Similarly, Supervisor Hill is famous and infamous for bullying tactics outside the public meetings, which are linked to the issues and some of the people with which he disagrees. Additionally, tactics such as limiting public comment to 3 minutes on broad functional sections of the Budget (rather than department by

department) are designed to forestall proper review and public participation. The swift and shoddy consideration of the County's LAFCO "application" for the creation of the proposed Paso Basin Water Authority is yet another example.

Board of Supervisors Meeting of Tuesday, July 14, 2015 (Scheduled)

Item 1 - Monthly Drought Update. The drought continues unabated with reservoirs dropping and agriculture suffering cutbacks. There was some discussion of positive predictions for a fairly strong El Nino effect in the winter.

Item 22 - Request to approve the Mental Health Services Act (MHSA) Annual Update to the Three-Year plan for Fiscal Year 2015-16. The MHSA is funded from a 1% tax on incomes over \$1 million. The County's 2015-16 MHSA program contains \$13.4 million worth of programming in program groups such as Community Services & Supports, Prevention and Early Intervention, Innovation, Workforce and Education, and Capital Needs and Technology. The \$13.4 million is a component of the County's \$59.3 million Behavioral Health Department Budget. The Department has 280 employees and expends millions on contract services. The agenda item can be viewed at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/Proposal.html?select=4911>

The actual report provides a description of the programs and performance measures for some of them. This notwithstanding, it is difficult to assess how well things are going, that is:

Are patients getting better?

Are patients/others being prevented from becoming mentally ill?

Are patients moving from more serious mental illness to less serious mental illness?

The problem is that there is no overall structure that describes the relationship of the programs to each other hierarchically and therefore no way to assess the performance of them except in isolation. It's all very anecdotal.

Many of the measures are relative in that they don't describe their impact in terms of the magnitude of the problem being addressed. For example, it is intrinsically good if 30 people have been deterred from homelessness by a particular program. But what is the universe of people who suffer the problems that are susceptible to remediation because of that program? Thirty is good if there are 35 in the potential service group, but what if there are 450?

The Board, in its policy role, needs to examine the performance measures and unit costs by questioning staff and contractors.

Item 24 - Presentation on the Updated Basin Plan for the Los Osos Groundwater Basin and Implementing Agreements. This is a very extensive and complex item which includes:

An extensive Board letter (10 pages)

An Updated Basin Plan. (346 pages)

A very detailed letter of opposition from the Sierra Club. (138 pages with attachments)

Recommendations and cost estimates for implementing provisions and legal agreements for managing the basin

A Technical Response to the Sierra Club Letter. (11 pages)

If the Board received this material last Tuesday or Wednesday as part of their agenda package, it's hard to believe that they could master it (as well as study the other agenda items) within the time allowed

Salt Water Intrusion: The most important issue in all of the writings is the intrusion of sea water into the Los Osos aquifer and what to do about it. Key components include:

Groundwater Monitoring Program

Urban Water use Efficiency Program

Water Reinvestment Program

Basin Infrastructure Program

Supplemental Water Program

Imported Water Program

Costs and cost combinations for these programs could range from \$40.2 million to \$67 million over a 30-year program horizon. This is of course on top of the current sewer treatment plant project. The broader policy question of affordability for Los Osos residents is of paramount concern. Also to what extent is the broader county willing of help subsidize the costs in both dollars and shifting water from other areas?

The full agenda item including attached reports can be seen at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/Proposal.html?select=4907>

Planning Commission Meeting of Thursday, July 9, 2015 (Completed)

Item 6 - Marijuana Dispensary /Hearing to consider a request by ETHNOBOTANICA for a Minor Use Permit to establish a medical marijuana dispensary and construct related tenant improvements in an existing 2,636 square-foot commercial/office suite, which is part of an existing 11,675 square-foot building. The 2.72-acre parcel is in the Commercial Service land use category and is located at 2122 Hutton Road, approximately 450 feet north of the Highway 101/Highway 166 off-ramp, approximately 3 miles south of the community of Nipomo. The Commission approved the application 3/1/0. Commissioners Irving, Meyer, and Topping voted yes and Commissioner Harrison no. Commissioner Campbell was absent. The Commission added a condition which requires that the operation be reviewed in two years to assess any impacts and compliance with the various conditions and requirements of the permit.

The project was referred to the Commission by the Planning Director because “it has the potential to be controversial.” The staff provided no recommendation for approval or denial of the permit. Instead, the report listed conditions which would be adopted if it is approved. The report also lists 3 instances in which the County denied permits for marijuana dispensaries over the past 5 years.

Local Agency Formation Commission (LAFCO) –Not Scheduled

No LAFCO meeting is scheduled for July 2015.