

COLAB SAN LUIS OBISPO COUNTY

WEEK OF SEPTEMBER 30-OCTOBER 6, 2012

PASO WATER BASIN RESTRICTIONS ADOPTED

COMMUNITY MUST WAIT UNTIL NOVEMBER 14TH FOR APCD
STRUCTURAL DEFICIT PLAN

GET YOUR TICKETS FOR THE MEET ME HALF WAY DINNER
QUICKLY BEFORE THEY ARE GONE
IT'S OCTOBER 18TH AND FILLING UP FAST
(Please See the Flyer on Page 6 below)

Board of Supervisors Meeting of Tuesday, September 25, 2012 (Completed)

Ordinance Restricting Development in the Paso Robles Water Basin. The Board of Supervisors adopted the ordinance on a 3/2 vote with Supervisors Mecham and Teixeira dissenting. The adopted ordinance severely restricts the ability of property owners in the Basin to develop their properties unless they are in an incorporated City or unincorporated town served by a municipal water system.

Opposition Ignored: There were about 38 speakers, of which 9 supported the ordinance, 25 opposed the ordinance, and 3 were not clear. An attorney, Steve Hoch, spoke and said he represented a group of basin residents who were considering filing a lawsuit to overturn the ordinance. Among other objections, he asserted that the County could not legally adopt such a sweeping provision without CEQA (environmental review). COLAB had made this point separately, the week prior, during general public comment. County Counsel was adamant that the action (project?) was exempt from CEQA. When a member of the public launched a hot potato and asked whether or not CEQA would be required to rescind the ordinance, her question was ignored by the Chair, other Board Members, Planning staff, and County Counsel, who were all quick to refute other questions and statements by the public. The public comment was articulate, pointed, and roundly condemned and ignored by the lame duck Board majority.

Supervisor Mecham Heavily Rebutted: Supervisor Mecham attempted to ask questions about the need for the ordinance at this time and the land subdivision prohibition in particular. He even proposed compromise language which would have included most to the ordinance but would have softened the provision on land subdivision by not prohibiting it all together, but instead subjecting it to intensive analysis. His proposal was ignored.

Supervisor Gibson’s Forceful Rejection of Opponents Arguments: In what was the most aggressive debating we have seen on the Board, Gibson pointedly and protractedly interrogated Meacham about his opposition? It was almost as if Meacham were on the witness stand. Of course, there was no opposing counsel to interrupt and stop the badgering. Gibson stated that land use issues are not part of the ordinance.

Hill was quick to pile on with accusations of “... defiant statements of property interests are posturing,” and “... not helping people whose wells are drying up.” Hill went on to castigate “development interests who want a lot here and a lot there.” At one point in the debate Hill forecast that without the ordinance and as wells dried up, the area would become like the third world with people having to truck in water. At another point, betraying his usual hypocritical and sanctimonious political correctness, he said that it could be “worse than Mexico.”

Supervisor Patterson stated that “the fact that it (the ordinance) doesn’t save much water is irrelevant.”

County Counsel: Environmental Assessment of the Ordinance Categorically Exempt: As we have noted, the County maintains that the ordinance is exempt from any level of environmental review because it “benefits the environment.” One speaker asked the Board to ask staff if the opposite is therefore true. If a future Board wanted to rescind the ordinance, would an EIR or other level of environmental assessment be required? The Board ignored the question.

Blue Ribbon Commission: There is a large Blue Ribbon Citizens Commission made up “stakeholders” (property owners, wine industry, general farming, environmentalists, business, people whose wells are dry, and others) studying long-range solutions to the problem. It appears that some members are actually looking for ways to add water to the basin by recharging Nacimiento lake water, more efficient stream percolation, more treated sewer water return, recharging State project water, use of small inflatable dams on streams during wet season (to increase recharge percolation), and so forth. The Commission requested the Board to postpone consideration of the ordinance until it had finished its work. The Board majority rejected this out of hand and with some venom.

Does the Current Board Majority Wish to Kill the Blue Ribbon Commission? The current Board majority may not wish the Commission to be successful. Success would mean that the current Board Majority would lose a tool for enforcing its obsession for prohibiting rural single-family houses, estates, ranchettes, bed-and-breakfasts, boutique hotels, and similar rural enhancements. Having water crises is helpful to promote the larger agenda. Additionally, there is a rumor that the Commission may have discovered that the decline in the basin is reversing. As current Chicago Mayor and former Obama administration operative Rahm Emanuel counseled, “Don’t waste a crisis.”

Background: By its own admission in the write-up for the September 25 meeting recommending adoption of the ordinance, the staff indicated that the ordinance will have a statistically insignificant impact on the water level (safe yield) in the basin. Specifically on page 3 of the Board item, the staff cites its own expert study, which projected that such an ordinance would only save 350 acre feet over a 20 year period, or 17.5 acre feet per year.

The report goes on to state that even though this is not a large amount, it constitutes the largest method of potential savings to date and is only one of “many other small savings” which are apparently planned.

Some other Issues:

- The County refused to do an EIR on its “Smart Growth Plan” (it said it’s not a project that affects anything), but when COLAB sued the County for not doing the required EIR, the County’s legal answer has been that it would do EIRs on the specific projects that implement the “Smart Growth Plan.” Since this ordinance profoundly restricts the ability of owners to subdivide their land, shouldn’t there be at least an environmental assessment?
- How will the impending Revised Agriculture Cluster Subdivision Rules Ordinance compound the restriction problems? It is also horribly restrictive and adds all sorts of locational prohibitions. It appears that they are just doubling down. The Board should request an accumulative analysis of at least the Paso Water prohibitions and the proposed Ag. Cluster Subdivision ordinance.
- There is no real economic analysis. The Board letter talks about how the restrictions might or might not relate to the goals of the Economic Cluster Policy. A real analysis would look at how it impacts property values, bank loans, and financing.
- Existing lots of record may apply for development permits, but there are many onerous requirements and exactions. The Board letter contains a last minute recommendation by staff that seems to back off the single house restrictions on existing lots.
- The ordinance allows the Planning Director to force to you surrender property rights in exchange for a permit. So if you can’t meet the requirements, you may be able to “mitigate” (pay blackmail) your way out by putting a forever conservation easement on the rest of your property.

See last week’s Update for further background.

No Board of Supervisors Meeting on Tuesday, October 2, 2012

Planning Commission of Thursday, September 27, 2012 (Completed)

Annual General Plan Update. The Commission reviewed a report on the work of the Planning and Building Department during FY 2011-12. There is a long list of the projects (some completed and some in process) such as the Climate Action Plan, Events Ordinance, Paso Robles Groundwater Study, and number of other efforts supportive of “smart growth.”

Commissioner Tim Murphy had good questions and suggestions. He pointed out that the Land Use Economics Study presented to the Board earlier in the year had never come to the Commission. Readers may recall that this study, which was supposed to point out the advantages of smart growth, was more neutral than had been expected by the Board majority. It was quickly shunted aside. Murphy also pressed for real economic impact reviews of projects and polices. This is fertile ground for the new Board majority.

There were no other policy issues on this short agenda.

http://slocounty.granicus.com/MetaViewer.php?view_id=3&event_id=116&meta_id=251473

For those with slower connections, the file may be slow to open.

San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday September 26, 2012

Bored Board Hears About Strategic Plan. The APCD Board listened to a presentation on the “strategic plan.” They appeared quite bored. The real issue, as detailed in **Background** below, is a growing structural deficit. During the Board meeting it was noted that the “Executive Committee,” consisting of Supervisors Patterson and Gibson and Council members Costello and Hammond, had met with staff to work on the strategic plan and the numbers, which is where the rubber will meet the road. Whatever is being cooked up in the backroom will be revealed at the APCD meeting of November 14, 2012. Reportedly the Board never actually established an executive committee, and these are now reported as “focus meetings.”

An Interesting Turn of Events: The California State Parks Department has joined the lawsuit (Rice, Friends of the Dunes, et al) against the APCD for trying to force the Parks Department to study itself into a ban on all terrain vehicles (ATV’s) in the Oceano Dunes State Park. The APCD staff is really bummed because they are working “in a collaborative effort” on the various plans and studies. The APCD attempted to prevent the State from filing a brief. The Court overruled APCD and said Parks could file a brief. The trial is set for January 24, 2013. Continuances are possible. We bet you didn’t hear about this one in an APCD news release or the local media.

An Interesting Revelation: During the presentation on the strategic plan, the APCD Director was laying out some of the pressures which are impacting the agency, such as more State and Federal mandates, the whole greenhouse gas movement, and the poor economy. One of the noted pressures cited was the “**increasingly polarized populace.**” This was obviously an allusion to the increasing grass roots concern about more and more regulations, taxes and fees (not to mention United Nations Agenda 21 and related tools being incorporated into national, state, and local policy and law).

Yes, Virginia, for the last 45 years the left has assaulted private property, individual responsibility, and liberty. It has championed expanded government power and an expanded government sphere in society, and has promoted social dependency, economic stagnation,

and social decline. Now that people are beginning to fight back, they are labeled by our appointed “professional government officials” as polarizing.

Very Good!!! Bring your friends to the Board meetings, faux workshops, and the voting booth, and keep polarizing. It's wearing on them.



Background: On May 23, 2012, the APCD Director described a 4-year set of alternative revenue enhancements to deal with a growing structural deficit. The APCD’s costs have grown an average of 8.9% per year since 2003, from \$2.4 million to \$4.4 million. The problem is that the emerging structural deficit grows from \$273,000 in FY 2013-14 to \$655,000 in FY 2016-17. There was a fair amount of public comment criticizing the various potential fee and tax increases. At the end of the meeting the APCD Board referred the matter to a “Strategic Planning Process.” The current agenda item is to consider the process and work to date. This will really be a marketing effort to scare people into giving the APCD more funding. The May 4-year fiscal plan contained a number of nasty alternatives:

- *Authorize the District to assess Service Charges for CEQA project review (\$1000-\$4000 per project). (And they told us that the Greenhouse Gas Thresholds Ordinance would exempt most small and medium projects.)*
 - *Authorize the District to charge a triennial fee of \$300 to track sources which are believed to be exempt.*
 - *Increase use of source testing when the Morro Bay Power Plant shuts down (\$115/hr.)*
 - *State law requires larger greenhouse gas emitters to enter a Cap and Trade Program which requires that the GHG emissions be annually verified by an independent expert. Firms typically hire their own consultants to do this. District staff would take this over at \$115 per hour.*
 - *Raise existing permit fees from 2.5% to as much as 15% per year. (Depending on how some of the other ideas in this list work out).*
 - *Adopt a per capita fee of \$1.00 on all jurisdictions in the County with a seat on the APCD Board.*
 - *Adopt a 15% administration fee for certain incentive programs.*
- Request the SLO County State Legislative delegation to submit a bill to add \$3 per vehicle per year to be subvented to the APCD. There are 250,000 vehicles in the County.*
- Sponsor a Ballot Measure for a Parcel Tax of \$10/parcel.*

SAVE THURSDAY EVENING OCTOBER 18, 2012

Meet Me Half-way Annual Meeting

California's Big Decision 2012! Join Us!

COLAB

Santa Barbara County & San Luis Obispo County

Meet Me Half-way Annual Meeting

Thursday, October 18, 2012

Santa Maria Fair Park

937 S.Thornburg Street, Santa Maria, CA

Guest Speakers

Steven F. Hayward

Internationally known Conservative
Columnist and Author



Jon Coupal

President, Howard Jarvis
Taxpayers Association



Hosted Beer and Wine will be served beginning at 5:30 p.m.

DINNER & AUCTION - 6:15 p.m.

\$50 per person/\$500 for a table of ten

Purchase Tickets by Mail:

COLAB PO Box 7523 Santa Maria CA 93456

Purchase Tickets Online:

<http://www.colabsbc.org/events.aspx>

