

COLAB SAN LUIS OBISPO COUNTY

WEEK OF AUGUST 4-10, 2013

ALERT

**ATTEND THE BOARD OF SUPERVISORS
MEETING 9AM TUESDAY AUGUST 6, 2013, 1055
MONTEREY ST., SAN LUIS OBISPO - OPPOSE
THE ILLEGAL URGENCY ORDINANCE**

**SAVE YOUR WATER TO SAVE YOUR PROPERTY
PRESERVE YOUR RIGHTS**



Item 27 - Presentation of potential options for an Urgency Ordinance covering the Paso Robles Ground Water Basin.

Hearing Logistics: The Hearing on the proposed urgency ordinance, to place a moratorium on various types of residential and agricultural development within that part of the unincorporated County which overlies the Paso Robles Water Basin, is item 27 on the agenda (the last item of the day). It is preceded by a variety of fairly minor business and housekeeping items, which should not take too long. There is also a general public comment period for matters that are not on the agenda. Unfortunately and somewhat discourteously, the Board Chairman, Bruce Gibson chose to not set this matter at a time certain. This is a slap in the face to all those with busy schedules, businesses, and other obligations. After all, this matter is the largest and most significant item of public policy to be considered by the Board of Supervisors in years. In fact, the failure to schedule a time certain is a tactic to confuse people to increase the probability that they show up at the wrong time or have to leave prior to having a chance to speak. You can bet that Gibson/Hill supporters of the moratorium will have the inside track on the schedule and will know exactly when to be there. We have seen this before. Another possibility is that Gibson will call a play from scrimmage and skip over all the other items and start item 27 at 9 AM to throw the opposition off.

BEWARE OF THESE PARLIAMENTARY TRICKS.

COME EARLY – BE PREPARED TO STAY: Given these potential uncertainties and tactics, you should come at 8:30 AM to fill out a speaker slip and get a seat. Approach this day as you would if you were taking a stressful wilderness hike. Bring water and snacks, and make a 12-by-12 inch sign (or even 12-by-18 inches), which you can flash. On one side in block letters it could say **OPPOSE THE ORDINANCE**. The other side could say **BOO!** When someone says something utterly stupid or is attacking private property or whatever, flash the **BOO** side of your sign.

Clapping, booing, and other demonstrations are generally prohibited in the Board Room, but silent demonstrations are fine.

What Is Happening? Growth opponents are taking advantage of some residents' water problems to advance the larger agenda of forbidding any further agricultural development (except perhaps dry land farming) in the unincorporated north county outside the urban limit lines (URL's). Anti-growth activist Sue Luft, former Supervisor Jim Patterson, and Supervisors Hill and Gibson are seeking to impose swift and severe restrictions. The "emergency" ordinances can only be imposed for 2 years maximum. It is virtually certain that during that time period the regulations would be made permanent, particularly given the potentials related to the vacant supervisor seat. Remember that there are a variety of restrictions under consideration, and the Board could very easily require water meters on every private well. It could then limit use to some fraction of current use. It is unlikely that the Board could legally discriminate and place restrictions solely on "evil" Beverly Hills capitalists and/or just grapes. No alfalfa, swimming pools, or lawns.

The Supervisors of Districts 2 and 3 (whose districts are nowhere near the Paso Basin) should not use the plight of those with legitimate water shortages to approve massive restrictions on future irrigated agriculture. Instead they should consider the problem at hand and work with the people who have shortages to address their individual problems. Additionally:

- **Double Standard:** Notwithstanding that people have real water problems, this issue is not, at its more profound level, about water, public health, or public safety. It is not an emergency that requires blowing off the entire process usually required to amend the General Plan, the zoning ordinance, and related regulations. Remember, the County puts homeowners, builders, and agriculturalists through cost, time, and permitting hell, even for some of the most inconsequential projects.
- **Power Grab:** This is a power grab to use both the current cyclical drought and the water problems being experienced by people with shallow wells as excuses to impose the so-called “Smart Growth” doctrine on most of the north county. As Saul Alinsky said (and Rahm Emanuel echoed), “Never let a crisis go to waste.”
- **Raw Politics in the Name of an Emergency:** This issue is also a set up in an effort to trap Supervisor Arnold into an untenable situation which can be used by future opponents (Jim Patterson, Sue Luft) to organize opposition during the next election.
- **No Findings Justifying an Emergency:** An urgency ordinance should contain findings that clearly demonstrate an actual public health and/or safety emergency which requires extraordinary action. Nothing in the Board item write-up or the sample ordinance language (attachment C) to the Board item write-up contains any specimen language. How can the Board consider such an ordinance when its staff has not provided this justification for its consideration and public debate?
- **No Specific Data Justifying an Emergency:** There is no analysis of the problem contained in the Board item write-up. In fact, the most important required data is entirely missing. This would include an analysis of the problem – that is – the extent and location of the properties with wells which actually have gone dry, when they went dry, and the extent and location of the properties with wells that are likely to go dry this year. There should be accompanying maps that show the locations graphically. This data should be based on field verification. It is outrageously irresponsible for the Board to be considering an urgency ordinance in the absence of this information.¹
- **No Projections of How Much Water Will be “Saved”:** Similarly, the Board item write-up does not contain any projections of how much water (how many acre feet and where) the various proposed restrictions would allegedly save into the future. The residential subdivision moratorium enacted last year saves only a projected 17.5 acre-feet per year. Flows in and out of the basin can amount to 100,000 acre-feet per year. Thus, the existing ordinance is a symbolic and unjustified nullity. It is outrageously irresponsible for the Board to be considering an urgency ordinance that would impact peoples’ farms and ranches, homes and

¹ The only map included in the agenda package is the general map of the water basin boundary.

economic future, and property rights in the absence of a projection (perhaps 20 years) of the number of acre-feet of water that would be saved each year.

What Is Proposed? The staff presentation purports to give the Board a list of mix-and-match proposals for consideration to be included in an ordinance which would be placed on the agenda of August 27, 2013. Representative samples include:

Where could the Urgency Ordinance apply?

- *The Urgency Ordinance could apply to all properties within the unincorporated areas of the Paso Robles Groundwater Basin except areas within the Atascadero Sub-Basin and within the Shandon and San Miguel urban reserve lines. This would be similar to where the current adopted water conservation standards apply.*

The Urgency Ordinance could disallow the following:

- *1. New or expanded irrigated crop production involving an irrigation source from the groundwater Basin.*
- *2. Conversion of dry farm or grazing land to new irrigated crops involving an irrigation source from the groundwater Basin.*
- *3. New development dependent upon a well in the groundwater Basin*

Your Board could impose additional requirements at the time there is an expansion of the irrigated crop production proposed or a new use other than irrigated crop production is proposed. The following options for these additional requirements could be considered:

- *1. Amount in existing irrigated crop production would be required to offset the same as new irrigated crop production.*
- *2. Existing irrigated crop production would be required to meet Best Management Practices, including limiting the use of overhead sprinklers (drip only), reuse, flow meters, etc., and be required to be metered, monitored and reported twice yearly with no limit on water use.*
- *3. Existing irrigated crop production would be required to meet Best Management Practices, including limiting the use of overhead sprinklers (drip only), reuse, flow meters, etc., and be required to be metered, monitored and reported twice yearly with a limit of 0.20 acre feet per acre per year.*

If your Board wanted to further regulate Agricultural Ponds beyond what is required today, the following options could be considered:

- *Completely prohibit new agricultural ponds of any size during the time the Urgency Ordinance is in effect*

- 2. *Allow new agricultural ponds that will contain one acre foot or less of water (“small reservoirs”) subject to the standards in effect today. All other new ponds prohibited during the time the Urgency Ordinance is in effect*
- 3. *Allow new agricultural ponds that will contain five acre feet or less of water subject to the standards in effect today. All other ponds prohibited during the time the Urgency Ordinance is in effect.*

The full presentation is available at:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/2462/SXR1bV9Eb2N1bWVudF8oUHvibGljKV8=/14/n/18302.doc>

The Reasoned Alternatives: A volunteer north county group called the Paso Robles Agriculture Alliance for Groundwater Solutions (PRAAGS) has proposed a comprehensive approach to both short- and long-range solutions to cooperatively solving the water issues in the basin. It has also proposed a self-funding water management district to develop and implement the solutions. The PRAAGS proposal is available at:

<http://www.praags.org/files/Talking%20Points%20FINAL%207-10-13.pdf>

Background: During its regular meeting of July 9, 2013, the Board of Supervisors gave direction to staff to prepare a list of potential ordinances, regulations, and other measures to severely regulate the use of water for irrigated agriculture on lands overlying the Paso Robles Water Basin. The matter was not scheduled on that agenda, and COLAB believes that the Board violated the Brown Act by conducting an extensive discussion, expressing consensus, setting deadlines, and giving detailed direction to staff on the types of measures that should be developed. (See the July 14-20, 2013 Weekly Update for details.)

Growth opponents are taking advantage of some residents’ water problems to advance the larger agenda of forbidding any further agricultural development (except perhaps dry land farming) in the unincorporated north county outside the urban limit lines (URL’s). Anti-growth activist Sue Luft, former Supervisor Jim Patterson, and Supervisors Hill and Gibson are seeking to impose swift and severe restrictions. The “emergency” ordinances can be imposed for only 2 years maximum. It is virtually certain that during that time period, the regulations would be made permanent, particularly given the potentials related to the vacant supervisor seat. Remember that there are a variety of restrictions under consideration, and the Board could very easily require water meters on every private well. It could then limit use to some fraction of current use. It is unlikely that the Board could legally discriminate and place restrictions solely on “evil” Beverly Hills capitalists and/or just grapes. No alfalfa, swimming pools, or lawns.

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OTHER ITEMS OF INTEREST ON THE AUGUST 6, 2013 BOARD AGENDA

Item 8 - Agriculture Industry Leaders Awards. In a bit of irony, the Board has scheduled presentation of award resolutions including Grape Grower of the Year, Wine Industry Leader of the Year, Cattleman of the Year and others. “OK, here is your award and now stop planting grapes.” At least the recipients won’t have to make a separate trip to protest the urgency water ordinance. **Whoever scheduled this item on the same day as the water mess should get the “Bureaucrat Who Can’t Connect the Dots Award of the Year.”** The write up states:

It is recommended that the Board of Supervisors adopt resolutions honoring the 2013 Wine Industry Person of the Year, the 2013 Wine Grape Grower of the Year, the 2013 Winemaker of the Year, the 2013 Agriculturist of the Year, the 2013 Cattleman of the Year, and the 2013 Cattlewoman of the Year at the California Mid-State Fair.

Item 15 - \$98,000 Contract with the Economic Vitality Corporation (EVC) to Operate the County’s Economic Development Program. The Board letter outlines the EVC services to the county:

The scope of work includes the following tasks:

- acting as lead agency, assist the County by facilitating implementation and preparing updates as needed for a countywide economic strategy.*
- Obtain matching funds in an amount at least equal to the amount of funding provided by the County (any non-county funding secured by the EVC for the countywide economic strategic plan shall be counted toward this matching funds performance objective);*
- Convene at least one seminar on a topic related to the economic strategy that will assist and improve county businesses and the county economy.*
- Act as a referral agency to the County, engaging cluster industry stakeholders and facilitating input on proposed policy adoption and modification actions.*
- Monitor opportunities for statewide action pertaining to economic initiatives. Engage cluster industry and other community stakeholders as feasible and appropriate.*
- Establish and maintain collaborative relationships with economic development and workforce development partners locally and in adjacent regions (Monterey, Santa Barbara, Ventura).*

Wonder if they will come and oppose the Urgency Water ordinance? Could be too dangerous.

Items 17 and 18 - Phillips Petroleum EIR Contracts. The Phillips Petroleum Refinery in Nipomo needs to be able to load oil onto long tank car trains in order to process the volumes necessary to remain competitive and stay in business at that location. The problem is that it needs a longer siding to be able to park the trains so that the main track

can remain clear for through trains. The company will need County permits and Coastal Commission permits to extend the siding. The outcome and ultimate decisions are very important to the County's economic base and employment. There are two separate EIR contracts (paid for by Phillips) totaling \$600,000 in aggregate. It's already an industrial facility that has been in place next to a main railroad line since the 19th century. Why are these permits necessary? The decision on whether trains can park on an extended siding at an existing use should not require \$ 600,000 of government analysis and slowdowns.

The applicant (Phillips 66 Company) is requesting a Development Plan / Coastal Development Permit to allow for the extension of an existing rail spur at the Santa Maria Refinery and construction of a railcar off-loading facility, above-ground conveyance pipeline, restroom facility, and an unpaved emergency vehicle access road from the end of the proposed rail spur to State Route 1. The project also includes a conceptual plan for provision of vertical coastal access through the project site to the Oceano Dunes State Vehicular Recreation Area.

Item 26 - Oceano Revitalization Plan Presentation. This is a presentation of a plan to make certain physical improvements in Oceano to help enhance the economic and aesthetic conditions in the community. It seems strange that this would be scheduled just before the contentious water ordinance matter. It might be a ploy to freeze out the large audience expected to protest the emergency water ordinance. Will emergency water ordinance proponents try to draw this one out and then decide to put the water matter over to the afternoon in the hope that opponents who came in the morning would go away?

<p>San Luis Obispo County Council of Governments (SLOCOG) Meeting of Wednesday, August 7, 2013, 8:30 AM</p>
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B-2: Cal Trans Report On the Rough Chip Seal Problem - Highway 1. Readers may recall that the chips used to resurface a section from Cambria to the Monterey County line are too large and play havoc with bicyclists and car paint (especially high end sports cars that frequent Highway 1). It has been estimated that redoing the job would cost \$7 million dollars. In turn the problem puts the coastal tourist industry at risk because clubs and event planners, as well as private individuals, may seek other locations. It appears that no solution has been found or corrections planned.

Caltrans District 5 staff will be presenting to the Board an update on the status of the Highway 1 Chip Seal Project. On Saturday, July 13, 2013, local cyclists participated in test rides on eight (8) separate segments of Highway 198 south of King City. The findings of these tests will help Caltrans and UC Davis determine which treatment is best to smooth over the chip sealed portion of Highway 1. Raw data may be available in

three to four weeks. Additional texture testing is also scheduled in the next couple of weeks following these tests. See Attachments for more information and The Tribune news articles regarding this issue.

B-5: Regional transportation Plan Update “Progress” (RTP) 2014 Plan. The staff report states in part:

The planning process is more than merely listing highway and transit capital investments; it requires the development of strategies for operating, managing, maintaining, and financing the area’s transportation system in such a way as to advance the region’s long-term goals. Not only does the transportation system provide for the mobility of people and goods, it also influences patterns of growth and economic activity through accessibility to urban and rural areas. The performance of the system affects such public policy concerns as:

- Mobility*
- Air quality*
- Greenhouse gas emissions*
- Natural resources*
- Environmental protection and conservation*
- Social equity*
- Smart growth*
- Affordable housing*
- Economic development*
- Safety*
- Security*
- Health*

You can be “happy” that your gasoline taxes and other transportation fees and taxes are being used to promote the overall program of social engineering, wealth transfer, and restricting property rights. They really need to widen Highway 101 to 3 lanes each way. Oh well.

We thought the paragraph below is particularly revealing of the elitist and manipulative view that citizens’ preferences and views must be changed through “education” in order to conform with the revealed knowledge of the government class elites.

Community resistance to change is common. Higher-density development, infill development, redevelopment, and the adaptive re-use of existing buildings are often controversial and resisted by neighbors and community groups. Educational efforts to

demonstrate attractive and compatible examples are needed to show how the resulting more efficient utilization of land resources and more compact urban areas can fit within existing neighborhoods. (Page B-5-10) And we thought the elected representatives on SLOCOG were supposed to represent our views.

Can the re-education camps be far behind?

**City of Grover Beach City Council Meeting of Monday August 5, 2013 , 6:30 PM
Grover Beach City Hall , 154 S. 8th Street.**

**ATTEND, SPEAK, RESIST
KEEP MAYOR PETERSON ON THE APCD TO
PROTECT DUNES RECREATION AND THE
FIVE CITIES ECONOMY**

Item 11 - Discussion Regarding Appointment of Council Members to the Air Pollution Control District (Proposed Removal of Mayor Debbie Peterson from the APCD). During the Council meeting of July 15, 2013, Council Member Bill Nicolls requested that an item be placed on the agenda for discussion regarding the city's current appointment to the APCD and whether it should be changed. The City Manager, who prepared the agenda item, states that there was consensus by a majority of the Council to schedule the matter for discussion. Reportedly, County Supervisors Hill and Gibson support a change. Hill attended the July 15th Council meeting.

The City Manager's write-up states in part:

The City Council's past practice has been to determine committee assignments (representatives and alternates) through a process of discussion and consensus. Should the City Council wish to make any changes to those appointments, a Resolution confirming those changes needs to be adopted. A draft Resolution has been prepared and is attached to this staff report. (Please see Attachment 1.)

The prepared resolution contains a blank space where the name of a new appointment can be placed. Clearly the City Manager believes that the matter is more than a discussion, since he prepared the necessary document to actually execute the removal of Mayor Peterson and appoint of one of the Council members.

Significantly, the agenda item contains no narrative from Council Member Nicolls, who has not had the courtesy to put in writing his reasons for requesting a change for the public or his colleague Mayor.

This matter is not just a local Grover Beach City issue but impacts the entire County, given the regulatory powers of the APCD. Mayor Peterson has asked questions and has opposed issues supported by the activist left. The proposed action is vindictive payback.

Background - A Horrible Conflict of Interest: Also, and nastily, both Hill and Gibson have reportedly been encouraging the Grover Beach City Council to remove Mayor Peterson from the APCD Board because she has been questioning policies which they support and going against them on some votes. Further poisoning the issue is the potential conflict of interest because two members of the Grover Beach City Council are also County Public Works Department employees. If Hill and Gibson come to the Council meeting to advocate for the Mayor's removal from the APCD Board, these two Council Members will be eyeball-to-eyeball with their big bosses, which certainly presents a motivating factor to accede to Hill's and Gibson's wishes on this matter.

The discussion to remove the Mayor from the board of the APCD will be held at the Grover Beach City Council meeting of August 5th. There won't be another APCD meeting (September 25, 2013) until after the Mayor is potentially removed as the APCD representative. Hill and Gibson may be able to restore their majority by that meeting.

Since Hill and Gibson have already taken the position to have the Grover Beach Council remove Mayor Peterson from the APCD Board, the two City Council members who are also County employees should recuse themselves from any vote on this matter. They have a **material financial interest** in remaining in the good graces of the two Supervisors. After all, the continued existence of their positions in the County organization and budget are in large part dependent on Hill and Gibson. This means their ability to have jobs and an income with the County, feed their families, and remain in the community and in their homes are at risk. (Not to mention their pensions.)

The Grover Beach City Attorney had better be paying attention.