

# COLAB SAN LUIS OBISPO COUNTY

WEEK OF FEBRUARY 19 - 24, 2012

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SAVE THURSDAY, MARCH 22, 2012 FOR COLAB SLO'S ANNUAL  
DINNER AND AUCTION  
CALL 548-0340 FOR TICKETS

PLANNING COMMISSION TO HEAR HUASNA VALLEY  
OIL APPLICATION ON FEBRUARY 23, 2012

BOARD OF SUPERVISORS: NO MEETING ON FEBRUARY 21, 2012

APCD WORKSHOP ON GREENHOUSE GAS THRESHOLDS  
FEBRUARY 23, 2012 AT 10 AM  
2333 MEADOW ST. SAN LUIS OBISPO

## ALERT

CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD  
CONSIDERATION OF THE UPDATED AGRICULTURAL ORDER  
MARCH 14-15, 2012 AT 895 AEROVISTA PLACE, SLO

### **Board Meeting of Tuesday February 14, 2012(Completed)**

**A Strategic Sham: The February 14, 2012 meeting, constructed as a Strategic Workshop on overall direction and policy work of the County Government, was conducted. The key items included:**

- The FY 2012-13 Budget Gaps.
- A Status Report on the County's Economic Development Initiatives.
- A Report on the Reorganization of the Planning and Building Department.
- A Report on the Energy Policy and Program Implementation.
- A Report on Planning and Building Department Priorities.
- A Report on the County Master Water Plan.

**Presentation of the Impending County and State 2012-13 Budget Gaps:** Largely due to labor concessions (no raises and implementation of a 2<sup>nd</sup> tier pension plan containing lower formula benefits and higher retirement ages), the County has gradually reduced its structural operating budget gap over the past five years. It has also benefitted from eliminating over 200 staff positions through attrition (retirements, promotions, moving to another job, etc.) For FY 2012-13, the \$450 million Budget is estimated to be within \$2-4 million of being balanced. This could be driven further out of balance if the State reduces revenues to counties or forces them to operate additional programs. The Governor is threatening the counties, public schools, and universities with major revenue reductions (\$5.4 billion) if his proposed ballot measure for income and sales tax increases fails voter approval in November.

**Status of the Economic Development Initiatives:** The Board engaged in a long self-congratulatory discussion about its “economic development program.” Most of the discussion focused on planning, process, and process assistance, which may be provided by the Economic Vitality Corporation to assist business applicants justify their projects on an economic benefit basis as part of the County’s Byzantine permit application process. No statistics about the trends such as closures, new establishments, sales tax revenues, construction starts, employment, or other indicia of business development were presented. It was pointed out that Business Assistance Team assistance and expedited processing is only available to applicants who have projects inside urban limit lines and who propose “quality employment.” Too bad for wineries, rural subdivisions, agricultural diversification projects, wind farms, and of course the “disfavored” oil industry.

**Report on Planning Department Reorganization and Workforce Planning.** This report was pretty much a waste of time. The Planning and Building Department has gradually become smaller because there is very little proposed development. In the meantime, resources and staff continue to be poured into the “smart growth,” climate action planning, and updating of other plans and ordinances to implement the doctrine.

**Report on Energy Program and Implementation. (Energy Wise Plan Implementation (Climate Action Plan).** The discussion was tedious but revealing. The staff and the Board have no idea how they are going to implement the several hundred pages Energy Wise Plan, which was just adopted. They have no idea how much the thirty-nine implementation measures and (scores of sub tasks) will cost to implement. They have no idea how much staff will be required or how long it will take. Of course, and most outrageously, they have no idea what the cost of implementing the various measures will be to the citizens, business, and agriculture. When asked what the priorities are, the staff listed them in the order below:

- Strategic Growth
- Smart Growth
- Energy Efficiency
- Water Conservation
- Conservation of Natural Resources
- Energy Retrofitting
- Affordable Housing

There were other items on the list, but the power point is not provided to the public and the staff speaker glossed over this part of the presentation. Clearly, these are broad sweeping concepts. The purpose is to reduce the generation of greenhouse gases (particularly CO2e) by 15% from their 2008 level by 2020. The staff is to return in “a few months” with more specifics. Just as we forecast in regard to the return of the events ordinance, we suspect this will not come back until after the June primary election.

**Report on Planning and Building Department Priorities.** The Board concurred with the staff list (see last week’s update of the gory details). Supervisor Gibson summed up: “We like what you are doing”

**Board of Supervisors Meeting of Tuesday February 21, 2012 (Cancelled).** Monday February 20, 2012 is President’s Day. The Board rules provide that it does not meet on the Tuesday following a holiday.

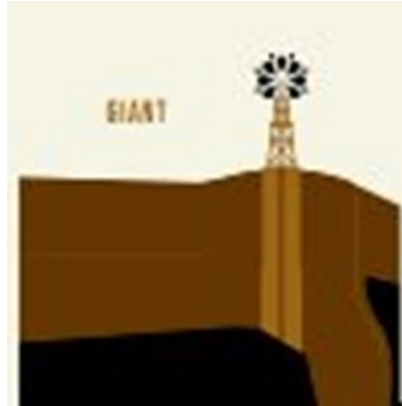
**Planning Commission Meeting of Thursday February 23, 2012 (Scheduled: time uncertain)**

**Excelaron Oil Company Proposed Development of 12 Oil Wells In a Previously Developed Oil Field in the Huasna Valley.** The Planning staff recommends that the application for a conditional use permit to drill 12 oil wells be denied because:

- It would violate the Visual Resources Goal of the Conservation and Open Space Element (COSE) of the General Plan, which requires that “The natural and historic character and identity of rural areas will be preserved.”
- It would violate the Noise Element of the Plan: Nighttime noise (while the wells are being drilled) exceeding 45 decibels.
- It would violate the Noise Ordinance because it would generate noise outside of the 7AM-10PM window.
- It would constitute a High Fire Hazard because of steep terrain and flammable vegetation. It involves flammable materials -- oil and propane. There is reduced fire access when Twitchell Reservoir is flooded because one the two access roads goes through an area subject to flooding. There is insufficient onsite water for firefighting.
- It is not compatible with the neighborhood, which is listed as “very quiet.” The oil wells will emit odors, will be visible, and will have “proximity to existing residences”

This is likely to be a contentious and well-attended hearing. The project faces scores of opponents from the Huasna Valley as well as groups opposed for policy and environmental reasons in general.

The Planning Commission will need to be analytical and consider how County land use policies are impacted by the factual data.



**Air Pollution Control District (APCD) Workshop of Thursday February 23, 2012, 10AM, 2333 Meadow St. San Luis Obispo (Scheduled)**

**Proposed Greenhouse Gas Thresholds and Supporting Evidence.** This workshop (it is not a hearing) is scheduled to receive input about the revised version of the Thresholds document. A number of our readers have commented that by the time proposed regulations and policies reach the formal hearing stage, they are a “done deal”. They have asked how they can have input earlier in the process. *This is an example of an opportunity to have a more informal dialog with staff without the constraints of the structured formal hearing environment.*

The proposal is for the APCD to adopt certain greenhouse gas thresholds that would apply to new proposed residential, commercial, and industrial projects. Permitting entities (the County and the seven cities) would have to consider the threshold levels as part of the required California Environmental Quality Act (CEQA) review during their review of project applications. Those projects which exceed the threshold levels would have to be modified and/or required to provide mitigations (make cash payments, plant trees, donate land, etc.) in order to be approved. Accordingly, this regulation constitutes a new front in the land use regulation process and has potential costs and negative economic and job killing consequences. Thus far, the APCD has not indicated whether it will conduct an economic impact analysis of the proposal.

The document itself is somewhat technical and is subject to analytical dispute. More importantly, the document is a very good example of how international and global climate change doctrine is being woven into the fabric of land use regulation and public policy in San Luis Obispo County. On this account it is worth a visit to:

[http://www.slocleanair.org/business/pdf/2011/GHG/Draft\\_GHG\\_Thresholds\\_and\\_Supporting\\_Evidence\\_2-15-12.pdf](http://www.slocleanair.org/business/pdf/2011/GHG/Draft_GHG_Thresholds_and_Supporting_Evidence_2-15-12.pdf)

It is also a good tutorial on the history of greenhouse gas regulation in California and the underlying philosophy.

For example, the document unabashedly invokes United Nations protocols as a scientific and regulatory justification for its adoption: “according to Article 2 of the United Nations

Framework Convention on Climate Change (UNFCCC, 'Avoiding Dangerous Climate Change' means stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." The APCD report goes on to state, "Dangerous climate change defined in the UNFCCC is based on several key indicators including the potential for severe degradation of coral reef systems, disintegration of the West Antarctic Ice Sheet, and shut down of the large-scale, salinity- and thermally-driven circulation of the oceans."



**CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD  
(CCRWQCB) MEETING of MARCH 14-15, 2012  
895 Aerovista Place, San Luis Obispo (Scheduled)**

This is early warning of this meeting during which the Board may well adopt the revised Agricultural Order requiring farmers and, ultimately, ranchers to plan, schedule, and implement expensive measures to remove nitrates, dissolved solids, and other materials from water that runs off of their fields or that percolates back into the ground. Since the Agenda has not yet been posted, it is not clear on which day the AG Order will be considered. The Board Chairman has ruled that no more written comments on this matter will be received or considered by the Board.