



# **COLAB SAN LUIS OBISPO WEEK OF APRIL 23 - 30, 2017**

## **THIS WEEK**

**NO BOARD OF SUPERVISOR'S MEETING  
PLANNING COMMISSION LIGHT**

## **LAST WEEK**

**NO MAJOR POLICY ITEMS ON BOS AGENDA  
MEETING TOOK ONLY 36 MINUTES – MOSTLY RECOGNITIONS**

## **SLO COLAB IN DEPTH**

**(SEE PAGE 4)**

**MORE SLEIGHT OF HAND WITH GAS TAX HIKES**

**BY JON COUPAL**

**WHITHER THE TAX REVOLT?**

**By JOEL FOX**

## THIS WEEK'S HIGHLIGHTS

### No Board of Supervisors Meeting Scheduled for Tuesday, April 25, 2017

No meeting is scheduled as Tuesday, April 25<sup>th</sup> is a 4<sup>th</sup> Tuesday. Enjoy the respite.

## LAST WEEK'S HIGHLIGHTS

### Board of Supervisors Meeting of Tuesday, April 18, 2017 (Completed)

This was a light meeting with no items of major policy concern on the agenda. The meeting only took 36 minutes and primarily involved recognitions of various civic groups.

### Planning Commission Meeting of Thursday, April 27, 2017 (Scheduled)

**Item 9 - Development Plan/Coastal Development Permit to: 1) allow relocation of a public trail to the neighboring property to the west by amending the trail's legal description in the existing access easement (Cave Landing easement), and 2) allow construction of a trail in the new trail alignment. The relocated trail is proposed as a 5 foot-wide rural pedestrian trail with signage, dodgeway access features, and private property line fencing and signage. The project will result in the disturbance of approximately 23,000 square feet for the construction of the trail, on two parcels totaling 62.66 acres.** This item is a subcomponent of a story which illustrates how County Planning laws and State Coastal Act laws have become unreasonable and subject to staff and intervener manipulation. In this case, a family (the McCarthy's) wished to build a home on a bluff overlooking the ocean on Cave Landing Road above Avila Beach. The home design is very contemporary and calculated to take advantage of the views and ambiance of the site. The County and Coastal Commission have put them through hell for years even though the lot is zoned for a single-family home and meets all the requirements. Processing delays, studies, reworked applications, and opposition have characterized the processing. The costs to the applicants must be extraordinary.

Historically, there has been a hiking trail across the very steep property. At some point the powers that be determined that the trail needed to be relocated and rebuilt and, of course, at the applicant's cost. After considerable time and delay back and forth the County and applicant came to an agreement. But then a group claiming to represent Native Americans demanded further

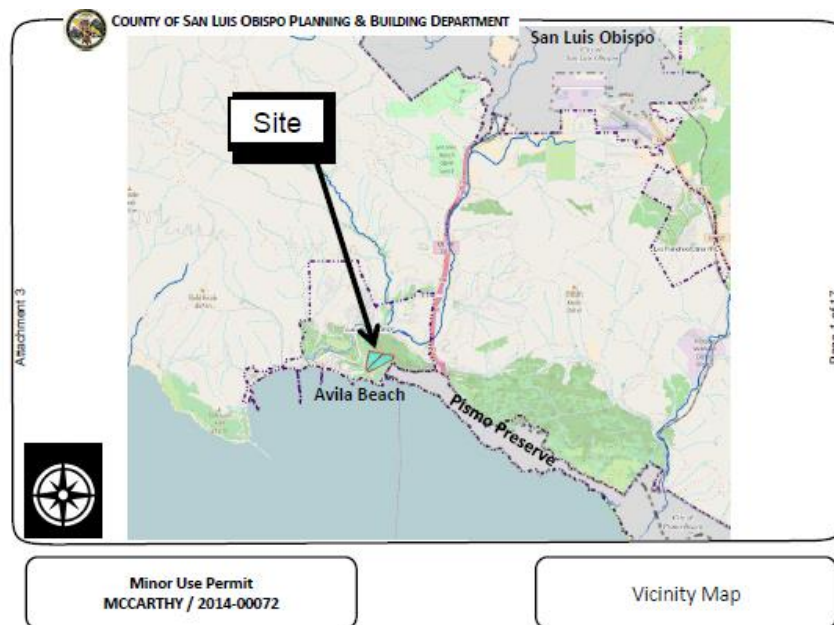
changes, and the staff was required to confer with the representatives. That process is completed, but the staff is wishy-washy about the conclusion.

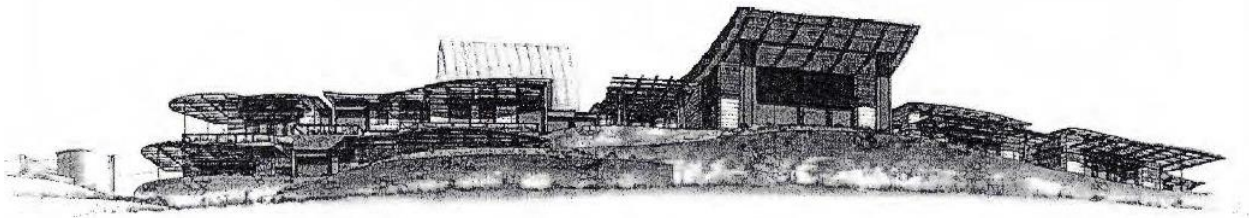
*The Native Americans have continued to express lingering concerns regarding the location of a couple segments of the trail and their relation to cultural resource sites. The location of the trail in these locations is intended to be outside any mapped resource sites. Due to the heavy vegetation and the need to cross some steep slopes, confirmation of site boundaries could not be verified during the recent site visit. Staff is recommending confirmation surveys in locations in close proximity to identified resources prior to finalizing the new easement and trail location in those areas. Based on the confirmation surveys, the alignment can be adjusted slightly in order to provide an adequate buffer from the cultural sites. This has been included in revised conditions of approval.*

*Members of the public also raised concerns about potential impacts to biological resources. The applicant is currently having a biologist conduct a spring season update to the existing biological report that also addresses the revised alignment to verify that the new alignment will not impact any sensitive biological resources. Staff will update the Commission at the hearing, on the results of the biological report.*

The staff does recommend that the Commission approve the new alignment, but obviously leaves the door open to future harassment and trouble later on.

It is hoped that settlement of the trail issue could help induce the Coastal Commission to approve the project, as the trail comports with the Commissions main mission, which is to promote and protect access to the coast.





Main Residence View from Parking Lot N.T.S.

The issue goes beyond the McCarthy application, pertaining to property rights in general and the integrity of local government land use plans and zoning. At this point in the evolution of extreme government expansion and interference, zoning is simply a condition which allows property owners to roll the dice.

## SLO COLAB IN DEPTH

In fighting the troublesome, local day-to-day assaults on our freedom and property, it is also important to keep in mind the larger underlying ideological, political, and economic causes and forces

### **More sleight of hand with gas tax hikes**

By Jon Coupal

If Gov. Brown and members of the California Legislature think that the backlash against the car and gas tax increases will subside any time soon, they are mistaken. The controversy continues to dominate both traditional and social media and, in fact, the more that taxpayers learn about these transportation tax hikes the angrier they get.

Our political elites are learning that taxes on cars and gasoline remain very unpopular because they fall disproportionately on the working Californians — which is where the majority of voters reside. And the resentment might only grow when the taxes actually kick. Just wait until the bills from the DMV start showing up in the mail starting in January of next year and the gas tax increase starts even earlier in November of this year.

There are times when Californians are simply resigned to pay higher taxes imposed by Sacramento, but this might not be one of those times. Many are calling for a referendum of the tax hikes only to be disappointed with the news that, under the California Constitution, a tax increase can't be repealed via a referendum. Nonetheless, it is possible that the tax package can be rolled back via an initiative and some groups are pondering that course of action. Other interests want

more immediate action and are openly discussing recall efforts against some legislators who supported the tax package.

One of the more compelling arguments against the tax hikes was that the state has failed to prioritize transportation spending, so why should citizens accept higher taxes. In response to this, the proponents in the Legislature swore up and down that, unlike all the broken promises before, this time the money would actually go to roads and highways. To show they meant it, the Legislature also passed Assembly Constitutional Amendment 5, which they claim would protect those dollars against the type of diversion that has consistently occurred in the past.

However, it is now clear that ACA5 is just another smokescreen that will allow the new tax hike dollars to go to all sorts of things other than roads and highways.

While ACA5 claims to protect the new tax revenue, it is evident from even a cursory reading of the language that this is not the case. While one provision seems to restrict the revenue from being diverted, another provision provides an exception based on statutory law “as those sections read on January 1st, 2018.” That’s right. An exception to the restriction is based on a law that can be amended before January 1st, 2018.

So, between now and the end of session, the majority party could pass a budget bill that takes effect immediately and exempt whatever car tax revenue they want from going to transportation. One of the exemptions found in the Government Code would allow the governor to transfer new car tax revenue into the General Fund if he/she determines that “there is insufficient cash in the in the General Fund to meet payments authorized by law.”

So there you have it. Before the ink is even dry on the bill imposing the transportation taxes, the tax-and-spend Legislature has created a situation whereby the money could, as it has several times in the past, be diverted to the general fund to be spent on pensions, government salaries, welfare, the bullet train or who knows what.

And in another legislative sleight of hand, ACA5 exempts all of the new transportation revenue generated from applying under the Gann Spending Limit. This limit, first approved by voters in 1979, created a cap on budget appropriations limited to the annual increase in inflation and population growth. Over the years a number of spending categories were excluded from the Limit, diluting its effectiveness. Creating further exemptions of billions of dollars of new tax revenue further undermines the spirit of what voters approved and will not serve to restrain the voracious spending appetites of California politicians.

And the politicians wonder why we don’t trust them

*Jon Coupal is president of the Howard Jarvis Taxpayers Association. This article first appeared in the California Political Review of April 18, 2017.*

# WHITHER THE TAX REVOLT?

By Joel Fox

Last autumn, I wondered both in a [Wall Street Journal article](#) and a [Los Angeles Times piece](#) if California's tax revolt is dead. Given all the taxes that were passed by voters on the state and local level, the question was worth pondering.

Now, the legislature has thrown its opinion into the mix by passing a \$52 billion transportation tax and fee package.

Even more tax measures are circulating under the capitol dome. There is a liquor tax proposal and another to increase income tax on high earners. The group of top income taxpayers have been targeted over the last dozen years, first to fund mental health programs, then to raise revenue for schools, followed by extending the school tax to fund both schools and Medi-Cal.

This time the millionaire's tax is proposed to fund free college education. The fact that taxes have to be raised to fund "free" education is more than ironic but proves the point that nothing is free, somebody pays.

The tax happy legislators are not through with other tax increase proposals waiting in the wings, including a property tax increase for commercial property that will soon be introduced.

One can argue we are nearing the tipping point where voters will rise up against excessive taxes. Already, there has been an [effort announced](#) to recall one freshman Democratic legislator who won a close race in November and supported the gas tax increase. I've been told by the staffer of another Democratic legislator that the district office phone has been ringing off the hook with complaints about the transportation tax increase.

Whether more taxes will get out of the legislature is uncertain. If a tax increase does clear the legislature there is a good chance Governor Jerry Brown will kick it aside like a hockey goalie protecting the net.

Brown, famous for his rowing-on-the-left, rowing-on-the-right style of governing is mindful it is time to switch the paddle. His purposeful silence was a plus for the success of the Proposition 55 income tax extension and he spent a lot of political capitol in passing the gas tax and car fees.

Brown's been through one tax revolt and that is enough for him. He will try to keep from reaching the tipping point of another tax revolt but there are other forces at work determined to wring more from the taxpayers and chop down the tax revolt ideal.

Is the tax revolt dead? It is under pressure, but as that pressure to raise more taxes continues to build expect the tax revolt mantra to rise again.

*Joel Fox is Editor of Fox & Hounds and President of the Small Business Action Committee. This article first appeared in the April 17, 2017 edition of Fox and Hounds.*





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*(Sustaining Membership includes a table of 10 at the Annual Fundraiser Dinner)*

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### NON MEMBER DONATION/CONTRIBUTION OPTION:

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TODAY'S DATE: \_\_\_\_\_

(Revised 2/2017)