

# COLAB SAN LUIS OBISPO COUNTY

WEEK OF OCTOBER 13-19, 2013

***Two Meetings to Choose From:  
Santa Maria and Santa Barbara!***  
**Meet Me Half-Way Dinner Conference**

**October 30 at the Santa Maria FairPark**

**&**

**October 31 Luncheon At the Reagan Center in Santa Barbara**

***Featuring***

***Robert Zubrin Ph.D***

***“Merchants of Despair”***

Combining riveting tales from history with powerful policy arguments, *Merchants of Despair* provides scientific refutations to antihumanism's major pseudo-scientific claims, including its modern tirades against nuclear power, pesticides, population growth, biotech foods, resource depletion, industrial development, and, most recently, fear-mongering about global warming. *Merchants of Despair* exposes this dangerous agenda and makes the definitive scientific and moral case against it.

**Both Events Include a copy of the book, a \$25 value**

**Plus, A Great Meal by Testa Catering**

**Dinner meeting includes beer and wine!**

**Dinner Meeting: Reserved Seating \$550 for ten guests**

**or open seating \$55 per person**

**Lunch Meeting: Reserved Seating \$350 for ten guests**

**or open seating for \$35 per person**

**Send Payment to**

**COLAB**

**PO Box 7523**

**Santa Maria, CA 93456**

**Or Pay Online at [www.colabsbc.org](http://www.colabsbc.org) (events tab)**

**Sponsored by PG and E**

**COLAB SB and SLO County**

**SAVE WEDNESDAY OCTOBER 23, 2013  
HEAR THE TRUTH ABOUT HOW THE COUNTY'S PASO  
WATER ORDINANCE VIOLATES YOUR RIGHTS  
(SEE THE FLYER BELOW FOR DETAILS)**

**COLAB**  
*San Luis Obispo County*

**YOU'RE INVITED!**

**Wednesday, October 23, 2013**  
5:30 to 7:30 pm

**Guest speaker - Santa Barbara County 4<sup>th</sup> District Supervisor  
Peter Adam  
Water Rights & Reality**

Speaker Mike Brown  
**THE SUMMER OFFENSIVE OF 2013**  
The Empire Slinks Back - What Your Local Politicians Did

**COLAB SLO COUNTY IS NOW IN ITS 5<sup>TH</sup> YEAR  
REINFORCING OUR SUCCESS**  
(Analysis and Action)

Location: **Switzer's Excavating**  
201 Cow Meadow Place, Paso Robles, CA  
Cow Meadow Place is off Ramada Drive, just north of  
John Deere, and dead ends into Switzer Excavating.

**RSVP** appreciated by Monday, October 21, 2013  
Call (805) 548-0340 or email [colabslo@gmail.com](mailto:colabslo@gmail.com)

BBQ appetizers prepared by the SLO County Cattlemen  
*Wine and Beer will be served*

**ICLEI RESILIENT COMMUNITIES AGREEMENT  
RATIONALE NOT ON BOARD AGENDA  
(BUT COULD BE BROUGHT UP AS PART OF ITEM 4)**

**BOARD MAJORITY PLUS MECHAM PASS  
DEVELOPMENT MORATORIUM**

**HYPOTHETICAL DIABLO CLOSING A DISASTER  
(COUNTY WILL SEND YOU TO JOB TRAINING)**

**Board of Supervisors Meeting of Tuesday, October 8, 2013 (Completed)**

**Paso Robles Water Basin Water and Development Moratorium Approved.** The Board of Supervisors voted to approve the Paso Robles Water Basin Moratorium (Urgency Ordinance) for the full 22 months and 15 days as allowed by State Statute. The vote was 4/0/1 with Arnold abstaining. The vote required a super majority of 4 supervisors making a finding that there is imminent danger to public health, safety, and welfare. There was no discussion of limiting the ordinance to a shorter duration

Arnold again stated that she had come to the prior week's meeting prepared to support the ordinance but she requested a change in the companion implementing resolution on vesting. The vesting issue pertains to how the County will treat projects that are in process, specifically, at what point is a project grandfathered and considered exempt from the ordinance. Is it vested when the field is tilled, the plants are installed, the irrigation system is completed, a contract has been signed, loans have been established or what?

By Tuesday, October 8<sup>th</sup>, it was clear that the vesting issue would not be considered simultaneously with the ordinance. It has been deferred until November 26, 2013 on the theory that staff will meet with all stakeholders to try to develop language that will be acceptable to as many interests as possible. This leaves an unknown number of agriculturalists in a limbo period that extends retroactively from August 27<sup>th</sup> through November 26<sup>th</sup>. It is possible that those who have planted and those who may plant during the remaining interval would ultimately be found in violation (if they don't qualify under the as yet unknown language). They would be subject to being required to rip out what they have planted and/or fines and other penalties.

**Done Deal:** By 1:30 Tuesday, it was clear that passage of the urgency ordinance was a done deal. The public audience was much smaller than at previous hearings. Of the 35 speakers 18 were in favor of the ordinance, 14 were opposed, and 3 were incomprehensible. Clearly the proponents had been tipped off and knew they did not need to show up in mass and push.

Board comments celebrated the imminent passage of the ordinance.

Hill: The nature of the urgency is that there is a serious decline in the basin. The sense of urgency is here. The priorities are pretty clear: stop over-pumping, develop a management structure. Hill went on to say, “the ordinance is not perfect but we should not kill what we need to do to get perfection.”

Ray: I want to praise the community, which has done a tremendous job in tempering its passion... We need a supply solution and a demand solution...”

The new supervisor was full of analogies as she compared the situation (indicia justifying the ordinance) to early warning indicators such as “roses in vineyards,” which can predict plant problems before they hit the grape vines, and “canaries in coal mines,” which can detect (by dying) poison and explosive gases. She soliloquized that the process of adopting the urgency ordinance (and all the coming implementation work) is like “labor pains.” At least she didn’t go so far as to cast Gibson as the attending OBGYN doctor, Hill as the midwife, Mecham as the mom in extended labor, and Arnold as a Child Protective Services Social Worker trying to figure out who the real father is.

As the famous Latin aphorism goes: “Illegitimi Non Carborundum.”

Interestingly, Ray took pains to explain that she absolutely agreed with the findings, which the Board had to adopt to justify the ordinance. She referred to her notes and read them off: “Preservation of the peace, public safety, public health, and public welfare.” (Actually “peace preservation” is not in the ordinance – those north county cowboys haven’t saddled up yet). Like the other supervisors, she never detailed her theory of the imminent threat standard. Some people have said that their well or someone’s well down the street went dry in a severe drought.

After all of that, Gibson stated, “I don’t have a lot to add. My colleagues have said it all.” Boy and how! Gibson knows that when you have won, shut up and get out of Dodge.

#### **Other impacts and considerations:**

- **Accelerated Plowing and Planting:** There are reports from the field that property owners are plowing and planting as fast as they can. It will be ironic if the specter of the ordinance followed by its passage stimulated more planting (and water usage) than would have happened naturally over the next two years without the threat and reality of the ordinance.
- **Enforcement:** Relatedly, the question arises about how the ordinance is being enforced. There is a reported cadre of snitches and parallel reports of Planning Department Code Enforcement Officers prowling the basin. It is unknown whether many farmers will take a risk and try to complete planned projects.
- **Property Devaluation:** Value per acre discussions with owners, appraisers, bankers, and real estate experts underscore the serious problem of land devaluation as a result of the ordinance. For example, suppose a landowner had 100 acres worth \$10,000 per acre, prior to adoption of the ordinance, on the

basis that it was irrigable. After the adoption of the ordinance, its value fell to \$1,500 per acre. Suppose the owner was in the process of trying to sell it in order to raise capital for investment in an Ag project, his retirement plan, or building a home? Suppose he had a contract to sell and it falls through? Did the precipitous and sudden County action, which came without warning, in effect, confiscate his property value and damage him? Similarly, what happens to families that are in complicated estate planning issues? Every circumstance is likely to be different. There could be hundreds of special cases. How will the County manage all the questions, potential exceptions, and potential damages?

- **The Lawsuits:** County Counsel has assured the Board that its action is legal and “defensible.” There has been no public documentation in writing of the basis of County Counsel’s verbal advice. Given the magnitude and seriousness of the issue, should the Board have obtained a formal legal opinion on the legality and risks inherent in its adoption of an ordinance prior to its development and adoption? Shouldn’t the public be entitled to see such a formal written opinion? Was the matter discussed in Executive Session under threatened litigation?
- **Water Management District:** The Board approved the ordinance on the theory that some sort of water management district can be established to govern, finance, and regulate the basin. Such an entity could set quotas in droughts, build infrastructure to move water around, construct recharge facilities, require well meters, raise fees and taxes, and conduct other related activities. The issue of the setting of the power structure of the district will have to be considered. Will its Board members be elected on the basis of the amount of property they own in the basin, on a one-person one-vote basis, or on some sort of blended structure (which should require special legislation)? Similarly (and simultaneously with the creation of such a district), there will have to be a vote on the financial provisions. These must also be approved by a vote which must parallel the structure, either voting by percentage of ownership basis or one-person one-vote. What happens if the community is not able to agree and the required votes fail?
- **Vesting:** Similarly, the ordinance was adopted without a clear method of determining how projects in process would be evaluated and considered to be exempt. What happens to owners who disagree with the ultimate vesting process or who are determined to be in violation?
- **Adjudication:** What if an owner or group of owners files an action for formal court adjudication of the basin? Should the County be enjoined from enforcing the ordinance while such a determination is in process? (These are very lengthy and costly and are likely to benefit the large acreage overlayers.)

**A Massive Deception - Not What It Seems:** As the famous leftist community organizing Guru Saul Alinsky taught, “Never let a good crisis go to waste.” Essentially, the long term decline of some parts of the basin coupled with the short term impacts of the drought have been parlayed into serving the Board majority’s fundamental ideological strategy of “smart growth,” which would direct future residential development into the incorporated cities and unincorporated villages in the name of preventing global warming. Concurrently agriculture is “supported” and regarded as acceptable as long as it serves primarily as a privately funded open space program

surrogate for the environmental elite. The minute its essential operational integration supports (chillers, tasting rooms, events, bottling operations, heavy equipment maintenance, packaging, worker housing, and so forth) need to expand, costly regulations are swiftly conjured and imposed. Similarly, techniques such as agricultural cluster subdivisions which enable capital formation and estate planning (which preserve agriculture) are attacked.

Some supporters of the ordinance, some supervisors who voted for it, and some organizations who compromised did so out of a sincere belief that it is a necessary step to buy time to develop both water conservation measures and enhanced water supply. In reality the urgency ordinance moratorium delivers the smart growth strategy in a massive and crushing single blow to much of the North County. It is much more devious, and devoted proponents have already started calling for its spread.

**Board of Supervisors Meeting of Tuesday, October 15, 2013 (Scheduled)**

This meeting is what the Board calls a “strategic planning meeting.” It focuses on financial forecasts, implementing the smart growth strategy, and similar matters. There is no consent agenda and there are no regular business items. The general public comment for matters not on the agenda occurs as Item 1 at 9AM. The Public may comment on the strategic planning and budgeting items as well.

**ICLEI Resilient Communities Agreements:** Two weeks ago Supervisor Gibson noted that the issue of the County’s “intersection” with ICLEI (the International Council for Local Environmental Initiatives) might be covered. A discussion does not seem to be noted on the agenda. It is possible that it could be covered in Item 4, which is an extensive discussion of the proposed FY 2014-15 Planning and Building Department work program.

It should be noted that the issue is not how the County used ICLEI to help develop its greenhouse gas assessment prefatory to developing its Climate Action Plan, but for Hill and Gibson to explain why they signed the recent ICLEI Resilient Communities Pledge Agreement.

ICLEI casts itself as a “Movement of Local Governments.” It states that it supports International Goals 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>1</sup> ICLEI’s Charter (governing document) 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 states, “The

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<sup>1</sup> One example of an Agenda 21 Protocol is on Changing Consumption Patterns “4.11 Consideration should be given to the present concepts of economic growth and the need for new concepts of prosperity which allow higher standards of living through changed lifestyles and are less dependent on the Earth’s finite resources...This should be reflected in the evolution of new systems of national accounts and other indicators of sustainable development”.

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 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 that 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 (it) to guide local action." Clearly ICLEI is using the cover 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.

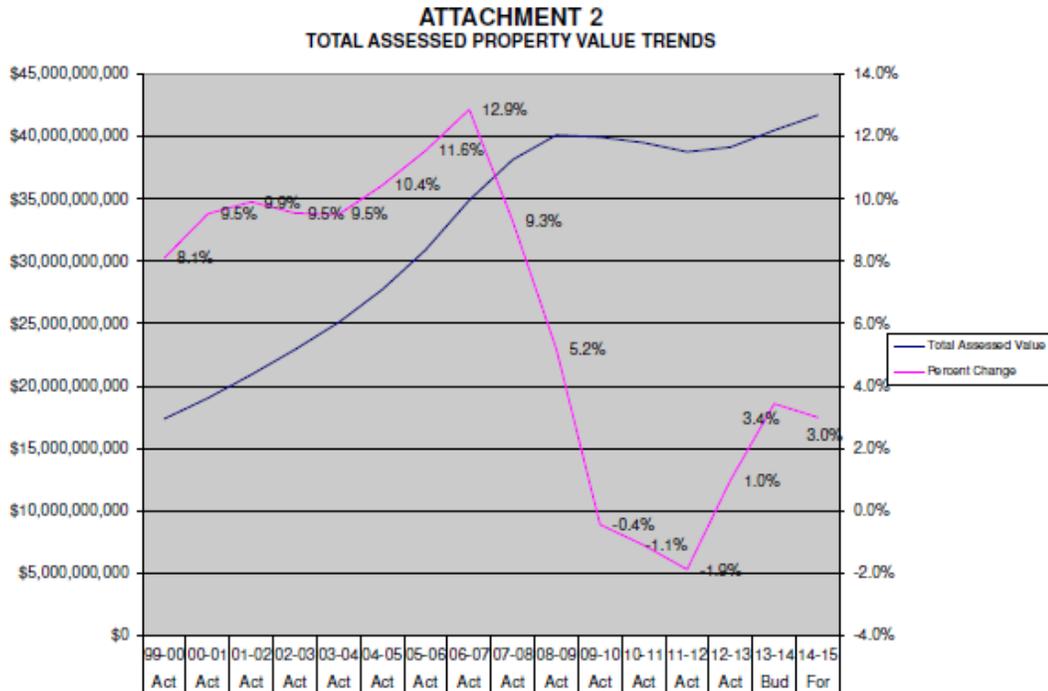
Do Hill and Gibson support the ICLEI Charter Principles or the Agenda 21 Protocol on Changing Consumption patterns illustrated in the footnote at the bottom of the page

above? Probably, at least as demonstrated in the policies which they have proposed and adopted in San Luis Obispo County. On the other hand, we know they are not so keen on Items 11 and 15.

**Item 2 - County Financial Forecast.** The staff report concludes that:

*Overall, the County’s FY 2014-15 budget is structurally balanced. FY 2014-15 represents the seventh and final year of the “Seven Year Pain Plan.” All of the difficult decisions made in prior years appear to have resulted in the anticipated outcomes and the financial outlook is no longer negative. Throughout the difficult Pain Plan years, the Board of Supervisors and County staff at all levels have done an outstanding job of implementing fiscal reforms that helped to pursue our collective vision of a Safe, Healthy, Livable, Prosperous, and Well-Governed Community.*

The detail reveals that the assumption relies on the County’s being able to negotiate all its union contracts with no cost of living raises (COLA’s), that there will be no spikes in pension costs, and that the Affordable Care Act (ACA-Obama Care) will not result in the County’s incurring extraordinary medical costs for uninsured indigents. It also assumes that the slow growth of the property tax will continue as illustrated in the chart below:



**Item D-3 - Impact of the Closure of the PG&E Diablo Canyon Nuclear Power Plant.**

Over the past year the complications and costs of just preparing to submit an application (not the actual application itself) for the relicensing of the plant have mushroomed. Additionally, calls for outright closure of the plant have increased. The tidal wave-induced meltdown of the Fukushima plant in Japan and related damage has resulted in further pressure to close the plant. The fact that the Diablo plant is situated in an area of both subterranean and sub-marine earthquake faults has also heightened the concern and pressure. Further complicating the issue is that required seismic testing using simulated explosions and remote sensing towed arrays has caused concern about the safety of marine mammals and fish. Finally, structural problems in the steam generating system at the Southern California Edison (SCE) nuclear plant at San Onofre caused SCE to announce shutdown and decommissioning of that plant.

The San Luis Obispo County Board of Supervisors has said it is concerned about safety and it had previously endorsed legislation requiring seismic studies. It has in turn supported concerns about the seismic study’s impact on fish the marine mammals and fish. In so far as we know, the Board has not taken a clear policy action (such as passing a resolution) to support the retention of the plant.

PG&E has received bad publicity from the exploding gas main in San Mateo which killed 8 and destroyed about 35 houses in 2010. The resulting fines and settlements now approach \$4 billion and threaten the survival of the investor owned but heavily regulated utility, which serves millions of Californians. All this plays into the hands of a growing swarm of enviro-socialists, luddites, and anti-industrial activists who know that destruction of privately owned utilities and other industrial facilities and their subsequent socialization will help bring about the brave new world which they demand.

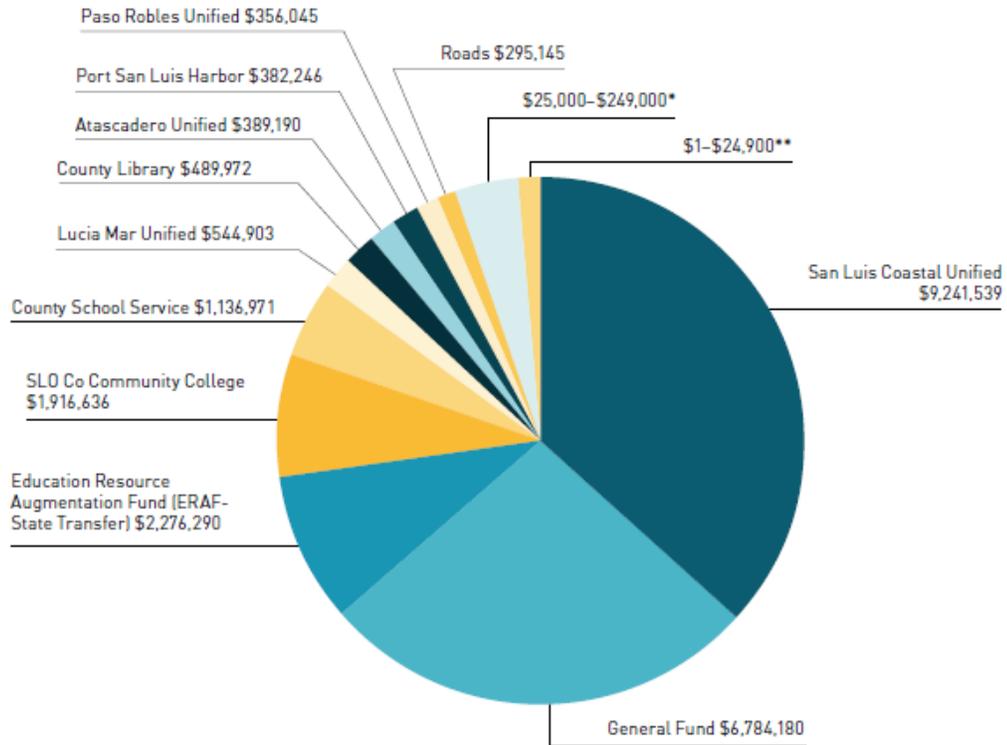
In such an atmosphere, the PG&E Board of Directors could follow the lead of SCE and petition to cease plant operations and undertake a long and costly decommissioning process (decades and billions of dollars). As PG&E is a publicly regulated utility, the costs would be shared by the ratepayers (us) and the stockholders. If the company goes out of business, the ratepayers would bear the full impact.

The Board of Supervisors asked for a study of the impacts of a plant closure on San Luis Obispo County. These include tax losses and job losses.

**TABLE 1: TAXES GENERATED BY DCP, 2011**

Taxes (\$ millions)	Local	California	National
Sales Taxes	5.3	7.6	19.4
Property Taxes	30.8	33.3	44.1
State & Local Taxes	42.0	51.1	84.8
Total Federal Taxes			96.5

**FIGURE 13: PG&E 2011/2012 UNITARY TAX REVENUE ALLOCATION**



You would think that the parents, teachers, and others involved in the San Luis Coastal Unified School District would demand election of County Supervisors who are forthright champions of the plant.

You would think that the County’s employee organizations would also demand that the Board members affirmatively and forcefully demonstrate how they are working to save the plant.

The report presents a weak and inexcusable non-plan which says that the County has lots of experience cutting budgets and that the laid off employees of both the County and the private sector can go to government funded Workforce Investment Board training.

The charts on the next page show the economic impact of the plant in comparison with the wine industry.

FIGURE 1: TOTAL ECONOMIC IMPACT OF DCPD

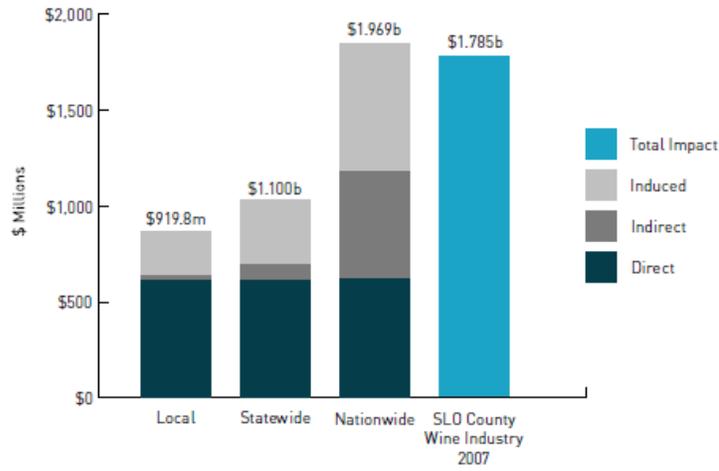
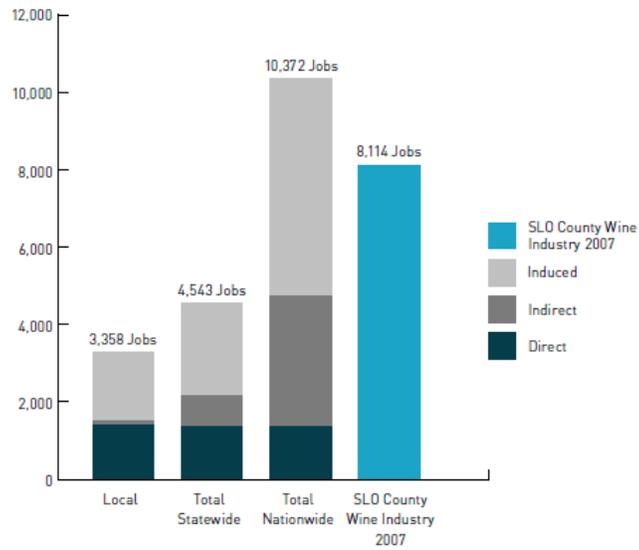


FIGURE 2: TOTAL JOBS CREATED BY DCPD, 2011



Taxes

The Full report can be seen at the link

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/2670/UEdFX0Vjb25vbWljX0ltcGFjdF9TdHVkeS5wZGY=/12/n/20304.doc>

**Item 4 - Planning and Building Department Proposed Work Program.** The Board will consider prioritization of staff work for the 2014-15 fiscal year.

*The proposed Top 10 Priorities are listed below. Note that number 10 is new and contains the work on implementing the Paso Robles Water and Development Moratorium. Most of the other projects involve various studies and zoning rewrites to help implement smart growth (especially increasing densities in the unincorporated villages). The write up states in part:*

*Based on direction from your Board, the proposed Top 10 list and status is as follows:*

*Prepare the Public Review Draft of the Land Use and Circulation Element (LUCE) update.*

*Status: In Progress. On March 29, 2011, the Board directed staff to undertake a reorganization of the Land Use Element to streamline and make it user-friendly. The Planning Commission recommended approval of the consolidation on August 8, 2013. Staff prepared a Planning Commission recommended draft and has made this available to the public. Public hearings before the Board of Supervisors are scheduled to begin early in 2014.*

*Complete amendments to implement post-construction storm water requirements.*

*Status: In Progress. On September 6, 2012, the Central Coastal Regional Water Quality Control Board (CCRWQCB) passed Resolution R-3-2012-00-2 that established Post-Construction Storm water Management Requirements for Development Projects for municipalities throughout the Central Coast Region. Amendments to the Land Use Ordinance and Coastal Zone Land Use Ordinance will be required to implement these requirements. On June 13, 2013, the Planning Commission recommended approval of the amendments. Public Hearings before the Board of Supervisors are tentatively scheduled in late 2013.*

*Prepare a 'Complete Communities' survey*

*Status: In Progress. The Department received a grant to complete a community infrastructure needs assessment for the communities of San Miguel, Nipomo, Oceano, and Templeton. Public meetings occurred in the communities in late 2012 and a report on the survey, including potential financing options, should be complete by late 2013 or early 2014.*

*Complete the draft Los Osos Habitat Conservation Plan (Begin Fish and Wildlife agency review) and begin Los Osos Community Plan update.*

*Status: In Progress. Consultation between agencies and County staff is occurring. Phase I includes the agency review draft plan and is scheduled for completion in late 2013. Phase II includes public review of the draft plan and is scheduled to be completed in 2014. The Community Plan update has been authorized for processing by the Board. Funding for preparation of an Environmental Impact Report is in the Department budget. Notification to property owners for requests for zone changes were advertised in two local newspapers in March 2013. New subcommittee meetings (twice monthly) with LOCAC began in June 2013 and will continue through November 2013.*

- *Complete e-permitting for specific photovoltaic systems.*

*Status: In Progress. The Department is currently in development of an e-permit for specific photovoltaic system permits. This would allow applicants to complete the permitting process entirely on-line without having to come into the office. This system should be available early in 2014.*

- *Update the San Miguel Community Plan.*

*Status: In Progress. Following a successful community outreach process and preparation of an administrative draft plan by the City and Regional Planning Department at Cal Poly, the Board, on November 1, 2011, authorized the community plan update. Grant funding was received to complete technical background reports most of which are complete. A public review draft of the Community Plan update was released in June 2013. The preparation of an Environmental Impact Report is underway. This comprehensive community-based plan will help shape new growth and development, enhance the quality of life, and bring vitality to San Miguel.*

- *Prepare ordinance amendments to revise standards to encourage in-fill development*

*Status: In Progress. The Department received a grant to complete amendments that would evaluate and revise existing provisions in the Real Property Division Ordinance (Title 21), Land Use Ordinance (Title 22) and Coastal Land Use Ordinance (Title 23) which make it difficult to develop on in-fill sites in urban areas in compliance with the County's strategic growth policies. A Request for Proposal process was completed and a consultant chosen. Public outreach has occurred and drafts of both amendments and guidelines to assist communities with visioning should be available in the Winter/Spring of 2014 or earlier.*

- *Implement an "emPower" program in San Luis Obispo County*

*Status: In Progress. This program would be an expansion of Santa Barbara County's comprehensive financing program for energy efficiency project for homeowners. The program would cover San Luis Obispo, Santa Barbara and Ventura Counties and would offer homeowners the ability to get low interest unsecured loans to complete energy efficiency projects. Grant funding will cover the costs of staffing and marketing of the program. Agreements from Santa Barbara County for the grant funding should be coming to your Board for review in the next two months.*

- *Complete the draft of a Renewable Energy Combining Designation and related ordinance amendments for implementation.*

*Status: In Progress. The California Energy Commission (CEC) has awarded the County a Renewable Energy and Conservation Planning Grant of \$638,152 to fund a Renewable Energy Streamlining Program. The program would include amendments to revise policies, combining designations and ordinances to streamline development of renewable energy projects in areas of the County that meet selected criteria. Also includes preparation of an Environmental Impact Report (EIR) that evaluates specific areas proposed for a new Renewable Energy (RE) combining designation based on*

*mapping of resources, infrastructure and constraints. The grant agreement with the CEC was approved by your Board on July 9, 2013, and a contract for a consultant team to perform the work in conjunction with County staff was approved on August 13, 2013. The team is conducting stakeholder interviews and working on the constraints mapping.*

**☐ Paso Robles Groundwater Basin (PRGWB) Urgency Ordinance Implementation.**

***Status: In Progress. On August 27, 2013, your Board adopted an Urgency Ordinance covering a majority of the PRGWB that requires new uses to offset their water demand at a ratio of 1:1 and new wells to be metered and monitored by the property owner. On October 1, 2013, your Board took action to provide direction to staff relative to implementation of the ordinance. Implementation includes preparation of a County Approved Conservation Program for both residential and agricultural offsets. These should be prepared for presentation to the Board by early 2014.***

