

COLAB SAN LUIS OBISPO COUNTY

WEEK OF JULY 28 - AUGUST 3, 2013

**EVENTS ORDINANCE: VERY FEW COMPLAINTS
(A SOLUTION SEARCHING FOR A PROBLEM)**

**JULY 24TH APCD MEETING SUDDENLY CANCELLED
(ENVIROS NEED DELAY TO STACK THE DECK)
AND**

**A VERY NASTY POTENTIAL FINANCIAL CONFLICT OF
INTEREST FOR TWO GROVER BEACH COUNCIL MEMBERS**

NO BOARD MEETING ON JULY 30, 2013

**CONCERN BUILDING ON EMERGENCY WATER
ORDINANCE IMPACTS TO AGRICULTURE AND
PROPERTY RIGHTS**

ALERT

SAVE AUGUST 6TH FOR PASO WATER BASIN POLICY

**SAVE AUGUST 27TH FOR PASO WATER BASIN
ORDINANCE HEARING**

Board of Supervisors Meeting of Tuesday, July 23, 2013 (Completed)

Item 4 - Grand Jury Report on Regulation of Events. The Board received and discussed the Grand Jury Report. During the Discussion Supervisor Hill asked about the status of staff work on the Events Ordinance. Acting Planning Director Kami Griffin reported that the Economic Vitality Corporation's (EVC) Uniquely SLO group was trying to interview various venue operators and promoters of events to ascertain what the County ought to consider. Interestingly, Griffin reported that the EVC is having difficulty engaging and obtaining input from the events community. This would signal that those involved with events (customers, not-for-profit organizations, venue owners, and related businesses) are not interested in more regulation and wish the issue would go away. Griffin estimated that revised recommendations would not be ready until November/December at the earliest.

Significantly: As COLAB has consistently pointed out, the Events Ordinance is a “solution” looking for a problem. In refuting the Grand Jury’s finding that the Planning Department does not tabulate complaints related to events, Griffin stated that there were very few complaints.

The Board should cancel staff work on increasing requirements, costs, and complexity of permits for individual events, recurring events, and events venues. Instead, the Board should ask:

- a. How can the County government facilitate and assist those who conduct events?
- b. What is the next level/what is possible?
- c. How can a positive event strategy be used to grow the success of the County Airport? (See airport discussion below)
- d. How can we streamline the existing permit process and lower fees?

Background: The Civil Grand Jury has issued a report recommending that the Board of Supervisors update the Events Ordinance regulating public attendance at for-profit and not-for-profit events at farms, ranches, estates, ranchettes, venue barns, and so forth. Problematically, the Jury’s report states that its review of the issue was based on receiving two complaints. From a statistical standpoint, it is unfortunate that a public agency would single out the events issue for study and proposed augmented regulations on the basis of only two complaints. The County contains thousands of square-miles and hundreds of event venues, and hosts at least several hundred events per year. (Note: Neither the County nor the Jury has any real statistics.) The report evinces the current propensity of government agencies to promote increased regulation, interference, and cost on an ideological basis rather than on actual analysis of real problems.

Items 20, 21, 22, and 23 All Pertain to the Future of the San Luis Obispo County Airport. The County owns the Airport, and it is operated as a County enterprise. The goal is to have revenues generated by the airport for 1) airside activities (landing fees, passenger boarding fees, fuel flow fees, aircraft parking fees, and hanger rentals) and 2) landside activities (car parking fees, terminal concessions, rentals to businesses for non-aviation areas, etc.) to cover the operating costs. The costs include maintenance of facilities, aprons, runways, taxiways, lighting, fire, police, perimeter security, roadways, and so forth. During the recent recession, passenger boardings and revenue declined, and the Airport was using reserves to balance its budget. Staff reported that things are improving with the economy and presented some recommendations for fee increases, which will help keep the budget in balance and build financial reserves.

The larger issue is the need to have enough flights to enough places to help grow the County’s businesses. This is a critical economic development support. The County’s economic development strategy includes fostering the incubation, expansion, and retention of high technology manufacturing, research, innovation, design, systems, and related businesses. Firms in these industries need quick and frequent air service to America’s large metro areas where their customers are located. Likewise their customers need access to San Luis Obispo. This creates a sort of chicken and egg dilemma. From

the business standpoint: How do we grow the businesses if there aren't enough flights? From the airlines standpoint: How can we justify more flights, new routes, and bigger planes if we don't have the customers?

The Board is undertaking a number of actions, including consideration of subsidies for new routes (a sort of pump priming investment). One of the key needs is to be able to get to a hub (other than San Francisco or LA) from which business people can fly east. For this reason and for a number a number of years, the County has been trying to get direct flights to Denver, which (especially on United /United Express) has access to all of the midwest, east, and Europe.

As Supervisor Hill continually pointed out during the discussion, the County lacks the financial resources to do the pump priming, build a new terminal (it is working on schematics and funding), and fund all the operational needs.

Just think, if the County added development of oil and gas to its economic strategy, it would have the revenue to build and operate a beautiful, first class airport. It could seed new routes. Heck, it might need direct flights to DFW in addition to Denver. All those Texans would love to come and taste wine and eat our fabulous barbeque.

Overall on this one, the County really seems to be doing a focused and relevant job.

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| No Board of Supervisors Meeting Scheduled on Tuesday, July 30, 2013 |
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There will be no Board meeting on July 30, 2013. The Board generally meets on the first four Tuesdays of each month. July 30th is a 5th Tuesday.

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| San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday, July 24, 2013 (Cancelled) |
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Suddenly and without warning, the APCD announced late on Tuesday morning, July 23, 2013 (less than 24 hours' notice) that its regularly scheduled meeting for July 24th (which has been on the adopted master schedule since December 2012) was cancelled for lack of a quorum. Several critical issues were scheduled on that agenda, including adoption of the APCD annual budget (already delayed beyond the July 1 start date), a status report on the implementation of the dunes dust inspired regulatory machinations restricting/ultimately banning off-the-road vehicles (OTV's) on the dunes, and fees to be imposed on the State Parks Department to fund dunes dust monitoring and studies. Embedded in the considerations is the issue of whether the Dust Rule should be rescinded. COLAB had issued an **Alert** and had called for public participation in that meeting, citing some of the key issues. See flyer below:

SUPPORT COURAGEOUS ELECTED LEADERS WHO ARE BEING VILIFIED FOR QUESTIONING THE AIR POLLUTION CONTROL DISTRICT'S (APCD) ATTACK ON DUNES RECREATION

DON'T ALLOW BUREAUCRATS WHO WANT TO PAD THEIR PAY AND PENSIONS TO ADOPT NEW FEES TO PUNISH THE STATE PARKS DEPARTMENT FOR ALLOWING OFF ROAD VEHICLES (OTV'S) ON THE DUNES

DON'T ALLOW YOUR FEES AND TAXES TO BE USED TO HIRE CONSULTANTS AND LAWYERS TO BUILD THE CASE FOR RESTRICTIONS AND ULTIMATE ELIMINATION OF OTV RECREATION

RECOGNIZE THAT THE BLOWING SAND AND DUST IS A NATURAL PHENOMENON WHICH HAS BEEN OCCURRING FOR TENS OF THOUSANDS OF YEARS AND IT ACTUALLY CREATED THE DUNES AND NIPOMO MESA

DON'T ALLOW SOME ON THE APCD BOARD TO PANDER TO RECENT PURCHASERS IN LUXURY PLANNED COMMUNITIES DOWNWIND FROM THE DUNES WHO DARNED WELL KNEW THE DUNES AND THE OTV RIDING AREA ARE THERE

DON'T ALLOW THE APCD TO WRECK THE HOSPITALITY INDUSTRY IN AVILA, SHELL BEACH, PISMO, ARROYO GRANDE, GROVER BEACH, AND OCEANO. THE LOCAL REVENUES DERIVED SUPPORT OUR POLICE, FIRE, SCHOOLS, ROADS, AND PARKS.

DO LET YOUR CITY COUNCIL MEMBERS AND COUNTY SUPERVISORS KNOW THAT YOU ARE SICK AND TIRED OF THE WHOLE COSTLY AND JOB KILLING REGULATORY IDEOLOGY.

TELL THE APCD TO STOP

Delay to Stack the Deck: Clearly some members of the APCD Board decided that delay would be politically advantageous in that the Governor might appoint someone to fill the vacant, uncompleted term of Supervisor Teixeira who would be anti-dunes recreation. Worse, there is a move to have the Grover Beach City Council remove its Mayor, Debbie Peterson, as its representative on APCD. Peterson has been asking a lot of questions and irritating some members and the Executive Director (Air Compliance Officer).

The lack of a quorum arose because Adam Hill and Bruce Gibson decided at the 11th hour that they could not attend the meeting. With Supervisor Teixeira's seat vacant, there are 11 members. A quorum is 7 members. The 6 members who COULD attend are: Ed Waage, Debbie Arnold, Debbie Peterson, Frank Mecham, John Hamon, and Roberta Fonzi. The 5 who COULD NOT attend are: Jan Marx (or alternate John Ashbaugh), Noah Smuckler (or alternate), Joe Costello (or alternate Tim Brown), Adam Hill, and Bruce Gibson.

These are two separate voting blocks, and all members of one voting block were available, while all members from the other voting block were unable to attend. It is very unlikely that this is a coincidence. Had the meeting gone ahead, repealing the dust rule may have been agendaized for the future and rule 302 (fee increases to be levied on State Parks) may not have passed.

Reportedly, Hill and Gibson allegedly did not give notice until Monday, July 22, even though the email asking for attendance to establish a quorum was sent to all board members on Friday.

A Horrible Conflict of Interest: Also, and nastily, both Hill and Gibson have been petitioning 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 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.

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| <p>San Luis Obispo Planning Commission Meeting of Thursday, July 25, 2013 (Completed)</p> |
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Item-5: Continued Hearing to Amend the Land Use and Circulation Elements of the Plan of Development. This item was continued at the request of the staff. It contains extensive revisions which are billed as a restructuring to eliminate duplication and to simplify the document.

The summary states:

Continued hearing to consider a request by the County of San Luis Obispo to amend the inland Land Use and Circulation Elements of the County General Plan and the Land Use Ordinance, Title 22 of the County Code. The proposal is reorganization only and does not involve changes or updates to general plan goals, policies, programs, data, or statistics or changes in the effect of standards for development (planning area standards). This project consists of the following major parts: 1) The 11 existing inland planning areas are consolidated and reorganized into four new inland planning areas, based largely on watershed boundaries. 2) The plans for the four new inland planning areas are combined into a single document called The Area Plans. 3) Community plans are proposed for urban areas and villages. 4) Planning area standards in the Land Use Ordinance (LUO) are reorganized into rural and urban/village standards according to the new planning areas. This project is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b) (3), General Rule Exemption. CONTINUED FROM 5/30/13 County File Number: LRP2008-00002 Assessor Parcel Number: N/A Supervisorial Districts: 1, 2, 3, 4, & 5 Date Authorized: July 15, 2008, modified March 29, 2011 Karen Nall, Project Manager Recommend Board of Supervisors approval

Note that the reorganization consolidates the planning areas in the north County to conform to watershed boundaries. The next step will be to analyze the new planning areas and discover that there is either too little water or too many water-related environmentally sensitive areas to permit any kind of agricultural expansion or other development. The relentless attack on the flexibility of private property owners continues.

Paso Water Robles Water Basin Proposed Emergency Ordinance Developments

During its regular July meeting 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 which should be developed (see the July 14-20, 2013 Weekly Update for details).

Concurrently, agriculturalists and others concerned with legal, operational, financial, and property rights aspects of the impending ordinances are working towards positive solutions. To this end the Paso Robles Agricultural Alliance Ground Water Solutions group is conducting a meeting on Monday, July 29, 2013. Details are included in the notice below:



Did You Know The County Is Pursuing An Ordinance to Control Your Water?

On July 9, 2013 the San Luis Obispo County Board of Supervisors directed the Planning Department to draft an Emergency Ordinance to provide “demand management” of water use within the Paso Robles Groundwater Basin.

Items that have been proposed for inclusion in the ordinance:

- No new Agriculture ponds
- Annual limits on new wells
- Flow meters on all wells over three (3) inches
- Limits on vineyard and other Agriculture water use
- No overhead sprinklers
- Fines for leaks
- New vineyards must guarantee neighbors’ water supply, no matter how shallow the well
- No vineyards on land not previously irrigated
- All new irrigation must be offset 4:1 by un-irrigated land: “Urgent Moratoriums”

What you can do?

Please plan to attend a special meeting for the agriculture community and be sure your voice is heard.

What you can do?

Please plan to attend a special meeting for the agriculture community and be sure your voice is heard.

Monday, July 29
10 am – Noon

RSVP: info@praags.org or at [805-465-6355](tel:805-465-6355) helpful, but not required

The Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) will provide information on what agriculture leaders are doing to create an independent water district for the Paso Robles Groundwater Basin to begin solving the issues related to the basin.

Please show up, be informed and speak for your rights!

Background: 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.