

# COLAB SAN LUIS OBISPO COUNTY

WEEK OF SEPTEMBER 2-8, 2012

ATTEND OUR UPDATES  
SAVE THURSDAY AUGUST 13, 2012 AND THURSDAY  
SEPTEMBER 20, 2012 FOR COLAB MIXERS

IN PASO ROBLES

NEAR SAN LUIS OBISPO

**COLAB**  
*San Luis Obispo County*

**YOU'RE INVITED!**

Thursday, September 13, 2012  
5:30 to 7:30 pm

Next Steps & Opportunities with SLO County...  
**Come hear how to sieze the moment!**

Updates by Mike Brown and Andy Caldwell  
Guest Speaker - Andrea Seastrand

We have made our presence known in 2009, 2010,  
2011, and 2012. **We are making a difference!**

Location: **Switzer 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, September 10, 2012  
Call (805) 548-0340 or email colabslc@gmail.com

Tasty BBQ appetizers will be provided by the  
San Luis Obispo County Cattlemen.  
**Wine and beer will be served**

**COLAB**  
*San Luis Obispo County*

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Location: **Holland Ranch Barn**  
2275 Carpenter Canyon Road, San Luis Obispo, CA  
From SLO: Just past the Cold Canyon Landfill entrance, on the right.  
From AG: Just before the Cold Canyon Landfill entrance, on the left.

**RSVP** appreciated by Monday, September 17, 2012  
Call (805) 548-0340 or email colabslc@gmail.com

Tasty BBQ appetizers will be prepared by BBQ  
Extraordinaire Chris Darway.  
**Wine and beer will be served**

## PLEASE ATTEND THE COLAB SLO UPDATE/MIXERS

Friends and members of COLAB should plan on attending one or both of the updates. Celebrate progress and next steps. Enjoy wine, beer, and appetizers. For your convenience, one update is scheduled in the North county and one in the South county. Feel free to attend either or both (whatever is convenient). Be sure to bring and/or invite your friends. Enjoy a positive and informative early evening. Please call Elaine Castillo at 805-548-0340 or email

[colabslo@gmail.com](mailto:colabslo@gmail.com) and let us know you are coming. We want to make sure we have plenty of beer, wine and appetizers.

## IN THIS ISSUE

SAVE THURSDAY EVENING OCTOBER 18, 2012  
DYNAMITE PROGRAM  
CALIFORNIA'S BIG NOVEMBER ELECTION DECISION

“GREEN” BUILDING ORDINANCE APPROVED

ADAM HILL AGAIN ATTACKS  
OPPOSING PUBLIC COMMENTORS HE DOESN'T LIKE

PLANNING COMMISSION APPROVES “ECONOMIC POLICIES”  
EXPOSES DOUBTS ABOUT PRIVATE PROPERTY  
(SENDS IT ON TO THE BOARD)

PLANNING COMMISSION APPROVES RESTRICTIVE AND  
CONFLICTING AGRICULTURAL HOME REGULATIONS  
(SENDS THEM TO THE BOARD)

### Board of Supervisors Meeting of August 28, 2012 (Completed)

**Board Adopts the “Green” Building Ordinance on a 3/2 Vote (Mecham and Teixeira opposed).** The ordinance, which takes effect on January 1, 2013, will require all new residential and commercial construction to meet a variety of energy and water saving requirements. More significantly, it will require that *“alterations or additions”* (of existing homes) *“with a construction value over \$10,000 shall have a Home Energy Rating at construction completion.”* *“The rating shall be completed by a certified Home Energy Rating System rater.”* Interestingly, the ordinance further reads, *“Ratings will be registered with the municipality and/or assessor for public access.”* Your friends and enemies can come in and check on the efficiency of your toilet. The fact that this sentence refers to a generic “municipality” instead of the “county building inspector” suggests that much of the ordinance is lifted from some boilerplate source. The staff apparently didn’t catch this lapse. Realtors testified that the typical rating will cost about \$500. The County says that the homeowners will not be required to install the improvements – “it’s just educational.”

Remember that the successive drafts of the Climate Action Plan contained requirements for energy audits and required actual installation/construction of the improvements prior to properties closing escrow. After many organizations and individuals complained, the Board backed off and made the requirement issues an idea for “*future consideration.*”

**Emergency Generators Forbidden:** Another galling irritant is that the ordinance forbids home generators that are not connected to the power grid. Home generators must be sized to provide for the full calculated loads for the home or business. What if you just want a small generator for real emergencies?

**Hill Again Attacks Public Comment:** You had better not disagree with the Board majority or the staff. In yet another violation of the open meeting law, Supervisor Hill jumped ugly with the speakers who opposed adoption of the “Green” Building Ordinance. He characterized the speakers’ objections as reacting to “... *phantom fears*” and the speakers as ideologues. He went on to chastise the speakers for promulgating a “fear approach.” He characterized the opposing speakers’ positions as the “*default position of the demagogue.*” In an appeal to class warfare (who’s the real demagogue?), Hill stated that homeowners should be more interested in installing (compelled to install?) “new duct work and insulation” versus “fancy kitchens.”

When Supervisor Mecham attempted to call Hill on his rude and intimidating behavior, Hill sharply attacked Mecham and said that it was too late to bring the issue up. Of course Board Chairman Patterson and County Counsel let Hill rule the roost.

#### **Board of Supervisors Meeting of Tuesday, September 4, 2012 (Scheduled)**

There are no items of significant policy concern on this very short agenda (unless you are curious about the powerful County Public Works Department, which will be presenting a show and tell about all the “great” stuff they are doing).

#### **Planning Commission Meeting of August 23, 2012 (Completed)**

**Economic Element of the General Plan.** The Commission conducted a hearing and recommended that the Board of Supervisors adopt an updated version of the Economic Element of the General Plan. The actual adoption of the Plan will be scheduled on a future Board of Supervisors agenda. The proposed document is a vacuous propoganda piece designed to trick the public and the business community into believing that the Board of Supervisors supports private sector economic development, including industrial, commercial, and agricultural enterprises. In fact the staff report almost admits this in the quote below:

*“Retaining the Economic Element as part of the County General Plan demonstrates that economic factors are just as important to the County as environmenal and social factors, which is consistent with the County mission statement.”*

**Does SLO County Actually Believe in Property Rights?** The Board apparently feels it needs to give lip service to economic development. The now recommended Plan Element is particularly informative about the Board's ambivalence about private property. The Plan Element discusses balancing property rights with "efforts to plan for the community." Home Builders Government Affairs Director Jerry Bunin's letter to the Board on the Plan Element is an eloquent treatise on the issue. A portion is quoted below:

7. *Page 2-3, Policy EE 1.5 – This is very poorly thought out. There is nothing in this segment that recognizes or protects private property rights.*

a. *How do you imagine the three sub points will actually implement the policy?*

i. *How are my property rights protected if I must balance them with "efforts to plan for the community"? This means that the community has as much right to use my property as I do. How does that protect my property rights? Who determines what a balance is? How is that determination made? Who do I appeal to if the balance is imbalanced?*

ii. *How will the county define what is a taking and just compensation? If you won't let me use my land the way I want in a way that makes financial sense but you make me develop what the community wants that doesn't make financial sense, what is my compensation for undervaluing my land? Has the county ever awarded just compensation to any property owner without being sued first?*

iii. *How can my property rights be protected if individuals or groups who don't live on or near my land have the same rights I do "to participate in planning and land use decisions"? How can giving everyone the same rights I have protect my property rights?*

1. *How does giving everyone equal control of my land encourage economic development?*

b. *If you want to "Recognize and protect private property rights," the county should guarantee:*

i. *Private property owners have the right to use their property for non-criminal enterprises;*

ii. *The right to use private property as it is zoned in the General Plan without needing a public hearing since the General Plan was approved after a public hearing; and*

iii. *Property owners the right to use their land in the same manner and density as neighboring property.*

8. *Page 2-3, Policy EE 1.7 – Why restrict economic impact analysis to "projects of regional significance"?*

a. *Who will determine what is regionally significant?*

b. *An economic element be should be concerned with the economic impacts of all developments on the community and impacts county policy has on economic development;*

c. *The explanatory text notes: “incurring the costs to produce this economic information may not be warranted in all cases.”*

i. *Who will determine when it is warranted?*

ii. *What standards will be used to make that determination?*

iii. *How will the county pay for obtaining that information or will it charge the applicant?*

9. *Page 2-4, Policy EE 1.8 -- While we support reducing transportation impact fees for projects promoting alternate transportation, we want to know how the county plans to quantify this.*

10. *Page 2-6, Policy EE 3.1 – We support development by right. If a project is consistent with the General Plan, why also require a master plan? Why not reward consistency with approval? Why have a General Plan if following it still means you must do an EIR, have numerous public hearings, and do more planning?*

**When this Plan Element appears on the Board Agenda, the community should rally to expose this hypocrisy.**

**Background:** Under State law, cities and counties must adopt land use plans. These contain sections called “elements,” such as land use, transportation and circulation, open space, housing, etc. One element (which is discretionary) is the Economic Element, which provides overall goals and policy guidance for land use matters relating to the siting, attraction, retention, and growth of private sector firms and supporting government activities. The goals and policies in the Economic Element will be used to justify subordinate policy documents such as zoning ordinances and regulations. They will also be used to help justify the approval or denial of specific projects which are proposed over time.

You would think that they would at least have a map indicating where factories, oil drilling, resorts, big box malls, office parks, etc., could be located. You would think they would have some tables showing how much acreage is allocated for these industries (built and unbuilt).

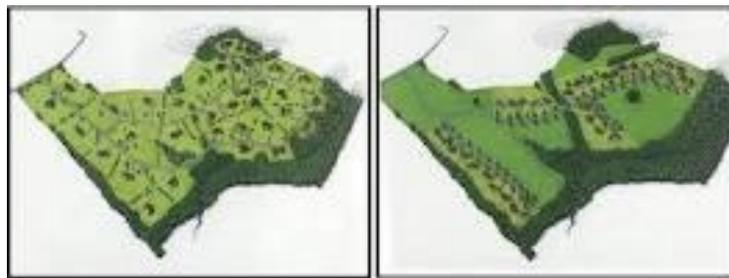
**Correction: Vote On Santa Margarita Pomegranate Orchard: We reported in the August 12-18, 2012 Weekly Update that 2<sup>nd</sup> District Planning Commissioner Topping voted against the appeal to permit a windmill and historic water tank on a pomegranate orchard in Santa Margarita. Commissioner Topping actually voted to permit the structures. It was 4<sup>th</sup> District Commissioner Murphy who voted against the appeal. The other Commissioners supported the appeal.**

**Planning Commission of Thursday August 30, 2012 (Completed)**

**Revised Agricultural Cluster Subdivision Regulations.** The Commission voted 3/2 (Irving and O’Grady opposed) to impose much more restrictive regulations on the creation

of small cluster subdivisions in the inland areas of the County. The Commission voted 5/0 to allow small cluster subdivisions (albeit severely restricted) in some coastal areas where they had been entirely prohibited in the past.

The idea of an agricultural cluster subdivision (sometimes called an open space subdivision) is to preserve agriculture by allowing a farmer, rancher, or vineyard owner to develop a small portion of land as residences while preserving most of the land for agriculture. The chart below conceptually illustrates the technique. The picture on the left shows a standard large lot subdivision and the picture on the right shows the houses clustered down, leaving open space. Unlike the illustration, San Luis Obispo County's ordinance requires that no more than 5% of the land be used for the clustered homes.



Standard Subdivision

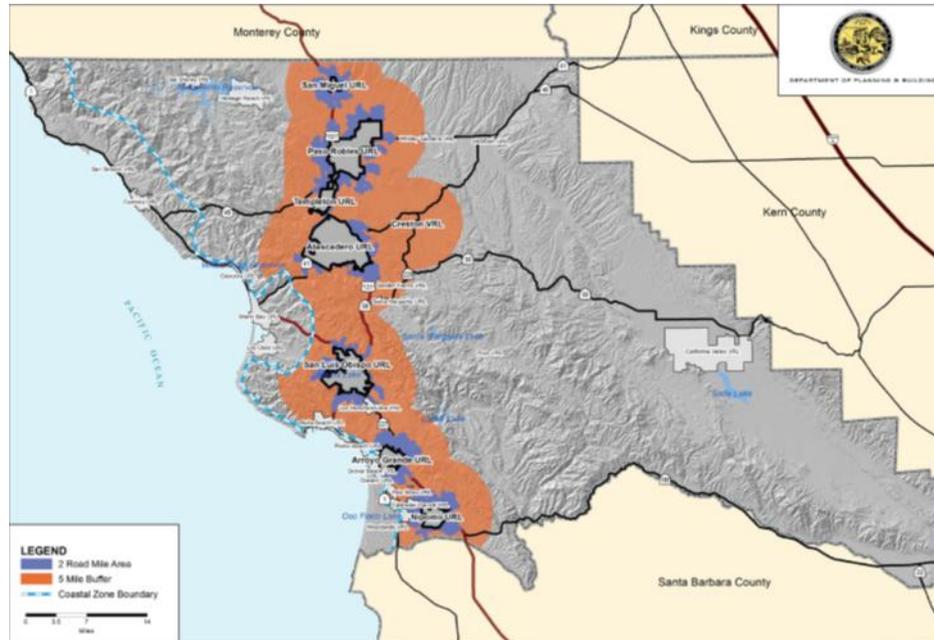
Cluster Subdivision

It is a tool to allow agriculture and open space to be preserved, while allowing farmers and ranchers to generate capital to help stay in business.

The Planning Commission majority, at the direction of the Board of Supervisors, wants to severely restrict the program and, in effect, undermine agriculture (which is a business, not a public open space or greenhouse gas reduction program, not to mention that farms, ranches and vineyards are private property). Key problems include:

- Removal of over 900,000 acres of the county from the zone where ag. cluster subdivisions can even be considered.
- New severe restrictions requiring that the eligible zones be within 2.5 road miles (instead of the current 5 air miles) of a city or unincorporated town (urban reserve line). See the map below. The orange represents the 5-air mile calculation. The purple represents the 2.5-road mile calculation.
- Conflicting lot size requirements.
- Forbidding the use of community water systems.
- Undermining the ability of agriculturalists to demonstrate equity for loans and capital formation.

**When this recommendation of the Commission reaches the Board of Supervisors, the community should appear and strongly oppose its adoption. There is nothing wrong with the current ordinance.**



**State Water Resources Board Hearing of Thursday August 30, 2012,  
Sacramento (Completed)**

**Hearing on the Requests to Stay (hold off on) the Implementation of the Central Coast Regional Water Quality Control (CCRWQC) Agricultural Order.** The State Water Board reached a decision regarding the requests for a stay of certain provisions of the requirements for Discharges from Irrigated Lands (agricultural fields). The decision **will stay or extend the deadline for some provisions of the Conditional Waiver and MRP's, while not staying others.** A draft decision will be released on September 10, 2012. The comment deadline on the draft order will be 12:00 noon on September 14, 2012. The final order will be issued on September 19, 2012. We will see.

**Background:** This is an administrative appeal by agricultural organizations and individuals to stop the oppressive Agricultural Water Order imposed by the zealots at the CCRWQC. As our readers will recall, this order would require row crop farmers and ultimately grain and hay growers, orchard owners, wine growers, and ranchers to treat water used for irrigation that runs off their fields or percolates back into the ground to the quality of drinking water. It is estimated that it would cost farmers in Monterey, San Luis Obispo, and Santa Barbara counties \$250 million to implement.

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



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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>