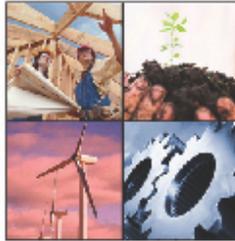


# COLAB SAN LUIS OBISPO COUNTY

WEEK OF MARCH 2- 8, 2014



THE COALITION OF LABOR,  
AGRICULTURE, AND BUSINESS

# COLAB

San Luis Obispo County

## 5th Annual

# DINNER & FUNDRAISER

## 2014

**Thursday, March 27, 2014**

Alex Madonna Expo Center, San Luis Obispo

5:15 pm - Social Hour, No Host Cocktails

6:15 pm - Filet Mignon Dinner including Wine

\$125 per person / \$1100 per table of ten  
Reserved seating for Tables of Ten

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

For more information call: (805) 548-0340  
or email to colabslo@gmail.com

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

## Keynote Speaker

**Dr. Sam  
Blakeslee**

The Honorable Dr. Sam Blakeslee founded the Institute for Advanced Technology and Public Policy at Cal Poly in 2012. With a portfolio of experience as a scientist, business owner and legislator, his goal is to bring these diverse worlds together with cross-disciplinary thinkers at Cal Poly to solve some of the most complex public policy challenges facing society today. Blakeslee was elected to the California State Assembly in 2005 and later to the State Senate. Elected by his fellow legislators, Blakeslee served as Assembly Minority Leader. In this role, he was a member of the "Big 5" with responsibility for negotiating the state budget and major policy initiatives. In 2009 and 2012, the Sacramento Bee Identified Blakeslee as one of "Sacramento's Most Bipartisan Legislators."



**Come join us in the celebration!**

**Cocktail Attire Optional  
(We still love those jeans too!)**

# LARGE MENU OF NEW WATER AND DEVELOPMENT RESTRICTIONS ON BOARD AGENDA

## APCD AND COUNTY OK WITH DUNES DUST AT CYPRESS RIDGE ON NIPOMO MESA (Was There Ever a Problem?)



(State Parks Photo)

### Board of Supervisors Meeting of Tuesday, February 25, 2014 (Completed)

**Item 27 - County Water Conservation Program for New Development in the Paso Robles Water Basin.** The Board voted unanimously to approve new restrictive regulations and a water credit transfer program for the Paso Robles Water Basin. Supervisor Arnold tried to make sure that the program ends with the expiration of the so-called urgency ordinance moratorium. She also sought clarification on some technical matters. Seven speakers appeared to oppose the matter. There were no speakers in support. The Board ignored a number of questions and the adoption appeared to be a done deal from the start. We predict future messy complications.

**Background:** Pursuant the Paso Groundwater Moratorium, developers of new homes and other buildings are required to demonstrate 1:1 water offset. The program also mandates that home expansions and renovations be subject to the specific gallon offset impositions. New and expanded buildings will be required to offset 280 gallons per day (102,200 gallons per year - about 1/3<sup>rd</sup> of an acre-foot). Developers, builders, and home renovators will be required to pay to remove toilets, faucets, and shower heads installed prior to 1994 and replace them with newer technology water-saving versions. The Planning Department will broker the program between owners of older homes and

developers. A water credit market will be developed. The program also restricts outdoor irrigation.

**Board of Supervisors Meeting of March 4, 2014 (Scheduled)**

**Item 10 - Awarding of Consultant Contract (\$ 375,000) for Publicizing Veterans’ Services.** The State has granted the County \$400,000 to hire a consultant to design and implement a public relations program designed to connect veterans with services. The County will retain the balance to cover its contract administration costs. Apparently the State has determined that there are tens of thousands of veterans throughout the State who do not receive services for which they are eligible, due to lack of information. The consultant will design and place electronic and print media public service spots to increase veterans’ awareness of available services. It will also conduct before and after measurements to determine if the program is working. It is not clear from the write-up how big the program is statewide.

**Item 13 - FY 2013-14 Second Quarter Financial Report.** As of December 31, 2013, the County’s revenues and expenditures were on track for the fiscal year. There were no extraordinary expenditures. The table below summarizes the revenue side of the Budget.

COMPARATIVE STATEMENT OF COUNTY FUNDS- REVENUE STATUS						
For the Six Month Period Ended December 31, 2013 and 2012						
Revenue Status by Class	2013-14			2012-13		
	Amount Budgeted	Amount Realized 12/31/13	%	Amount Budgeted	Amount Realized 12/31/12	%
TAXES - CURRENT PROPERTY	\$ 102,935,483	\$ 61,608,163	60 %	\$ 100,326,410	\$ 58,881,941	59 %
TAXES - OTHER THAN CURRENT PROPERTY	51,020,528	13,481,678	26 %	49,789,724	12,283,587	25 %
LICENSES AND PERMITS	9,641,212	4,603,892	48 %	8,541,516	3,667,457	43 %
FINES, FORFEITURES AND PENALTIES	8,660,953	4,207,674	49 %	5,361,538	1,845,226	34 %
REVENUE - MONEY AND PROPERTY USE	772,833	632,726 *	76 %	830,650	846,062	94 %
AID FROM GOVERNMENT AGENCIES	252,016,419	70,437,900	28 %	238,156,492	66,522,815	28 %
CHARGES FOR CURRENT SERVICES	29,661,064	12,284,504	41 %	30,504,171	10,791,610	35 %
OTHER REVENUES	37,925,271	12,550,739	33 %	30,475,302	11,313,570	37 %
OTHER FINANCING SOURCES	34,695,421	14,520,999	42 %	38,756,006	17,292,895	45 %
<b>TOTAL REVENUES</b>	<b>\$ 527,329,184</b>	<b>\$ 194,328,275</b>	<b>37 %</b>	<b>\$ 502,741,809</b>	<b>\$ 183,445,163</b>	<b>36 %</b>

**One Disturbing Trend Which Underscores the Failure of the “Smart Growth” Strategy:** Staff reports that real estate recording fees are falling far short of budget. There aren’t enough houses.

*The Clerk-Recorder is reporting that recording revenues have declined by 24% compared to the first half of FY 2012-13. The decline in recording activity is due largely to external factors, such as a shortage of housing inventory, rising sales prices, increased regulations for obtaining loans, and rising interest rates—all of which*

contribute to decreased home-buying activity. If recording activity continues to be down through the second half of the fiscal year, the department may see a \$220,000 shortfall in recording revenues at year-end. Despite this shortfall, the department reports that it will be able to use restricted revenues to offset the revenue loss, with no impact to the General Fund. More information is included in Section 1 of the report.

See our February 2014 Newsletter for details of the failure of the County’s land use and housing policies:

<http://www.colabslo.org/news.asp>

**On a Good Note:** Commercial airline boardings at the SLO Regional Airport (a good economic barometer), which declined for years, have turned up per the table below.

FY	Q1	Q2	Q3	Q4	Cumulative	% Change
2007-08	51,343	48,784	38,794	43,364	182,285	
2008-09	42,697	32,566	26,866	30,619	132,748	-27%
2009-10	32,968	30,873	27,645	33,666	125,152	-6%
2010-11	36,301	36,128	30,496	36,984	139,909	11%
2011-12	35,631	34,493	30,185	33,935	134,244	-4%
2012-13	35,457	31,850	30,354	34,654	132,315	-1%
2013-14	36,753	36,224			72,977	8%*

\*Compares the first two quarters of FY 2013-14 to the first two quarters of FY 2012-13

**Item 14 - Request to authorize processing of possible amendments to the Conservation and Open Space, Agriculture and other elements and policies of the County General Plan and various Titles of the County Code, including Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), Title 21 (Real Property Division Ordinance), Title 22 (Land Use Ordinance), Title 23 (Coastal Zone Land Use Ordinance) and Title 26 (Growth Management Ordinance) to implement countywide water resource policies and strategies. All Districts.**

This item is the opening of the 2<sup>nd</sup> part of the offensive of the ultimate plan to lockdown growth in the County outside of the cities and village urban reserve lines (URLs). Part I is the Paso Water Basin Moratorium.

**In Effect: Making the Paso Water/Development Moratorium Permanent.**

**In Effect: Spreading the Paso Water/ Development Moratorium to the Entire County.**

The staff (per Board direction – which the staff actually suggested) will present an extensive cafeteria of Planning, Zoning, and Regulatory revisions for Board consideration. The staff is requesting Board direction on which portions it should initiate

the requisite analysis and processing. If significant portions are ultimately adopted, the unincorporated County lands outside of the URLs will be completely micromanaged by the County government. Both agricultural expansions (modifications, crop changes, rotations, etc.) and the development of residences will be subject to a suffocating impossible set of hurdles.

The excerpts below are indicative (but by no means represent all) of the far ranging legislation under consideration. The County wording is highlighted in italics. COLAB's highlight descriptions are bolded.

**1. Require Larger Parcels and Restrict the Pace of Development:** *Competition and conflict between rural residential and agricultural water users in the basin can be addressed through lower development rates in the rural area, larger minimum parcel sizes for new subdivisions and merger of substandard-sized parcels. It can also be addressed by joining the quiet title legal action. If there were ever a County statement demonstrating why overlayers should file for quiet title, this is it.*

**2. Amend the Growth Management Ordinance (GMO) to Force Stack-and-Pack “Smart Growth” in Exchange for Permission to Use the Water Which Underlies Your Property:** *Possible amendments to the GMO would identify several alternatives to reduce rural residential/agricultural water (and other) conflicts, with an emphasis on including incentives to accomplish this. Alternatives include removing or relaxing growth management from the urban areas and establishing growth management areas in the rural area based on resource constraints as described below.*

**3. Restrict the Number of Permits Issued Per Year:** *Under one approach, building permits for residential development located within the rural area of groundwater basins, whether in the Agriculture, Rural Lands or Residential Rural land use categories, would be subject to annual limits based on resource constraints, for example, whether the groundwater basin is in Level of Severity (LOS) I, II or III.*

**4. Deny Permits for Development on Existing Small Lots:** *The establishment of growth limits in the GMO for rural areas lacking resources may better address water conflicts than other alternatives such as no-new-net-water-demand requirements. Allowing continued development of small lots, even with no net increase in water demand, would subject this additional new development to continuing and worsening groundwater issues*

**5. Exempt Property Inside the URLs from the Requirements:** *Under this alternative, unincorporated urban areas (and possibly some village areas) would not be subject to the GMO. Instead, water providers (such as the Community Services Districts) would be responsible for metering development consistent with the availability of resources. Free pass for “smart growth.”*

**6. Would The Proposal Below Force Existing Lot Owners to Combine Lots in order to Obtain a Permit?** *This strategy would amend the Land Use Ordinance (LUO) and the Coastal Zone Land Use Ordinance (CZLUO) to increase minimum parcel sizes for any new land division in the rural areas of the county, including the Agriculture, Rural*

*Lands and Residential Rural land use categories. In the 1990 Phase 1 Rural Settlement Study, it was estimated that there were over 8,000 undeveloped parcels within the Agriculture, Rural Lands and Residential Rural categories.*

**7. Eliminate Lots and Promote Stack-and-Pack Smart Growth:** *An alternative to larger minimum parcel sizes is the use of a Transfer of Development Credit (TDC) program described in item 2b. below. A TDC program incentivizing land owners to maintain larger parcel sizes through transferring their development credits to lots outside of the basin or to areas where there are no resource constraints. **Which communities will be on the receiving end of the new densities?***

**8. Force Owners to Merge Lots:** *In order to minimize increased competition and pressure on groundwater basins in the rural areas, possible amendments to both Title 21 and the LUO would allow the County to establish an “involuntary” merger process consistent with the requirements of the State Subdivision May Act.*

**9. Could Limit the Flexibility of Farmers and Ranchers:** *On December 3, 2013, your Board expressed interest in researching the feasibility of creating two Agriculture zones or Land Use Categories, one for irrigated and the other for non-irrigated uses. The purpose of creating two Agriculture categories would be to better define the range of agricultural land uses that are more water intensive. By doing so, water intensive agricultural uses might be focused in areas most suitable for irrigation, thereby conserving groundwater resources and helping to ensure the future viability of the agricultural industry.*

**10. Expand the Transfer of Development Credits Program:** *A TDC ordinance amendment could consider a framework to facilitate voluntary, market-driven transfers within a groundwater basin designated LOS III, for example. The amended TDC ordinance could allow for the transfer development from areas of constrained water resources to areas that are not constrained. **Again, which existing neighborhoods will be receiving the increased stack-and-pack densities created by this provision?***

**11. Mandatory TDC’s on Older Lots:** *An amendment to the TDC ordinance could also consider mandatory transfers when development is proposed that represents new groundwater demand. For example, new development on antiquated subdivision lots could be required to transfer the development credits of other vacant parcels in the groundwater basin to the lot being developed. As an alternative, new development on antiquated subdivision lots could also be addressed through such programs as merger and growth management as discussed earlier.*

**12. Is This a Revival of the Attack on the Agricultural Cluster Subdivision Ordinance?** *Consideration also needs to be given to AGP 21, which establishes minimum parcel size criteria for the division of agricultural land. As outlined in item 1b. above, amendments to Title 22 and Title 23 would involve increasing the minimum parcel sizes for land divisions in the Agriculture, Rural Lands and Residential Rural land use categories.*

**13 Barrio Landscaping:** *This strategy includes a broad range of potential actions. These actions range from outdoor water use restrictions to water waste ordinances to retrofitting existing development through retrofit-on-sale programs and adoption of water neutral development standards. Some of these potential actions could be best implemented in groundwater basins based on the RMS Level of Severity (LOS) while others (e.g. outdoor water use) could be countywide standards.*



Barrio SLO County With Low Water Landscaping

**14. Mandatory Plumbing Retrofit:** *Plumbing retrofit programs implemented at the time of sale of a property have been a standard water conservation measure since the 1980s. Efficiency standards for plumbing fixtures became increasingly tighter in 1980, 1994 and in 2013. Plumbing retrofits can be considered the “low hanging fruit” of water conservation programs because they have been so widely used and can save water.*

**15. Mandatory Well Meters and Ongoing Monitoring By County:** *The Public Health Department’s Division of Environmental Health is working on changes to Title 8. These changes will require installation of meters, monitoring of the meter readings and reporting of the recorded water demand .*

**16. Restrictions on Watering Time Intervals and How You Use Your Water:** *Water-waste ordinances mainly address behavioral measures to improve water conservation in times of drought. Measures include limiting irrigation times for landscaping, prohibiting the washing of hard or paved surfaces, and controlling excessive runoff, among others. Enforcement of water-waste is normally handled through the issuance of fines or one-time rate increases. Some local jurisdictions have adopted these water-waste ordinances on a permanent basis, whether drought conditions persist or not.*

The table below summarizes the Plan Elements and Zoning ordinance sections that could be amended. Note how these are calculated to be completed prior to the expiration of the Paso Robles Urgency Water Moratorium. The County staff report does not indicate what each of the projects would cost in staff and consultant dollars or the source of funds. To process a substantial number of the proposals simultaneously would require a

major augmentation of Planning Department staff. Will the road maintenance budget be further compromised to fund this assault?

**Exhibit A  
Amendment Options  
Conservation and Open Space Element – Implementation Strategies**

	Implementation Strategies	Elements/Ordinances to be Amended	Time Frame
<b>1.</b>	<b>IS WR 1.7.1 – Protecting Agricultural Water Supplies</b>		
a.	Growth Management Ordinance	Title 26	12+ Months
b.	Larger Minimum Parcel Sizes	Title 22, Title 23	6 to 12 Months
c.	Merger of Substandard Rural Parcels	Title 21, Title 22, Title 23	12+ Months
<b>2.</b>	<b>As Directed by Board – Protecting Agricultural Water Supplies</b>		
a.	Two Agriculture Land Use Categories	Land Use Elements, Agriculture Element, COSE, Title 22, Title 23	12+ Months
b.	Amend TDC Ordinance	Land Use Elements, Agriculture Element, COSE, Title 22, Title 23	9 to 18 Months
<b>3.</b>	<b>Other – Protecting Agricultural Water Supplies</b>		
	Amend Agricultural Element	Agriculture Element	6 to 12 Months
<b>4.</b>	<b>IS WR 1.12.2 – Water Supply Assessments</b>		
	Require Water Supply Assessments	Title 21, Title 22, Title 23	0 to 6 Months
<b>5.</b>	<b>IS WR 2.2.2 – Improve Well Permit Data</b>		
	Improve Well Permit Data	Title 8	0 to 6 Months
<b>6.</b>	<b>IS WR 2.2.4 – Groundwater Data Collection</b>		
	Groundwater data collection for new development.	Title 8	0 to 6 Months
<b>7.</b>	<b>IS WR 4.1.1 – Identify per Capita Water Use Baselines</b>		
	Identify per capita water use baseline.	This is complete and on-going as part of the RMS Biennial Resource Summary Report.	Complete

	Implementation Strategies	Elements/Ordinances to be Amended	Time Frame
<b>8.</b>	<b>IS WR 4.1.2 – Countywide Water Conservation Ordinance</b>		
a.	New Landscape Requirements	Title 22, Title 23	6 to 12 Months
b.	Retrofit on Sale	Title 8	0 to 6 Months
c.	Metering and Monitoring of All New Wells	Title 8	0 to 6 Months
d.	Water Waste Ordinance	Title 8	6 to 12 Months
e.	Water Neutral New Development	Land Use Element, Agriculture Element, Housing Element, COSE, Title 21, Title 22, Title 23	6 to 12 Months
<b>9.</b>	<b>Other – As directed by the Board</b>		
	No Water Export Ordinance	On January 28, 2014, your Board authorized staff to move forward with a No Water Export Ordinance.	6 to 12 Months

**Planning Commission Meeting of Thursday, February 28, 2014 (Completed)**

**Item 2- Cypress Ridge Development Expansion.** The Commission approved an application for 30 new homes at Cypress Ridge in Nipomo. As noted in the Background section below, we were astonished that neither the County staff nor the APCD had anything to say about the issue of ambient dunes dust which existing Cypress Ridge residents have been complaining about at APCD hearings and Board of Supervisors meetings. It turned out that the Planning Commissioners were also surprised and asked a number of questions. Grover Beach Mayor Debbie Peterson, who has been criticized for her support of all-terrain vehicles (ATV's) on the dunes, showed up and commented on the irony of the situation .

**APCD Dunes Dust Scam Confirmed:** County staff begged off saying that the APCD only commented on the dust issues related to the actual proposed housing development. County staff stated that “the APCD did not determine that there should be a need for a determination on silica dust. It does not rise to the level of a potential health hazard.” The Planning Commissioners wondered out loud if the sales contracts for the houses should contain a warning about the dust.

**Background:** A number of current Cypress Ridge residents have been complaining to the Air Pollution Control District (APCD) and Board of Supervisors about dunes dust (PM<sub>10</sub>) blowing from the northwest into their yards and homes. Significantly, there is not one scintilla of data within the environmental information presented by the Planning and Building staff or the APCD with respect to this project related to the dunes dust issue. There is nothing in the record indicating that it was even studied. Instead, the entire record concerns mitigation of dust, greenhouse gases, and fireplace smoke that will be generated by the 30 new houses.

If there is a real problem, how can the County and APCD place future residents in harm's way? In fact, there is no man made dunes dust problem, and the County and APCD know better than to tie up the applicant on this issue. They don't want another lawsuit where they have to defend their false data under oath in a Courtroom or deposition.

**Item 3 - Green Waste Recycling Facility at 4400 Orcutt Road.** *Continued hearing to consider a request by RON RINELL & THE PEROZZI FAMILY TRUST for a Conditional Use Permit to allow for the construction and operation of a green waste composting facility. The facility would consist of two composting sites, approximately 4 acres in size each that would be contained with an earthen berm and would include holding ponds to contain drainage and runoff. The operation would consist of collecting and processing organic materials (i.e., tree waste, leaves, manure and similar feedstock) into a soil amendment material. The allowable daily maximum feedstock received would be 300 tons per day (equivalent of 500 cubic yards per day) and the allowable maximum volume of materials onsite for all operational phases (receiving, processing, windrows, curing, screening and storage) would be 41,441 cubic yards per day. The facility would operate Monday through Saturday between the hours of 9:00 AM and 3:00 PM, and would not be open to the public. The maximum allowable truck trips would be 150 per day.*

A large group of area residents were present to oppose the project. Representatives of the adjacent City of San Luis Obispo essentially questioned the adequacy of the County's analysis. The Commission had many unanswered questions. The matter was continued to March 27, 2014. The discussion the March 27<sup>th</sup> will be limited to what further analysis and information will be required – not actual consideration of the application for the permit.