

COLAB SAN LUIS OBISPO COUNTY

WEEK OF JULY 6-12, 2014

NO BOARD OF SUPERVISORS MEETING -JULY 1, 2014

JULY 8TH MEETING

**DRAFT PASO BASIN AG WATER OFFSET RULES
(YOU BETTER BRUSH UP ON ALGEBRA)**

**CREDITS FOR RESIDENTIAL OFFSETS SCARCE
(ABILITY TO BUY CREDITS SEVERELY LIMITED BY SUPPLY)**

**STATE STRATEGIC GROWTH COUNCIL RECEIVES
MEGA FUNDING AND POWERS FOR STACK-AND-
PACK HOUSING, TRAINS, AND MORE**

**FINAL AB 2453 PASO BASIN DISTRICT LANGUAGE
(SEE PAGE 10)**

No Board of Supervisors Meeting on Tuesday, July 1, 2014 (Not Scheduled)

The Board took a 2-week summer recess. There were no meetings on June 24 or July 1, 2014.

Board of Supervisors Meeting of Tuesday, July 8, 2014 (Scheduled)

Item 45 - Staff Report on the Status of the Implementation of the Paso Robles Groundwater Basin Urgency Water Use and Development Moratorium. There are 2 main components of this Board item.

A - Presentation of the draft Agricultural Water Offset Conservation Plan and Procedures.

AND

B- Status of the Vesting Program and Status of the Residential Offset Credit Program.

A. Proposed Agricultural Water Offset Program: AG Water Offset Conservation Report (Paso Robles Ground Water Basin) Final Report prepared by the Upper Salinas Las Tablas Resource Conservation District.

In General -Hiding the Ball Again: Once again (with respect to the water offset procedures) we are suddenly confronted with a major regulatory policy proposal (the detailed report is 47 pages long) which is barely called out in the subject title of the agenda item. This should have been presented as its own freestanding item. It should actually have been pre-noticed and widely publicized.

- a. There is no indicia that it has been vetted (as of July 3, 2014) with any of the groups that are to be subject to its complex and tedious procedures. Several, when contacted about this on Thursday, July 3rd, were not aware that it is on the agenda or were just reading it for the first time. Of course (and as we have seen with the AB 2453 Bill amendments) there may be insiders who are given early access.
- b. The report itself says that groups were to be contacted in June and there would be a road show. Did this happen? What was the reaction?
- c. Since this process has not taken place, why is this on the Board agenda?

Threshold Issues (Note-There Was Little Time To Assess The Details)

1. The Board should refuse to hear the item: The item should be rescheduled at a future meeting for a time certain and the County should publicize it well before.

2. Unfair Rules and Process: At the very end of the 47-page report, the following footnote appears. It expresses the arrogant anti-ag attitude which underlies the entire proposed program.

Upon receipt of a complete application package, a 60-day review period will commence. If an application is denied, the applicant has 30 days to revise and resubmit. An application that is denied after resubmittal will have a one-year waiting period to reapply. NOTE: Applications will become null and void if not issued within 6 months and applicant will need to resubmit and repay fees.

- a. Why is there no appeal to the Planning Commission, Board of Supervisors, or other democratically constituted body? This would seem to say that a person or company who believes it has been misunderstood or mistreated by staff must suffer a lengthy and costly court appeal as their only remedy.
- b. Why do applications become null and void if not issued within 6 months? What if the county staff is at fault or they keep requesting more and more information?
- c. How will the fees be calculated and levied? What does the Planning Department forecast as the typical cost of obtaining and offset for the county fees? When will fees have to be paid?

d. What does the Planning Department estimate the cost to an applicant will be for expert consultants to assist in developing an application (especially and including the large amount of data which must be collected and the complex algebraic calculations required)?

e. What are the criteria by which the Planning Department will determine that a “complete application” is submitted? How long will it have to make that determination?

3. 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:

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

where:

ETc = crop evapotranspiration = ETo x Kc

ETo = reference evapotranspiration

Kc = crop coefficient

ER = effective rainfall

FP = frost protection

LR = leaching requirement

IE = irrigation efficiency

4. The derivation of the numbers: Each of the components which are plugged into the formula is complicated and requires disclosure of much proprietary farm information.

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 was wet or dry.

Continued On Next Page.

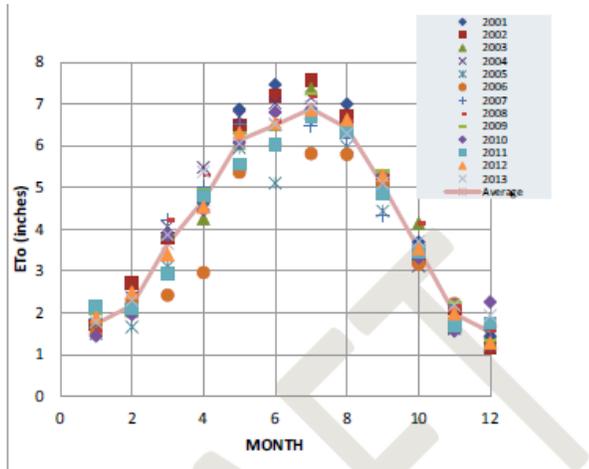


Figure 1. Monthly variation in the Reference Evapotranspiration (ETo) at CIMIS St. Atascadero (2001-2010)

Remember this is for just one of the 10 derivation calculations!!!!

4. Proposal Favors Large Operators: Given the complexity, need for records, etc., the proposal favors large operators with large budgets that can afford the expert assistance to prepare an application.

a. Would the Board consider exempting folks with under 100 acres?

5. Violates Basic California Water law: The offset program and the proposed implementation regulations and process violate constitutional provisions which give overlayers the right to beneficial use of the water under their land. The situation again demonstrates the wisdom in joining the quiet title action.

6. No Economic Analysis: What are the impacts of this proposal on costs, especially as markets change and there is a need to rapidly switch crop types?

7. A Modest Proposal to Test Board of Supervisors' Honesty and Analytical Skills: If the Board or a majority are in favor of subjecting the farmers and ranchers of the Paso Basin to this Byzantine process, would they subject themselves? Since none are overlayers, here is the test:

a. The Board members would be trained to use the formula.

b. There would then be an independently administered test. (They would pay a fee in advance to cover the cost of preparing and administering the test).

c. The supporting Board members would each be given 4 hypothetical applications for an offset (using different crop types and different locations).

d. They would be given all the necessary facts for each application, including all the tables and charts.

e. They would complete the applications and the required calculations within the time (hours that the planning department forecasts that performing the calculations should take).

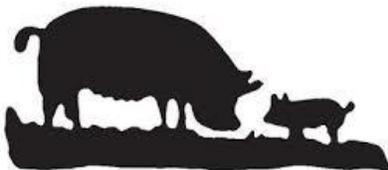
f. A set of independent outside graders would test the results. If the Board members get the answers correct, they get to stay in office. But if they are wrong, they are deemed to have resigned.

What could be fairer? After all, this is what they are proposing for their constituents.

B Other Items Contained in the Urgency Ordinance Status Report:

1. Vested Rights Box Score: The staff has approved 1,853 acres so far.

NEW IRRIGATED CROP TYPE	ACREAGE OF NEW IRRIGATED CROP TYPE
Vineyard	1,712.48 acres
Olive Orchard	25 acres
Pistachio Orchard	80 acres
Alfalfa	26 acres
Oak Tree Orchard (Truffles)	10 acres
All Crop Types (total)	1,853.48 acres



2. Retrofits and Credits: There are 753 residential credits available.

COMPLETED RETROFITS AND CREDITS				
Houses Retrofitted	Credits Generated	Avg Gallons Saved Per Retrofit	Credits Used	Credits Available
19	1,033	54	280	753

BUT: There is a demand for 6,340 pending right now. Looks like a moratorium to us.

a. How much does a credit cost?

PERMITS IN PROCESS		
Type of Development	Permits in Process	Estimated Credits Needed
Guesthouses	2	70
Secondary Units	2	390
Single Family Dwellings	21	5,880
TOTAL	25	6,340

3. AG. Clearances to date:

The following table summarizes the Agricultural Offset Clearances that have been approved to date:

EXISTING/RETIRED CROP TYPE	ACREAGE	WATER USE (ACRE-FEET/YEAR)	PROPOSED CROP TYPE	ACREAGE	WATER USE (ACRE-FEET/YEAR)
Olive Orchard	50	115	Vineyard	92	115
Alfalfa	100	450	Vineyard	360	450
Pasture	18.2	109.2	Vineyard	62.5	78.2
Alfalfa	80	299	Vineyard	80	100
Citrus Orchard	9	20.7	Vineyard	16.56	20.7
Melons/Other truck crops in rotation	65	104	Melons/Carrots (rotational)	65	104
Carrots	793.56	1,666	Vineyard	1,332.8	1,666

4. The Big Unanswered Question: How many acre-feet of water has the moratorium prospectively saved so far?

5. And More Restrictions in Process (over the next 6-9 months):

Future Amendments-Countywide Water Programs

On March 4, 2014, your Board authorized staff to begin the process to amend several County ordinances and policies related to countywide water resources. These policies are set forth in the Conservation and Open Space Element (COSE) of the County General Plan and will also address countywide water resource policies and strategies as contemplated in the Urgency Ordinance. Your Board authorized processing of the following water conservation-related amendments:

- New Landscape Requirements
- Retrofit-on-Sale
- Water Waste
- Water Neutral New Development
- Water Supply Assessments for New Subdivisions

Planning Commission Meeting of Thursday, July 10, 2014 (Cancelled)

Several meetings have recently been cancelled. It seems strange, since the economy is recovering. It would be expected that there would be more and larger projects seeking permits. It

is possible that there is an inventory of projects which were approved in the past and which were stalled by the recession.

California Strategic Growth Council (SGC) Meeting of Thursday, July 10, 2014, 10 AM, 1001 I Street, Sacramento, CA (Scheduled)

This meeting is to be webcast at: <http://www.calepa.ca.gov/broadcast/>

The meeting is important for at least 2 reasons:

1. The SGC is the State's key administrative command and control body for driving smart growth forward at the city and county level.
2. The SGC is now funded by hundreds of millions of new dollars (per the adoption of the 2014-14 State Budget) and will be allocating grants to cities and counties for a variety of "smart growth"/greenhouse gas "reducing projects" throughout the state. This will be a major driver for the implementation of AB 32 and SB 375. On June 20th the Commission acquired enhanced powers through the chaptering of SB 862. The SCG will be doling out billions of new carbon tax dollars over the coming years and will be one of the most powerful agencies in the State.

Summary of the Purposes of the SGC: According to its website the purposes include:

Council Objectives

In September 2008 SB 732 was signed into law, creating the Strategic Growth Council. The Council is a cabinet level committee that is tasked with coordinating the activities of state agencies to:

- Improve air and water quality
- Protect natural resources and agriculture lands
- Increase the availability of affordable housing
- Promote public health
- Improve transportation
- Encourage greater infill and compact development
- Revitalize community and urban centers
- Assist state and local entities in the planning of sustainable communities and meeting AB 32 goals

The Council is composed of the Governor's cabinet agency secretaries from Business Transportation and Housing, California Health and Human Services, California Environmental Protection Agency, and the California Natural Resources Agency; the director of the Governor's Office of Planning and Research; and public member Robert Fisher, who was appointed by the Governor. SB 862 authorized the creation of 2 more public member slots. The SGC's home page displays a stack-and-pack, walkable, 3-story, leafy, transit-dependent village as its symbol. Note that there are no garages, very small yards, if any, and the cars depicted are too small for families. Imagine trying to get the baby into the car seat in one of those things.



SGC “Smart Growth” Village: Coming to Nipomo, Oceano, Templeton and San Miguel soon. The houses are reminiscent of company mill town housing from the 19th century. The historic photo below shows early 20th century company housing of the Ensign-Bickford Corporation in Simsbury, Connecticut. The Bickford houses had more yard space than the SGC concept. Of course no factory worker could afford a horse and carriage or car.



Back to the past: No electricity, no car, no phone - an enviro-socialist paradise

The Strategic Growth Council July 10th Meeting Agenda:

Please See The Next Page:

California
Strategic Growth Council

July 10, 2014 Meeting Agenda

Cal/EPA Sierra Hearing Room
1001 I Street, Sacramento, CA 95814
10:00 AM – 12:00 PM

webcast: <http://www.cal.epa.ca.gov/Broadcast/>

Start	Agenda Item	Speaker
10:00	1. Call to Order	Ken Alex, Chair
10:05	2. COUNCIL BRIEFING AND DISCUSSION: Affordable Housing and Sustainable Communities (AHSC) Program of the 2014-16 Cap-and-Trade Expenditure Plan <ul style="list-style-type: none"> • Overview of Cap-and-Trade Expenditure Plan Programs • Legal Framework of AHSC Program • Role of the California Air Resources Board • Proposed AHSC Program Framework • Eligible Uses per SB 862 • Proposed Eligible Project Types • Proposed Eligible Applicants • Proposed Thresholds and Criteria • Roles and Responsibilities of Key Partners • Program Timeline and Public Meetings - Request Council Discussion on the Proposed Affordable Housing and Sustainable Communities Program Framework and Timeline	Strategic Growth Council, California Department of Housing and Community Development, Business, Consumer Services and Housing Agency, California Air Resources Board
11:30	3. ACTION: Delegation of Implementation Responsibilities of the Affordable Housing and Sustainable Communities (AHSC) Program <ul style="list-style-type: none"> - Staff Recommendation: The Department of Housing and Community Development within the Business, Consumer Services, and Housing Agency implement the housing, transportation and infrastructure components of this program and that the Sustainable Communities Agricultural Land Preservation Program component be implemented separately by the California Natural Resources Agency or the California Department of Conservation. This implementation will include, but not limited to, working with the Council to develop program guidelines including grants and loans, evaluating applications, preparing agreements, monitoring agreement implementation, reporting and amendments. 	Strategic Growth Council, California Department of Housing and Community Development, California Natural Resources Agency
11:45	4. General Public Comments	
12:00	6. Meeting Adjourned	Ken Alex, Chair

All times indicated and the order of business are approximate and subject to change. Public comment is taken prior to a vote on any agenda item as well as at the end of the meeting. If you wish to speak, please fill out the provided comment card. Prior to making your comments, please state your name for the record and identify any group or organization you represent. Depending on the number of individuals wishing to address the council, the Chair may establish specific time limits on presentations.

The meeting agenda and accompanying action item materials will be posted on the Strategic Growth Council website at www.sgc.ca.gov 10 calendar days prior to the meeting. To receive future notices for the Council meetings please sign up for the SGC list serve at www.sgc.ca.gov.

The meeting location(s) are accessible to people with disabilities. Please contact Adrienne Orilla at (916) 322-1028 or Adrienne.Orilla@opr.ca.gov if you require special assistance to participate in the meeting. Any person who wishes to request this notice

Final AB 2453 Language as Amended by the State Senate on July 2, 2014 – Paso Basin Water Management District.

The bill creates a powerful new agency. Please control click on the attached link below for the full text. The bill requires that the initial vote to authorize such a district be 1 person - 1 vote of the owners of property within the proposed district.

(c) For purposes of a petition to form the district and a vote on 29the matter to form the district, the following applies:

30(1) Each voter, who shall be a landowner as defined in Section 3137905 may cast one vote on the matter of a petition and one vote 32on the matter of an election to form the district. Ownership of

33multiple parcels of land, in full or in part, shall not entitle any
34voter to more than one vote.

35(2) For land held jointly, owners collectively get one vote.
36Nothing in this section should be construed to indicate that multiple
37owners of a property get more than one vote.

38(3) In the event any landowner that is a member of the same
39commonly controlled group, as defined in Section 25105 of the
40Revenue and Taxation Code, or is a member of a combined
P7 1reporting group, as defined in paragraph (3) of subdivision (b) of
2Section 25106.5 of Title 18 of the California Code of Regulations,
3or under common ownership with, another landowner in the
4district, all members of the commonly controlled group or
5combined reporting group will be deemed a single landowner for
6the purpose of this subdivision.

7(4) Each public agency that holds title to land within the district
8shall be entitled to one vote.

9(5) No person shall vote by proxy unless his or her authority to
10cast that vote is evidenced by an instrument acknowledged and
11filed with the board of election.

12(6) If from the election returns a majority of the votes cast at
13the election were in favor of the formation of the district, the
14formation of the district shall be complete.

15(d) Recognizing that an election is needed to form the Paso
16Robles Basin Water District, the protest provisions of the
17Cortese-Knox-Hertzberg Reorganization Act of 2000 as they
18pertain to the formation of a district, do not apply.

The full text may be viewed at the link:

http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_2451-2500/ab_2453_bill_20140702_amended_sen_v97.htm



They should have filed for their quiet title.