



COLAB SAN LUIS OBISPO COUNTY
WEEK OF FEBRUARY 22-28, 2015



 **COLAB** ^{6th} **ANNUAL**
San Luis Obispo County

**DINNER &
FUNDRAISER**

BEN SHAPIRO

Keynote Speaker

Shapiro, a provocative and biting national political commentator, is editor at large of *Breitbart News*, hosts the daily radio show *Morning Answer* and is a *New York Times* best selling author.

Thursday, March 26th

Alex Madonna Expo Center

5:15 pm Social Hour, No Host Cocktails

6:15 pm Filet Mignon Dinner including Wine

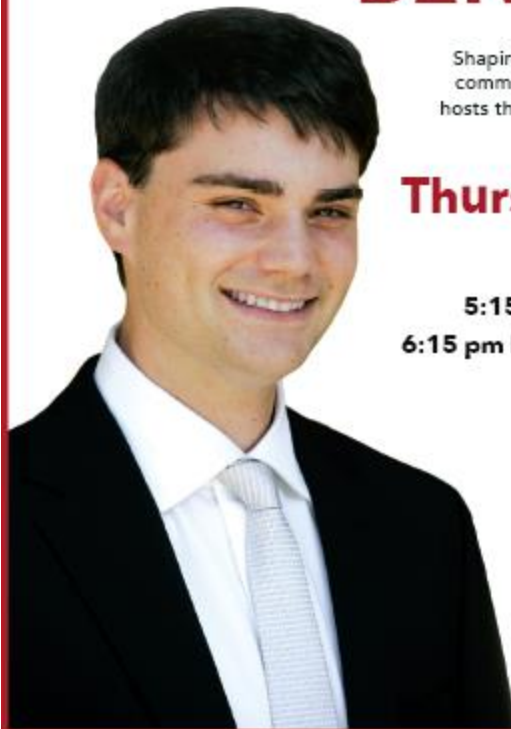
\$125 per person / \$1,100 per table of ten
Reserved seating for Tables of Ten

For tickets, mail your check to:

COLAB SLO, PO Box 13601
San Luis Obispo, CA 93406

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

Cocktail Attire Optional



CALL 805 548-0340 –RESERVE YOUR TABLE/TICKETS

ALERT

AG WATER OFFSET PROGRAM IS BACK
(AFTER 1:30 PM-TUES. FEBRUARY 24TH)
SEE PAGE 6

LEG. PLATFORM SHOULD BE REJECTED
(SOME BAD PROVISIONS ARE CLEAR; OTHERS ARE HIDDEN)

San Luis Obispo County Board of Supervisors Meeting of Tuesday, February 17, 2015
(Completed)

Items 2-5 - “Strategic Ritual.” The Board conducted a so-called strategic planning session, which included the agenda items listed below. It was neither strategic nor a real interactive session. There was no discussion of “what ifs” or the hypothetical benefits of alternative policies, which are requisites of real strategic planning. The session was simply a ritualized presentation by the staff, designed to confirm existing policies. One positive highlight is that Supervisor Compton went through the 26-page list of potential planning projects included in item 4 (many of which are designed to promote “smart growth”), asked questions, and requested the Board to eliminate some of them lest they be activated for implementation. This is the first time that any Board member in the last 4 years has really raised serious policy questions related to the whole architecture of smart growth. Of course Gibson and Hill want to keep the potential time bombs in the arsenal. Mecham opined that even if one did not like them, it was prudent to keep them on the list as background. He reasoned that they could always be rejected if someone tried to activate them.

Item 2 - Fiscal Year 2015-16 County and State Budget update.

Item 3 - Adoption of the Five-Year Infrastructure and Facilities Capital Improvement Plan.

Item 4 - Report on Department of Planning and Building Priorities.

Item 5 - Request for Board direction regarding Public Works Department reorganization to create a Water Resources Division.

Gibson Attempts Another Fast One: Supervisor Gibson, in typical arrogant fashion, figured he could outfox the rest of the Board and the public. The controversial proposed AG. Water offset program, which had been rejected on February 3 and then revived at the request of

Mecham on February 10th wasn't even on the agenda. Gibson said that, since the Planning Department work program contained in item 4 listed work on the program as a potential task, the Board could go ahead and approve its restart immediately. This would have meant that public stakeholders, including the Cattlemen, Farm Bureau, Grower Shippers, Paso Robles Wine Alliance, COLAB and others, would have been confronted with a fait accompli when it was brought back. In other words, anything that they would have to say would be irrelevant because the key work, including preparation of the EIR, would have already been re-sanctioned. Both Chair Arnold and Vice-Chair Compton immediately objected vigorously. The audience clearly thought it would be a California Open Meeting Law violation. County Counsel did not opine. Gibson made the motion and Hill seconded. Mecham seemed to think about it. Luckily, Planning Director Bergman pointed out that the matter was already scheduled for a hearing on the 24th. The scam was rejected 3/2. No doubt Bergman received a scolding later.

The key agricultural stakeholders, Paso Basin overlayers, and public in general should be outraged, and as noted in the discussion of Item 31 on next week's agenda, should show up and demonstrate against this attempt to make the Paso Basin moratorium permanent.

**San Luis Obispo County Board of Supervisors Meeting of Tuesday, February 24, 2015
(Scheduled)**

Item 4 - Monthly Drought Report. The drought continues and it is likely that there will be insufficient rain in the remaining month of the rainy season to be of much help. The Sierra snowpack is only 25% of average for this time of year. The report indicates that California receives 60% of its water from the Sierra snow. This situation provides a powerful cause for those who wish to promote vastly expanded regulatory measures and implementation of the "smart growth" doctrine. The public must exercise continuous vigilance to make sure public officials do not exploit the situation to reduce property rights and living choices in the name of self-generated hysteria.

Item 28 - 2015 Proposed State Legislative Platform. The annual Legislative Platform contains general principles and specific requests for legislation. These are intended to guide the County's lobbyists and State Senator and Assemblymen.

1.) No Prop 13 or special tax provisions: Unlike in previous years, this platform does not contain any **visible** requests for enabling legislation to make it easier for Counties to establish new taxes through referenda. More importantly it does not contain any **visible** provisions for weakening Proposition 13 by reducing vote threshold requirements from 2/3rds to 55%, etc. Readers may recall that COLAB objected to such provisions in prior year platforms and was scoffed at by some Board members and staff. For whatever reason, it now appears that there is no appetite to include such provisions **visibly** for the present.



However and instead, the County Platform contains general principle 11:

11. Support the principles adopted by the California State Association of Counties (CSAC) where they are consistent with the principles and priorities identified by the San Luis Obispo County Board of Supervisors.

In turn the CSAC Platform contains what it calls a Legislative Priority, which states:

Vote Thresholds for Locally-Approved Taxes. CSAC has long-supported greater revenue raising authority at the local level and will support legislative constitutional amendments to reduce vote thresholds for local taxes. The Legislature will likely consider a number of measures that reduce voter approval requirements for a variety of specific purposes; as such a change requires a constitutional amendment, the challenge ahead is to determine the approach that has the best chance for voter support.

So, Supervisor Gibson can take the juxtaposition of these two clauses and put SLO County on the record as supporting whatever version of new tax enabling legislation that is supported by CSAC. In fact, as a member of the CSAC Executive Committee, he can help draft the CSAC position.

- a. The Board should amend the Legislative Program to eliminate general principle 11 (go along with CSAC provision.)
- b. It should include a specific provision in its Legislative program stating that it opposes any enabling legislation or ballot measures that would reduce Proposition 13 super voter majority standards.
- c. It should include a specific provision in its Legislative program stating that it opposes enabling legislation of ballot measures that make it easier for the State and/or any of its subordinate jurisdictions to impose by referendum or any other means new taxes or tax increases.

2.) An Unbelievable Intrusion into the Real Estate Market and Attack of Private Property

Rights: A new “plank” in the Platform supports legislation which would require landlords to accept low income housing vouchers such as Section 8 rental assistance certificates and vouchers. The County write-up provides no analysis documenting refusal of landlords to accept Section 8 certificates in San Luis Obispo County. Are there unused certificates?

The Platform text states:

Problem: Affordable Housing Access: Under current law, landlords are not required, to accept public subsidies as part of monthly rent, even if an applicant is otherwise fully qualified to rent the dwelling. Given the shortage of affordable housing available in California, coupled with the absence of a permanent source of funding to create more affordable housing, subsidies will become an increasingly important component in ensuring access to housing for low and moderate income persons.

Resolution: Seek and support legislation which would require landlords to accept housing vouchers or subsidies for otherwise-fully qualified prospective tenants. Seek reasonable assurances for landlords in any proposal that would compel their acceptance of vouchers, to ensure that they are not unduly burdened or face greater risk as a result of this new requirement.

- a. Which County Official requested that this provision be included in the Platform?
- b. Do Board members support this intrusion into the landlord/tenant selection process?
- c. Will this apply to all rentals from one unit up?
- d. Has the County conferred with landlord and real estate organizations on its support for this item?
- e. If the Board adopted zoning provisions for the unincorporated area that facilitated the construction of apartments rather than restricting them, it would help everyone.
- f. In effect this invites the US Department of Housing and development into your building and subjects you to annual inspections, very difficult eviction procedures, questions when raising rents, and a whole host of other problems.
- g. If Board members are for the socialization of housing, why don't they just admit it?

3.) Increase Your Electric Bill to subsidize “renewable energy” projects:

Offer Financial Incentives & Financing Options—The Public Goods Charge needs a guarantee of long-term funding for renewable energy and efficiency programs that lower utility bills in our communities and help meet local and state environmental goals. Energy efficiency and small-scale renewable projects should be financially supported with rebates, on-bill financing, loan guarantees, and low-interest loans. Efficiency programs need to greatly expand whole building retrofits, net-zero energy buildings, and community clean energy projects and programs

- a. Would Community Choice Aggregation be included in the highlighted yellow purpose?
- b. Do Board members support the State in playing favorites in the energy industry?

4.) Raise Taxes to Fund Implementation Of AB 32 and SB 375: How else does the Board propose for the State to pay for this?

Problem: AB 32 (Nunez) and SB 375 (Steinberg), both which deal with the control of emissions of greenhouse gases, are examples of significant and impactful legislation which the County intends to implement; however, these directives create expensive, unfunded mandates for local jurisdictions. The cost and time associated with implementing this legislation will be significant to the County.

Resolution: Seek and support full funding for the implementation of the mandates included in AB 32 and SB 375, and any future legislation.

- a. Does the Board actually intend to implement AB 32 and SB 375 or would they find out if they are legally binding?
- b. Would they explore diminimus compliance?
- c. Or do they embrace them whole hog?
- d. Reject the Legislative Platform unless changes are made and some provisions are dropped.

Matters After 1:30 PM

ALERT

**THE AG WATER OFFSET PROGRAM IS BACK
IT IMPACTS FARMERS, RANCHERS, AND PASO BASIN OVERLIERS
IT IMPACTS AGRICULTURAL SUPPORT BUSINESSES
IT IMPACTS THE REAL ESTATE INDUSTRY
IF YOU DON'T SHOW UP AND MAKE YOUR VOICE HEARD, YOU
COULD SUFFER FOREVER
IT WILL REDLINE THE WHOLE BASIN
ONCE ADOPTED IT WILL BE ALMOST IMPOSSIBLE TO UNDO
BECAUSE ITS REMOVAL WILL BECOME A CLASS I CEQA IMPACT**

Item 31 - Reconsideration of the Agricultural WATER Offset Program. It should be noted that this item is preceded by an item concerning review of the EIR for a segment of the Bob Jones Trail in the vicinity of the Octagon Barn project in SLO. It is not known if there are controversial issues related to the trail matter. One has to wonder why, given the prominence and very wide interest and controversy involved the Ag Offset Program, another hearing would have been scheduled just ahead of it.

A quick Review - Like the Terminator, this one keeps coming back:

- a. The Ag Offset Program (AOP) would require that agriculturalists seeking to develop new or expanded irrigated land would have to acquire water credits from someone who is willing to contract with the County to reduce his/her use of an equivalent amount of water.
- b. The County Planning Department would function as a broker, matching sellers and buyers. It would also enforce the provisions regarding use and the provisions extinguishing equivalent use by metered inspections.
- c. The effect of the program would be to make the Paso Basin Moratorium permanent.
- d. On October 28, 2014, the Board heard a detailed presentation on the program and on a 5/0 vote sent it back to staff and the consultant for more work. The Board did not specify a date for its return.
- e. On February 3, 2015 the County Administrator agendized the item (and some related items) and requested that the Board determine if it really intended that more work be done. The Board on a 3/2 vote (Gibson and Hill dissenting) determined to terminate work on the program.
- f. On February 10, 2015, Supervisor Mecham, in a reversal of his February 3 vote, requested that the matter be brought back. There was considerable acrimonious discussion, and in the end two votes were taken and on the second it was demined 3/2 (Arnold and Compton dissenting) to bring it back.
- g. On February 17th, and as noted in the first item in this Weekly Update, Gibson attempted to jump the gun and have the Board authorize work on the program before an actual hearing. That proposal was defeated 3/2 (Gibson and Hill dissenting).
- h. Supervisor Mecham says that he might support a version with a sunset date or a provision that it will end when the drought ends.

Background: The issue is so serious that we repeat our review of the “Program” from last October. The complexity and impacts are severe.

The County contracted with the Salinas-Las Tablas Conservation District for \$158,000 to develop a “program” to compel farmers and ranchers of the Paso Robles Water Basin to suppress their water use elsewhere on their property or acquire water credits from other property owners equal to their new proposed water use (the 1:1 offset). The District’s write up characterizes the “program” as “voluntary.”

a. The term “program” is misleading. This is a powerful and intrusive regulation, which attacks and undermines basin overlier agriculturists’ historic Constitutional water rights to the beneficial use of water under their land.

b. This is a cap-and-trade program for water. For the present, your water use is capped at the current level. If you propose to use more, you must purchase a credit from someone who will reduce and equivalent amount of water use. In the future, and under various schemes currently under preparation by staff, you may be required to reduce you water use below current levels.

c. The “program” is only “voluntary” in the sense that if a farmer does not wish to expand water use or to develop a new farm, he is not subject to the “program” (regulation). The word voluntary is deceptive, since any expansion of irrigated farming, new irrigated farming, increase in crop density, changes in crop type, etc., are subject to the new regulations. Essentially, the regulation prohibits the expansion of irrigated farming without permission of the County government. Cutting through the rhetoric, this is a step towards the expropriation of private property. There is nothing voluntary about the program other than volunteering to surrender your economic future.

c. The “program” covers everyone:

1.2 Applicability

This program applies to New Irrigated Agricultural Development (see definitions section 1.3) overlying the Paso Robles Groundwater Basin which includes the following:

a. Irrigated agricultural crop conversions;

b. New irrigated agricultural development on previously un-irrigated land;

c. Replanting of existing irrigated crops (of the same crop type) where the replanting results in an increase of crop density or other modification that leads to increased water use (e.g. change in irrigation system or cropping patterns) (see section 4 for more information);

d. Non-Commercial small-scale agriculture for rural residential users.

The applicability section quoted above is further explicated in Section 4 quoted below. The quoted section is important because it is indicative of the broad and penetrating scope of this regulatory scheme into private affairs by the County Board of Supervisors.

ON-SITE MODIFICATIONS THAT INCREASE WATER USE

This section lists standards for Offset Clearance for on-site modifications that lead to increased water use which include, but are not limited to, the following:

a. Increased density of existing crop type that may lead- to an increase in water use per acre

b. Modifications to irrigation type that may result- in potential increased water use (e.g. Drip to microsprayer or sprinkler)

c. Operational changes that may result in increase applied water use

Applications for the above modifications shall be processed similarly to Category 1 Offset requests with the exception of the Maximum Net Acreage calculation. Maximum Applied Water Allotments shall be used as a qualifying factor instead, as described in section 6. The following criteria shall be applied:

4.1 Offset Approval Criteria

a. Determination of Maximum Applied Water Allotment.

b. Deed Covenants

c. Installation of Flow Meter(s)

4.2 Verification of Proposed Applied Water Rate

In addition to the basic program standards listed in this section, applications for on-site modifications where no expansions to existing crop acreage is proposed shall include verification that the proposed crop, irrigation, and/or management modifications can maintain the calculated maximum applied water amount using the medium value in Table 2. Verification shall be prepared by a qualified professional and shall include:

a. Calculated maximum applied water use value

b. Analysis of irrigation system and verification that the proposed watering schedule and method will comply with the annual water use restrictions.

c. Analysis of property management strategies and/or combined consumptive agricultural uses that may affect overall water use.

Other Problems: The program is massive and complex and it will be expensive for farmers to obtain compliance. It contains 60 pages of requirements, standards, and calculations that will be required. The full text can be downloaded from the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/4387/QWcgV2F0ZXIgt2Zmc2V0IFByb2dyYW0ucGRm/12/n/40545.doc>

It's 60 pages, with maps, graphs, and pictures, so it might take some time to download.

For now consider the following:

1. The program is illegal. In fact its authors strongly caution the Board to conduct extensive expert legal analysis before attempting to implement it.

a. As this program will establish land use regulations that may result in the denial of a landowner overlying the PRGWB to draw water for new agricultural production, a thorough legal review of the interactions between land use regulatory authority and water rights for overlying landowners is recommended should an extension of this program beyond the term of the Urgency Ordinance be considered. Overarching legal questions related to the enactment of

land use regulations affecting water resources were not researched as part of the creation of this program.

Note: This is also true of the Paso Basin Ground Water Urgency Ordinance Moratorium, which was litigated and which is the basis for this proposed regulation.

b. Both Your Privacy and Water Rights Violated. One requirement of the proposed regulation is that the impact of new water use on neighbors must be analyzed. The neighbors must be notified and can participate in the consideration of the application. Again, this violates basic California water law. Moreover, it can reveal critical private business and financial information relative to cropping and competitive strategies. Again, the County's own consultants express severe concerns:

3.5.2 Protection for Neighboring Properties

The proposed program includes a requirement for all applicants to assess the potential impact to neighboring wells due to the proposed new well use for irrigation purposes. This provision was included in recognition that existing uses may be negatively impacted by new agricultural development within close proximity. The program aims to ensure that the establishment of new irrigated agriculture will not result in drastic declines to water levels at neighboring well sites.

*However, physical characteristics of the basin are not extensively known and assumptions are made to allow application to be processed using the best available data. Because basin specifics are not known, and because basin health and vigor is largely related to changing climactic conditions, the neighboring well impact analysis provision of the program is not intended to guarantee continued neighboring well levels and operation. **The County should seek legal advice related to the inclusion of this program element prior to adoption.***

The chart at the right illustrates the concept of well proximity to be regulated. (Radius of influence)

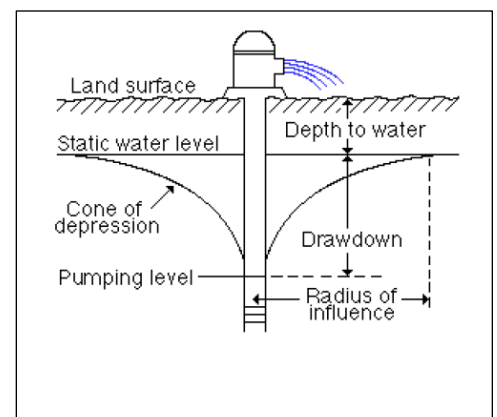
The Chart on the next page depicts the issue on a larger scale.

Imagine the complexity and costs as the Planning and Building Department conducts the assessment and charges fees to the poor applicants. Imagine the Neighborhood fights and animosity being generated.

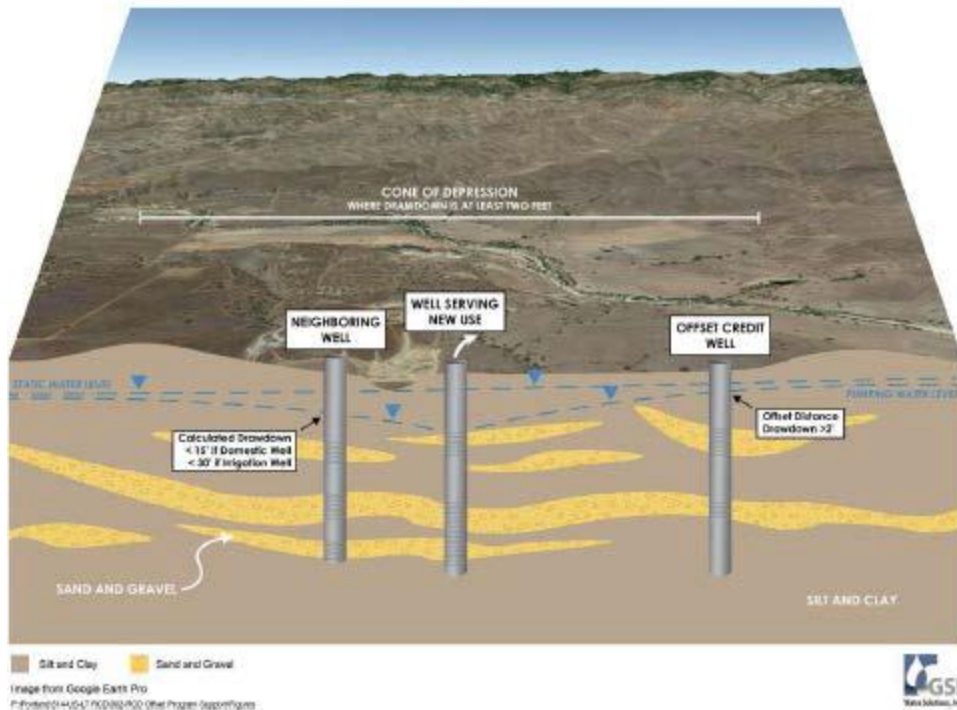
“All I wanted to do was plant some walnut trees. Now

I'm thousands of dollars into expert consultants and

County fees and in a feud.”



Proximity Analysis Example Paso Robles Basin



2. Flow Meters: The program will require quarterly monitoring using flow meters of both benefiting/receiving wells (the farm which is expanding irrigation - and purchasing credits) and the crediting site (the farm of property which is reducing its use to generate the water credit). The County will inspect and verify.

3. Smart Meters: Eventually the flow meters will have to become digitized real time transmitters of data to the County Planning and Building Department. Under the current proposal the County is providing some incentives (a credit scheme) to induce owners to install smart meters now. You can bet this will become a requirement in the future. One can imagine that with such technology, regulations can be expanded to include seasonal and time of day limits and will impact not only your farming, but also your domestic life. In effect Big Brother will be in both your orchard and your bathroom.

4. Fines: Violators will be subject to fines. The amounts are not specified in the write-up. There is simply a reference to the County Code. The Code provides for fines up to \$1,000 for each violation.

5. Impacts on Existing Mortgages and the Ability of Obtain Future Loans: A significant portion to the value of rural land and especially agricultural land is the availability of water. Under the “program,” owners who reduce usage to generate credits will have to covenant with the County (place the restriction on their deed). By promising to restrict the use of water on their parcels, they will lower the value. This in turn will violate the conditions of current mortgages and reduce the value for future mortgagees. Banks, title companies, and appraisers have not been

involved in the development of this “program.” What are the legal and financial aspects? How will the County Clerk Recorder deal with these covenants?

6. Property Taxes: What does the County Assessor say about the impact of the program over time? Will property owners who covenant to use less water be entitled to reduced assessments? Similarly and since the “program” monetizes what has heretofore been a beneficial use, does possession of purchased credits raise the assessed value of land?

7. Application Costs: What will be the cost to prepare the complex applications and develop legal covenants necessary to run the “program”? Or is this similar to Obama Care? We will have to adopt the law to find out what’s in it?

8. Is this the Only Option? Interestingly and consistent with their legal reservations noted above, the authors are not so sure that this should be adopted.

The County has a number of options related to the inclusion of density and/or other modifications to existing irrigated Ag land.

- a. Adopt the program as proposed requiring deed covenants, installation of flow meters, and annual verification for changes to land/crop management practices; or
- b. Reduce the program standards for these scenarios and allow for changes to land/crop management practices on existing irrigated land with only County notification required; or
- c. Eliminate a portion of the requirements (deed covenants or flow meter installation with annual tracking) leaving only one of these requirements in place: or
- d. Adopt the program as proposed with exemptions from the requirements if the property is an approved data collection site for research agents of the County (i.e. UCCE, Cal Poly ITRC, etc.); or
- e. Exempt these activities from the program entirely. Item d above is kind of an interesting bribe.

Complexity/Opportunity For Endless Bureaucratic Manipulation: Illustrated below is an example of how complex and convoluted the program is in essence.

The Formula: At rock bottom, the decision by which the Planning Department will determine to approve or reject an application for an offset is based on the following formula:

Annual Crop-specific Applied Water:

The annual crop-specific applied water expressed in acre-feet per acre per year (AF/Ac/Yr.) is calculated in the SLO Waster Water Report using the following equation:

Annual Crop-specific Applied Water

The annual crop-specific applied water expressed in acre-feet per acre per year (AF/Ac/Yr.) is calculated in the SLO Waster Water Report using the following equation:

$$\text{Annual Crop-Specific Applied Water(AF/Ac/Yr)} = \frac{\text{ETc} - \text{ER}}{(1 - \text{LR}) \times \text{IE}} + \text{FP}$$

where:

$\text{ETc} = \text{crop evapotranspiration} = \text{ETo} \times \text{Kc}$

$\text{ETo} = \text{reference evapotranspiration}$

$\text{Kc} = \text{crop coefficient}$

$\text{ER} = \text{effective rainfall}$

$\text{FP} = \text{frost protection}$

$\text{LR} = \text{leaching requirement}$

$\text{IE} = \text{irrigation efficiency}$

Each component of the equation and its values will be discussed in the following sections.

Steps to Determine Crop Specific Applied Water

- 1) Determine your Crop Group (Table A1)
- 2) Determine the contribution from the Effective Rainfall (Tables A2 and A3)
- 3) Select the contribution from frost protection: Vineyards=0.25 AF/Ac/Yr; Berries = 0.4 AF/Ac/Yr (Table A4)
- 4) Determine the contribution from leaching requirement (Table A5)
- 5) Select the irrigation efficiency of your system: sprinkler = 0.75; micro irrigation = 0.85
- 6) Select your climate group (Table A8)
- 7) Select the ETo (Table A9) and Kc values (Table A10)
- 8) Calculate the monthly ETc (ETo x Kc) and calculate annual ETc (i.e. sum all the monthly values)
- 9) Convert the ETc inches/yr to AF/Ac/Yr by dividing by 12 (Table A11)
- 10) Calculate the Crop-Specific Applied Water (AF/Ac/Yr) for your site

For example, the instructions for items 7 and 8 require the farmer to calculate the monthly evapotranspiration:

2.1.1 Evapotranspiration and Crop Groups

Evapotranspiration is the combination of the water lost from a cropped area by evaporation from wet soil and plant surfaces, and loss of water from plant transpiration. The Food and Agriculture Organization of the United Nations (FAO) presents a procedure for estimating crop evapotranspiration in Irrigation and Drainage Paper No. 56 (Allen et al. 1998). The California Department of Water Resources, University of California Cooperative Extension, and the Cal Poly Irrigation Training and Research Center use this procedure, and it is the same procedure

used in the preparation of the San Luis Obispo (SLO) Master Water Report (2012). Crop evapotranspiration (ET_c) is calculated as the product of reference evapotranspiration (ET_o) and a crop specific coefficient (K_c). Crops are assigned to Crop Groups on the basis of water demand for evapotranspiration.

And

2.1.2 Reference Evapotranspiration (ET_o)

Reference evapotranspiration represents the approximate theoretical water use of a well-watered, cool-seasoned grass, 4 – 6 inches tall, under full cover. The principal weather parameters affecting evapotranspiration are radiation, air temperature, humidity, and wind speed. The California Irrigation Management Information System (CIMIS) is a program of the Office of Water Use Efficiency, California Department of Water Resources (DWR) that manages a network of over 120 automated weather stations in the state of California. Hourly average weather data is used to calculate hourly ET_o . The 24 hourly ET_o values for the day (midnight-to-midnight) are then summed to produce estimates of daily ET_o . Water Planning Areas were grouped into climate groups (Table A8) and ET_o values from appropriate CIMIS were selected for the climate groups (Table A9). Reference evapotranspiration can be quite variable (Figure 1). It is higher during the summer months and varies between years depending on whether the year was wet or dry.



Figure 1. Monthly variation in the Reference Evapotranspiration (ET_o) at CIMIS St. Atascadero (2001-2010)

How much will it cost you to provide your evapotranspiration model? How much will the County charge you for its annual review, let alone if you are switching crops?

Item 8-CONTINUED HEARING to consider a request by the COUNTY OF SAN LUIS OBISPO to amend portions of the following documents in order to encourage the development of certain renewable energy projects in the most suitable locations in unincorporated inland areas of the county through a Renewable Energy Streamlining Program (RESP): 1) Framework for Planning (Inland), Part I of the Land Use and Circulations Elements (LUCE) of the County General Plan; 2) the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; 3) the Official Maps, Part IV of the LUCE; 4) the Conservation and Open Space Element of the County General Plan; 5) the Land Use Ordinance, Title 22 of the County Code; and 6) the Rules of Procedure to Implement the California Land Conservation Act of 1965.

This item is continued from the January 22, 2015 Planning Commission meeting. The Commissioners are going through the proposal methodically and are expected to continue the process during the February 26, 2015 meeting. Some of the changes proposed in the Land Use Ordinances include:

Section 14 and 15– Add allowance for solar facility on cluster subdivision open space parcel up to 3 acres (accessory definition).

Sections 16 and 17 – Start of Section 22.32 addressing energy generation Renames Electric Generating Plants to Energy Generating Facilities to be inclusive of all uses.

Section 18 – Exempts previously approved projects. Sets standards for zoning clearance approval of accessory solar facilities.

Section 19 – Establishes permit levels on pages 20 – 25 for all energy generating uses including solar. Page 25 (sub section B) starts the application content requirements for all energy generating uses many of which are in the existing ordinance.

Section 20 – Establishes development standards and general requirements for all energy generating uses; energy generating uses needing a discretionary permit and ground mounted energy generating facilities.

Section 21 – Establishes permit requirements for tiers 1-4 for solar electric facilities outside RE designation, development standards such as heights, setbacks, non-reflective material and lighting.

Section 22 – Wind Energy Conversion Systems (WECS) permit requirements, setbacks, heights and other special standards.

Sections 23-30 – Adds definitions for renewable energy terms being added to the LUO.

Sections 33-74 - Planning Area standards throughout the county limit allowable uses in the various land use categories. The RESP adds either “energy-generating facilities (limited to accessory renewable energy facilities)” or “energy-generating facilities (limited to renewable

energy facilities) to the list of allowable land uses depending on the characteristics of the area. Examples of each include:

Energy-generating facilities (limited to accessory renewable energy facilities) are appropriate in residential areas such as.

o Spanish Camp

o Almira Park

o Shandon

o Cienega Valley

o Oso Flaco area

Energy-generating facilities (limited to renewable energy facilities).

o Commercial service and Industrial designations along Highway 101 from Wellsona to Exline Rds.

Background From January 18-24, 2015: The County used funding from a \$638,000 State Energy Commission grant (you paid for this in your electric bill) to prepare revisions in order that various portions of the Plan of Development and the Inland Zoning Ordinance could “streamline” permitting in some geographic areas for solar and wind projects. The write-up summary states: This RESP is intended to encourage and streamline permitting of renewable energy projects, primarily solar and wind energy projects, in the most suitable locations in the inland area of the county. It accomplishes this primarily by revising permitting requirements in the Land Use Ordinance for certain renewable energy projects This will result in more certainty of outcome for the project developer while reducing the time and cost required to permit these projects. The RESP is funded by a grant from the California Energy Commission (CEC) that was awarded to five California counties.

Areas where such solar and wind energy facilities are now prohibited and in which they will now be allowed if the Plan Elements and zoning ordinances are amended include:

North County Planning Area

- Stockdale and Wellsona Roads
- Spanish Camp and Almira Park
- San Miguel
- Santa Margarita
- Sites near and within Shandon
- Templeton
- Heritage Ranch and Oak Shores



- Pozo

San Luis Obispo Planning Area

- O'Connor Way/West Foothill area
- Irish Hills
- Edna and Buckley Roads
- West of Bear Valley Estates
- Squire Canyon
- Avila Valley and San Luis Bay Estates



South County Planning Area

- Tiffany Ranch Road
- Nipomo and Santa Maria (Oso Flaco) Valleys
- Willow Road/Via Concha
- Oceano
- Nipomo
- Palo Mesa

