

Air rules too taxing, critics say

Costs for new homes will soar, some claim; not true, backers say

By SARAH RUBY, Californian staff writer

Bakersfield Californian, Wednesday September 28, 2005

A set of air quality rules meant to cut pollution from new development is being challenged by local politicians and builders who say they would unfairly tax new homes and businesses.

The rules are still being drafted by the San Joaquin Valley Air Pollution Control District, but builders and politicians are urging the district to take a different approach.

"No one is against air quality," Bakersfield City Councilman Harold Hanson said at a press conference Tuesday. "(But) adding a couple thousand per home could mean the difference between homeownership and renting."

Builders say the rules will cost taxpayers \$400 million over several years -- a misleading figure, according to the rules' supporters. They arrived at this calculation assuming they'll pay \$4,000 extra per building unit, and that cost will likely be passed on to the home buyer.

"I think it's very much a distortion for folks today to say this is a fee or a tax," said state Sen. Dean Florez, D-Shafter, who attended the press conference to rebut its claims. "Nobody wants to take their turn to clean the air. This is the industry that at this point needs to come to the plate."

State law requires the district to control increased pollution from truck and automobile traffic generated by new development.

The resulting rules are meant to cut 10 years worth of pollution from development. At each new project, the rules would slash dust and diesel particles, known as PM 10, in half, and would also cut nitrogen oxides, which form smog and particulates, by a third.

To do this, developers would have to come up with energy-efficient, walkable designs. If those designs didn't cut all required pollution, builders could pay for equivalent reductions offsite.

Developers could add bike lanes, build a restaurant or bank near homes, provide public parks, plant native plants, offer electrical outlets outside homes to promote use of electrical yard equipment -- and the list goes on for a dozen pages.

If developers choose to include none of these features in their homes, they could pay as much as \$331 million in the next five years to offset pollution elsewhere, according to the air district. But regulators hope developers will handle their own pollution, said Brenda Turner, spokeswoman for the air district.

"It's largely up to the developer themselves," she said. "In the ads for some of these developments they talk about exactly what the air district would like."

The rule would apply to projects with 50 or more homes, and commercial development between 2,000 and 55,000 square feet.

Builders doubt they pollute as much as the district says, and question the prudence of paying a check to the air district without a clear vision of what they're buying.

"This is another one with shaky science," said Bart Doyle, attorney and technical consultant to the state building industry association. "It's very loosey-goosey (as to where the money goes)."

Mike Maggard, a Bakersfield city councilman and air district board member, asked, "What do they propose we do? We're obligated by state law and (our federal attainment plan). If there's an alternative, I am all ears and eager to hear what that might be."

Proponents of the rules doubt they will make a dent in builders' bottom lines or dramatically increase home prices. Castle & Cooke and Tejon Ranch have already cut checks to the district to offset more pollution than the rules would require.

The rules are scheduled to go before the air district board in December.

NEW DEVELOPMENT AIR POLLUTION LAW

The law: A 2003 state law requires the valley air district to quantify air pollution generated by new developments, and to start a program that would force builders to cut air pollution or pay to have it cut offsite.

What's happened: Regulators expected to have new rules in place last December. They're still working out the details, but last spring, two companies volunteered for what has become a model for these rules.

Tejon Ranch and Castle & Cooke have paid the district for 100 percent of the pollution they couldn't cut through clever design. That's more than developers will be required to trim under the proposed rules.

What's next: Expect haggling, letter-writing and perhaps litigation in the coming weeks. Air district staff plan to present their rules to the board Dec. 15.

Business Leaders Oppose Clean Air Fees

KUZZ Radio, Bakersfield, Tuesday, Sept. 27, 2005

Business groups are urging the valley air district board to reject proposed rules that require homebuilders to pay fees for the increased emissions their projects cause. Bakersfield City Councilman Zack Scrivner says it would hurt affordable housing by adding thousands of dollars to the price of a home. But the air district's Brenda Turner says the rules merely ask developers to minimize pollution. She says the fees would be reduced or eliminated for projects that made plans to cut emissions. Turner says other industries are under tight control, and now developers must do their part.

Air Rules Protested

KERN Radio, Bakersfield, Tuesday, Sept. 27, 2005

Business and city leaders came out on Tuesday against a pair of proposed rules being considered by the San Joaquin Valley Pollution Control District Board that they say will add substantial fees to all new construction. Draft rules 95-10 and 31-80 can be hard for the average citizen to decipher. Meanwhile, proponents say the rules will force developers to be more responsible towards clean air standards.

Developer to get Borba land

Thousands of homes could be built on property once intended as home for dairy

By SARAH RUBY, Californian staff writer

Bakersfield Californian, Wednesday September 28, 2005

James Borba is trading his mega-dairy for a mega-housing development.

Borba, who fought for several years to move his 14,000-cow dairy to Kern, is selling the land to home developer D.R. Horton.

The deal could extend suburban Bakersfield to Interstate 5, swelling it by some 8,500 homes.

Borba did not return calls for comment Tuesday, but D.R. Horton staff said plans for the property are under way.

The sale is not yet final.

A D.R. Horton spokeswoman declined to comment beyond saying the company's vision for the Borba property is "very preliminary."

The exact acreage of the property, which is bound in the north by Taft Highway and in the southwest by Interstate 5, is not yet known. It could be years before homes go up at the site.

The large development is good for Bakersfield, said City Manager Alan Tandy, especially if the alternative is a large dairy.

It's easier to plan wide swaths of sewer than to design it in chunks, he said, and the property could solve a major transportation problem for the city.

"I understand some people will lament over the loss of prime ag land," he said. "There aren't going to be too many who will lament a dairy moving from the population base."

City and county planners have long been working out a way to ease traffic on Highway 99, and the reigning solution is to ring the city with new freeways.

Routing the proposed Southern Beltway through the Borba property gives it much-needed access to Interstate 5.

D.R. Horton's plan for the Borba property would more than triple enrollment at Lakeside Union School District, which serves 1,395 students, kindergarten through eighth grade.

"We always anticipated some growth coming out our direction," said Nick Kouklis, superintendent of Lakeside, which expects 5,000 students from the Borba development. "It's coming at us quite fast and furious at this point."

A preliminary map of D.R. Horton's development shows four school sites -- three 12-acre elementary schools and one 20-acre junior high campus. The district, which will have to purchase those sites, is negotiating with D.R. Horton for more space.

"(The four schools) are just the beginning stages of planning," Kouklis said.

The map doesn't include a new high school, and Kern High School District officials say they're constantly trying to keep up with development. At 35,260 students, the district has 1,740 more students than last year.

"They can put up homes in nine months," said Dennis Scott, associate superintendent for the district. "We've got (building a new high school) down to four-and-a-half years."

James Borba and his cousin, George Borba Jr., tried to move twin 14,000-cow dairies to Kern from Chino in 1998. The move drew years of environmental litigation that changed the way Kern evaluates dairy applications. A judge gave the Borba dairies the go-ahead in October 2002. County officials said they'd cut [air pollution](#) by 50 percent compared to industry standard.

Much of the acreage has been enrolled in the Williamson Act, which allows owners to pay lower property taxes by agreeing not to develop the land for 10 years. In 2003, James Borba received \$8 million in low-interest, tax-exempt, state authorized bond money to help relocate his facility.

The sale price on the land is unknown.

"They seem to have hit the perfect timing," Tandy said, referring to Bakersfield's hot real estate market.

There are several bureaucratic hurdles to development at the Borba ranch. D.R. Horton must first get the property included in the city's sphere of influence, which must get the blessing of the Local Agency Formation Commission, a county-state agency that governs sprawl.

D.R. Horton will have to go back to the county-state agency to be annexed into the city, and must then begin city-required environmental studies on the proposed project.

Oakland helps truckers cut down on air pollution

Program gives \$25,000 to drivers of old rigs to replace vehicles with newer, more eco-friendly ones

By Paul T. Rosynsky, STAFF WRITER
Tri-Valley Herald Wed., Sept. 28, 2005

OAKLAND - Truckers with rigs built in 1986 or before take notice: the Port of Oakland wants to buy you some new wheels.

In an effort to curb air pollution around the fourth largest container port in the nation, port officials will unveil a new program this week that will give 80 truckers \$25,000 each toward new tractor-trailers.

We are really trying to get the oldest and dirtiest trucks out of here, said Tim Leong, a port environmental scientist. We looked elsewhere to see what other successful programs are going on in California and found this one.

The program, which will be funded with port money only, is a result of a settlement agreement the port made when it began its massive port expansion project more than 10 years ago.

Under that agreement, the port said it would spend almost \$9 million on environmental mitigation projects to reduce air pollution in and around the complex.

Making trucks cleaner was the last part of that agreement and the most difficult to accomplish.

Port areas around the country are littered with old polluting rigs. Many truckers servicing port areas are owner-operators who bought older and cheaper trucks when they began working.

The port's new program comes on the heels of a failed idea to retrofit old trucks with new engines. In that program, the port offered truckers money to equip their rigs with new engines.

Truckers didn't care for that because it didn't increase the value of their rigs and left them without a source of income while their trucks were retrofitted.

As a result, the port was forced to return more than \$1 million to the state.

It was an idea with good intentions but it just wasn't worth it, said Cesar Lara, a trucker who hauls containers to and from the port. But I think this idea will work. If I had an old truck, I would be jumping on it.

Leong said the new program, expected to cost about \$2.9 million, will attract more truckers because it provides them with a value not available through the retrofit engine idea.

The port will fund the program with cash left over from other environmental mitigation programs completed under budget.

For more information, contact the Replacement Truck Program hot line at (510) 627-1380 or attend an information workshop Saturday at Oakland Maritime Support Services Inc. at 2505 Bataan Ave., 10 a.m. to 2 p.m.

County supervisor named to state board Appeals board looks at unfunded state mandates

By David Castellon, Staff writer

Visalia Times-Delta, Wednesday, Sept. 28, 2005

Tulare County Supervisor Steve Worthley was named Tuesday to the Commission on State Mandates. The seven-member commission is an appeals board for local governments in cases where state agencies refuse to reimburse local governments for state-mandated programs.

"I was sort of nominated for the job, and I went ahead and filled out the application and submitted it to the governor's office," Worthley, 52, said.

Besides being a county supervisor since 1998, Worthley of Dinuba also is a lawyer. He said the committee will meet six times a year in Sacramento.

"Having Steve on there as a county supervisor will only help Tulare County and other counties because we have somebody who understands the cost of unfunded state mandates to local government," said Eric Coyne, a spokesman for the Board of Supervisors.

"I consider it an honor to be appointed by the governor's office to [handle] what is a very significant issue for local government," Worthley added. He is up for re-election to the Board of Supervisors next year.

[Visalia Times-Delta, Editorial, Wednesday, Sept. 28, 2005:](#)

Farmers help clean the air

San Joaquin Valley residents should notice a little less smoke in the air this fall and winter. And they should thank farmers for doing their part to clean the air.

New regulations have gone into effect this year that put even more restrictions on ag burning. Ultimate goal of the San Joaquin Valley Air Pollution Control District is to eliminate burning of ag waste altogether.

That's good news for us all because everybody breathes. It's even better news for asthma sufferers and those who have chronic respiratory problems.

It's not such great news for farmers. It will certainly force them to do business differently, sometimes at a sacrifice to their bottom lines.

Farmers are complying with the new rules, but in some cases they're having a hard time doing it. Growers of certain kinds of commodities - apples, grapes, walnuts, almonds, pecans and pears - can get an extension and not have to comply with the new burning rules until 2010.

Even some of those farmers, however, are already going with the new rules. As of July 1, the new rules require that tree prunings and other leftovers after the harvest be chipped or shredded, transferred to biomass centers where they are composted, or plowed back into the soil.

The great majority of farmers have been complying with the no-burn regulations for several years. The practice of burning field crops or tree stumps hasn't been used in this area for a long time. Most tree fruit growers have been chipping their prunings and using biomass plants already.

There is still a gap between what is expected and what can be accomplished, however. Most recycling centers around here could not handle the volume that ag waste could provide them with. Biomass conversion technology is still lagging behind what is expected, and there are not enough biomass plants to convert ag waste into energy. And the volume of ag waste still exceeds the limits of the machinery most farmers have on hand.

Despite those limitations, farmers are complying, and it is not simply because the law tells them they have to. Many farmers were already complying before they were required to because they also recognize that when it comes to cleaning our air, they need to be part of the solution along with everyone else. Their efforts this year are reducing the amount of particulate matter released into the air by one ton a day.

We should all notice the results this autumn and winter, with fewer mornings shrouded in smoky haze, and more clear days and nights when the air is fresh to breathe.

When you notice that cleaner air, thank a farmer.

[Column in the Stockton Record, Wednesday, Sep 28, 2005](#)

We all miss the point on growth

By MICHAEL FITZGERALD - Record Columnist

Developers hosted a Salute to Policy Makers on Monday night at Lodi's Wine & Roses Hotel and Restaurant. A deluxe event.

"You can call it the Who's Who of elected officials in San Joaquin County," purred Lodi Mayor John Beckman, who is also director of governmental affairs for the Building Industry Association of the Delta, the evening's sponsor.

The Whos -- San Joaquin County mayors, council members, planners, anybody who can vote yes on a housing project -- tucked into a first course of fresh field greens with pistachio-crusting goat cheese as BIA board President George Gibson gave a rousing pep talk.

The BIA pumps \$200 million a year into San Joaquin County's economy, Gibson proudly said. It provides work for 19,000 employees. The overall boost to the economy is \$2.1 billion.

Enabled by government, builders provide the American dream: homeownership.

Yet, strangely, "We are not the popular heroes of our time," Gibson admitted.

In part this is because of public attitudes toward growth. It's good until you get your own home. Then it's bad.

Which is a fair observation. Californians aren't realistic about growth. Five hundred thousand people a year move to California -- the equivalent of one new San Jose every year. To provide them all houses requires 225,000 homes a year.

California hasn't met that goal since 1989.

This wishful thinking building fewer homes slows growth, not greedy developers, causes California to suffer

the nation's highest home prices and lowest homeownership.

That said, it's also fair to add developers do not win popularity contests because booming growth hurts the quality of life -- schools, air, the commute, etc. And developers have not paid enough attention to these problems.

The root of this dysfunction may be the state's fiscal crisis. State spending on "infrastructure" roads, other systems and services has shriveled. What we build, we can't handle.

But it's not like this crisis is new. Developers and public officials share any failure to realize this and act accordingly.

As servers brought out medallions of filet mignon with huckleberry-merlot demiglaze or pan-seared halibut, the next speaker, Chris McKenzie, executive director of the League of California Cities, talked technically about recent legislation.

If I understood him, McKenzie said that now that the state can't steal your money for expensive long-range growth planning, you have no excuse not to do it.

He pledged to batter the bugaboo of "ridiculous new building regulations." But again the thrust seemed to be that growth is being mismanaged.

"Commutes hurt families," McKenzie said pithily.

Next came BIA state President Steve Doyle. "Folks, the problems in California are real. They're getting bigger, and they're here today."

Even keynote speaker Lucetta Dunn, director of the state Housing and Community Development Department, hammered the point: Build, build, build homes. But build more wisely, or voters will sicken of growth and halt it.

Also, only 6 percent of California housing projects win approval without costly, bureaucrat-driven changes, as opposed to 75 percent in Arizona. So cut red tape.

When voters storm the polls and restrict housing in areas that do not have their fair share of it, such initiatives should be "reviewed" -- opposed, I took Dunn to mean.

The sorry situation is a median home price of \$540,000 in most parts of the state. In places such as Santa Ana, two or three families share one home. Elsewhere, folks drive forever to work.

This is not only fundamentally unfair to Californians. It's bad for society.

"What kind of quality of life are we selling for our families if they have to drive four hours a day?" Dunn asked. Stuck in the commute, "She's not managing a Girl Scout troop. He's not managing that Little League team."

So there were sobering thoughts to digest along with the Madagascar vanilla cake with chocolate ruffle filling and berry mousse filling served with housemade raspberry sauce and buttercream icing.

Including this sound bite from Dunn: "Let them drive' is not a growth strategy."