

Where there's smoke there could be tickets

By Bob Brownne

Lathrop-Manteca Sun Post (weekly newspaper), Friday, Jan. 20, 2006

Since November, about 150 people have learned that the fires that make their homes cozy in the wintertime can also be expensive.

The San Joaquin Valley Unified Air Pollution Control District has handed out that many \$50 tickets, mostly in the southern end of the valley, since it established "no burn" days.

On Dec. 13, when smoke in the air was worse than usual, the district declared a "no-burn day" across the entire San Joaquin Valley. That was the first day San Joaquin County was included in the ban.

Anthony Presto, spokesman for the district's Modesto office, said inspectors on patrol and complaints from neighbors had resulted in 10 citations.

"One was exempt because they were in an area with no natural gas," he said, but the others were fined.

Shery Tibbets of Manteca said the restrictions on fireplaces don't bother her.

"I'm all for the ban," she said. "Too many people have too much trouble breathing."

Tibbets recalled her old home in Montana, where wintertime home fires filled small valleys with smoke.

"There are days when I come out of my apartment and I smell it here," she added.

Others said they don't mind if the air districts tries to reduce the amount of smoke in the air, but they wouldn't support an outright ban.

"If it's at all possible, I'd rather see it not banned," said Robert Madoski of Ripon. "If a study showed that it's really harmful, then I'd approve."

Laurie Stern of Tracy said she uses a fireplace at times but realizes the smoke can get thick in town sometimes.

"When it's real still and foggy, it holds in the smoke," she said. "I have allergies, so I can see where they're coming from."

The district's studies show that the amount of smoke that hangs in the valley air is worse than last year. More than 24 tons of soot comes from fireplaces on the worst days.

Stanislaus urged not to burn today

Modesto Bee, Wednesday, Jan. 25, 2006

People in Stanislaus County are asked to refrain from using fireplaces and older wood stoves today because of concerns about air quality. Forecasters say the air will be unhealthy for sensitive people, such as those with chronic breathing problems. The "burning discouraged" advisory comes from the San Joaquin Valley Air Pollution Control District. Today's advisory is the first step, a voluntary request. The next step is a mandatory prohibition on burning.

City's sphere of influence grows after LAFCO vote

Boundary commission chief reverses position on land needed to annex

By JAMES BURGER, Californian staff writer

Bakersfield Californian, Wednesday, Jan. 25, 2006

The Kern County Local Agency Formation Commission approved a vast expansion of Bakersfield's ability to grow Tuesday night.

The vote was unanimous.

Bakersfield will add about 100 square miles to the territory city leaders are allowed to annex.

It will move the future boundaries of Bakersfield all the way out to Bear Mountain Boulevard on the south and west to Interstate 5 and Enos Lane.

Large sections of land to the east of Bakersfield would also be included.

In return for the new growing room, city officials promised LAFCO they would not immediately require that cropland be moved out of agricultural preserves and into the city's voracious building pipeline. And they promised not to ask for another expansion of their sphere of influence for five years.

William Turpin, LAFCO's executive officer, called the move a chance for the little-known government boundary agency to "turn over a new leaf and start a new era of cooperation with the city of Bakersfield."

Turpin's support for the compromise plan, which he worked out with Bakersfield Planning Director Stan Grady in meetings during the past week, was a dramatic reversal from his previous stance on the proposed plan.

In a November memo to LAFCO members he denounced Bakersfield's environmental justification for the change, stated that the city already had plenty of room to grow and said Bakersfield has a poor record of protecting agricultural land from development.

Historically, the city of Bakersfield has also had a rough relationship with Turpin and the LAFCO board.

In the late 1990s LAFCO whittled, to nearly nothing, a territory expansion plan for Bakersfield that was very close to the one approved Tuesday.

And last year the LAFCO board sided strongly with the city of Shafter in a heated turf battle with Bakersfield.

But Turpin said Bakersfield's willingness to compromise was a good sign that peace could be in the works.

Commissioner Duke Martin congratulated both Bakersfield and Turpin for their efforts to compromise.

"You've done exactly what we've requested you do over the last two months," he said.

Bakersfield Councilman David Couch, who took a seat on the LAFCO board Tuesday, made the motion to approve the expansion plan.

Grady said the compromise was a good move.

"If a minor compromise avoids a major confrontation then I think that serves the public," he said.

Ethics of local growth: Can speedy be smart?

By DAVID BURGER, Californian staff writer
Bakersfield Californian, Wednesday, Jan. 25, 2006

By the time a 90-minute discussion on ethics and land development wrapped up, two new houses would have been built in Kern County.

That's according to Christopher Meyers, director of Cal State Bakersfield's Kegley Institute of Ethics, which hosted a debate on "Ethics and Land Development" Tuesday night.

More than 100 people were at the university to hear how that topic relates to current events.

The panel featured three men with different perspectives on balancing property rights with quality of life: Gordon Nipp of the Sierra Club; David Price, director of the Kern County Resource Management Agency; and Brian Todd, executive vice president of the Kern Building Industry Association.

While Price straddled the fence on many of the issues as the governmental regulator of the group, Nipp and Todd gently needled each other about whether Kern County is seeing smart growth or too much growth.

"Bakersfield is a great place to live, and it should stay that way," Nipp said.

The more amusing moments came when Todd smirked as Nipp spoke about themes such as a "tree is more important than I am."

Todd, representing what he called the "Chamber of Commerce of home-builders," responded that "human beings (are my) No. 1 priority."

Specific issues like homebuilding on ore near the bluffs in northeast Bakersfield were avoided in favor of more philosophical issues such as disappearing farmland.

But all agreed the county was growing, and that planning commissions at both the county and city level were facing big decisions in coming years.

"We're trying to find the most balanced management of this (growth) engine," Meyers said.

Kern County growth key challenge, official says

Bakersfield Californian, Wednesday, Jan. 25, 2006

Kern's rapid growth stands as the county's biggest challenge in 2006.

That's what Barbara Patrick, chairwoman of the county Board of Supervisors, told 400 attendees Tuesday morning at the annual State of the County Breakfast. The event, held at the Holiday Inn Select downtown, was hosted by the county Board of Trade.

"The Kern County we know and love is growing and changing," Patrick said in her keynote address.

The greatest challenge locals face, Patrick said, is keeping alive the neighborly spirit that abounds here. Kern is a place where people are willing to pitch in and help others, she said, a place with a sense of community.

Officials must balance urban growth with existing agriculture and oil operations -- the county's lifeblood, Patrick said.

Patrick also reviewed major events and board rulings of the past year.

The overview served as a quick glimpse of issues affecting local public policy: pension costs, new prosecutors for gang violence, illegal dumping penalties, stray pet problems, child abuse, Kern Medical Center finances, new mental health funding, a new communication system for emergency responders, a new airport terminal about to open, military base retention, dairy issues and sludge.

Tuesday's breakfast, the eighth such event, was the largest so far, said Rick Davis, head of the Board of Trade.

Board nixes homes next to industry

Despite neighboring residential zones, site not a good fit, supervisors say

By GRETCHEN WENNER, Californian staff writer
Bakersfield Californian, Wednesday, Jan. 25, 2006

Forty-five acres bordered by a sewer farm and a concrete plant aren't suitable for future homes, county supervisors decided in a split vote Tuesday.

The board voted 4-1 to deny the project at the southwest edge of Bakersfield city limits.

The denial was a rare instance of the board overturning wishes of the supervisor whose district includes a project. In this case, Supervisor Ray Watson had suggested approval with certain conditions.

Ultimately, though, concerns over putting homes too close to industrial activities won out -- even though the site is surrounded by acreage slated for residential development.

Developers Brian Banducci and Timothy Kleier had requested a zone change allowing 180 homes on agricultural land on the west side of Gosford Road, about a half-mile north of Taft Highway.

Supervisor Jon McQuiston pointed out one major difference between the site and other nearby properties city officials have OK'd for homes.

"This is the only one bordered on two sides by industrial uses," McQuiston said.

The site is also downwind from intensive, large-scale concrete operations, he said, adding: "I don't think you can mitigate those" impacts.

Supervisor Barbara Patrick agreed.

"Where but in Bakersfield are we putting homes next to sewer farms and concrete plants," Patrick said.

A lot of housing is going in there, she noted.

"But I'm certainly not going to be a part of that," she said.

The surrounding projects had been approved by the city of Bakersfield, maps showed.

Supervisors Michael Rubio and Don Maben also voted against the project.

Dairy blues

Supervisors faced another issue of urban encroachment almost immediately after their vote on the proposed homes.

That is, a 35-year-old dairy in Rosedale is trying to move away from homes creeping toward it -- but is stuck in a bureaucratic nightmare.

Rosemarie Millan of Affentranger & Sons Dairy Farms Inc. came to the board with a seemingly simple request.

Millan wanted to know if the county could require real estate agents to tell potential homebuyers a dairy operated a mile north of their home site.

The short answer was "no," although county planners said agents typically disclose such information.

Millan's request was triggered by a proposal from developer J&M California Land Co. Inc. to change ag zoning to residential on nearly 65 acres at the southeast corner of Hageman Road and Nord Avenue.

Still, supervisors agreed with Millan's statement that existing ag operations end up with a raw deal when homes go up.

"People will buy these homes and make the complaints afterward," Millan told the board.

The dairy, owned and operated by Millan's family, is trying to move to Buttonwillow.

No new cows would be brought into the county. Yet the move requires stringent environmental review. The project has been lumped with a group of dairies outside Wasco, most bringing cows here from the Chino area.

Millan worried her dairy's fate will hinge on impacts from those operations.

"You're permitting these zone changes," Millan said, referring to new homes sprouting over ag land. "We, on the other (hand), can't move."

Supervisors nodded as she spoke.

In other business, the board:

- Approved an emergency stop to fees for booth-type vendors at community events. Staffers were told to solve problems with stricter background checks and fees that could impact nonprofits and others that raise funds at such booths.
- Approved a 5 percent retroactive pay raise for safety officers in the sheriff's, district attorney and probation departments.

Tracy delays OK of General Plan

By Rick Brewer

Stockton Record, Sunday, Jan. 22, 2006

TRACY - Questions concerning the city's proposed new General Plan will delay its adoption by another three months, costing the city an additional \$43,000.

Tracy held a public comment period on the General Plan's environmental review late last year. Of the dozen letters received, environmentalists and slow-growth advocates charged that Tracy planners did not fully address the impacts growth will have on air and water quality as well as traffic and land uses around Tracy's city limits.

The General Plan is a long-term blueprint for growth that attempts to chart Tracy's development for the next 20 years.

Because of the concerns, Bill Dean, Tracy's planning manager, said city officials need to develop additional measures to ease potential impacts. Much of the information requested pertains to the circle of land just beyond city boundaries where Tracy may eventually grow past 2025. The questions were specific enough that more detailed analyses were required than easily could be answered in a "response to comments" section, standard in most environmental documents, he said.

"The General Plan is a complicated set of policies, so we were not surprised that we had a wide-ranging series of comments," Dean said. "So we think it's more appropriate to do further detailed analysis, given the complexity of the project."

The Sacramento-based Urban Environmental Affairs Council sent a 12-page letter to Tracy planners asking for more detailed conclusions to 34 issues in the environmental review. They ranged from population projections and farmland conversion to future roadway configurations and habitat depletion.

The Mother Lode Chapter of the Sierra Club called the review "fundamentally flawed" because it did not analyze the impacts of all potential development areas included in the plan, even those that may not be built on for decades.

"If it's ag land, you say it's ag land and not going to be developed. But if it's targeted for growth at any time, then you have to base impacts on the worst-case scenario," said Eric Parfrey, former chairman of the Sierra Club's Mother Lode chapter. "You can't be half-pregnant."

Yet, the San Joaquin Valley Air Pollution Control District's response to the General Plan was just over one page. It lauded Tracy's efforts at providing a "broad, generalized approach" to future development.

David Mitchell, planning manager for the air pollution control district, said controversy has swirled around several cities' general plan updates. Some groups want itemized policy statements, while others expect a more wide-ranging view, he said.

"In a city such as Tracy, I believe it's more appropriate to look longer term at these issues in the General Plan," he said, adding that because development is a step-by-step process, specifics can be obtained later.

The plan's environmental review will be edited and republished, and the city will open another 30-day comment period in mid-February. Tracy will pay a consulting firm an additional \$43,000 to answer the responses, increasing the cost of the three-year General Plan process to \$900,000. Dean said the city will recoup the money through future developer impact fees.