



# COLAB SAN LUIS OBISPO WEEK OF OCTOBER 1-7, 2017



# COLAB

San Luis Obispo County

# FALL FORUM

## WHAT CAN BE DONE TO SAVE CALIFORNIA



**Thursday, October 12th**

**5:30—7:30 PM**

Holland Barn  
2275 Carpenter Canyon Rd.  
San Luis Obispo

From SLO: Just past the Cold Canyon Landfill entrance, on the right. From AG: Just past the Cold Canyon Landfill entrance, on the left.

**Speaker**

**Dan Walters**  
Sacramento Watchdog &  
California Expert



Dan Walters is the preeminent interpreter of California politics and public policy. In a 57 year career as a reporter, editor, bureau chief, and columnist (over 9000 columns to date), of which 33 years was spent holding politicians to account while at The Sacramento Bee. He called it like it is at the Capitol through the terms of five California governors: Deukmejian, Wilson, Davis, Schwarzenegger and Jerry Brown (both times). He has developed the most in-depth and comprehensive understanding of the underlying causes of the State's deepening dilemma. Spend a stimulating early evening at the rustically charming Holland Ranch Barn considering what is to be done to stem the spiraling economic, tax, and cost of living problems confronting our state and localities. Dan will entertain questions and suggestions at the end of his talk.

This is a free educational sponsored event.  
Guests will enjoy local beers, wines, and hot and cold appetizers.

RSVP's appreciated by Friday, October 9th

Email: [colabslo@gmail.com](mailto:colabslo@gmail.com) or call (805) 548-0340

**THIS WEEK**

**MARIJUANA REGS COULD BE ADOPTED  
SIZE & SCOPE OF INDUSTRY IN PLAY**

**TEMPLETON TRANSPORTATION PLAN  
(WILL RESIDENTS BE HEARD OR PROCESSED?)**

**LAST WEEK**

**SUSPICIOUS ENERGY PROGRAM PULLED  
FROM AGENDA**

**COUNTING THE CHICKENS BEFORE THEY  
ARE FULLY HATCHED ON NEW SB-1 GAS TAX  
REVENUE**

**HOUSING FACILITY FEES COULD BE  
MODERATED – PROPOSAL NEEDS SOME  
ADDITIONS/CREATIVITY**

**APCD RUCKUS ON DUNES DUST WAS EFFORT  
TO FRONT OUT COMPTON**

**NEW APCD CHIEF APPOINTED  
(WILL HE BE MORE PRACTICAL AND LESS OF A ZEALOT THAN  
HIS PREDECESSOR?)**

# **SLO COLAB IN DEPTH**

**(SEE PAGE 16)**

## **THE PROGRESSIVE OCTOPUS**

**BY VICTOR DAVIS HANSON**

### **ANNOUNCEMENTS**

#### **CENTRAL COAST TAXPAYERS ASSOCIATION**

**Golden Fleece Award Given To San Luis Obispo**

**Council of Governments (SLOCOG)**

**(SEE PAGE 22)**

#### **HOME BUILDERS**

**BE PREPARED! OSHA SILICA RULE TAKES**

**EFFECT SATURDAY, SEPTEMBER 23**

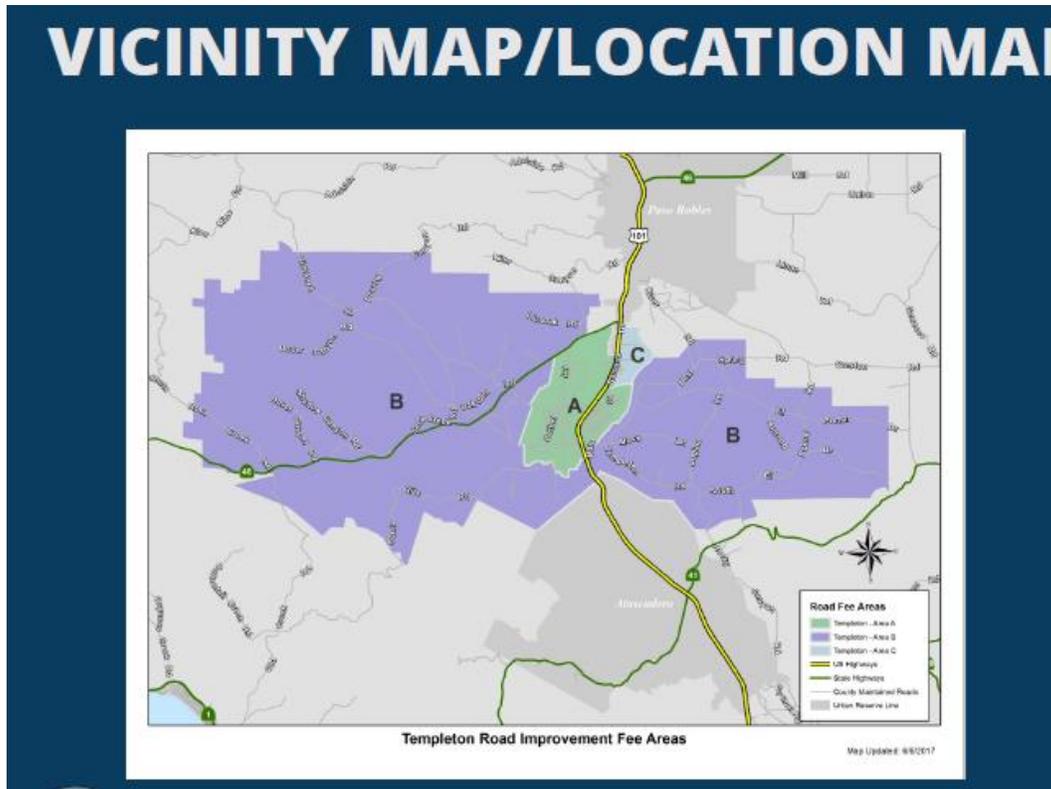
**(SEE PAGE 24)**

### **THIS WEEK'S HIGHLIGHTS**

**Board of Supervisors Meeting of Tuesday, October 3, 2017 (Scheduled)**

**Item 18 - Templeton Area Transportation Development Fee Revisions.** The Board will consider revising the fee structure for transportation assessments related to single family homes,

residential developments, commercial developments, and industrial developments. Staff seems to be listening to the Board with respect to the housing crisis in this case. The fees are levied in geographic zones which are detailed on the map below.



The fee comparisons are somewhat explicated in the 2 tables below:

### CURRENT ROAD FEES

EXISTING ROAD IMPROVEMENT FEES			
Area	A	B	C
Residential	\$13,921	\$10,455	\$14,121
Retail	\$5,061	\$4,210	\$14,121
Other	\$7,786	\$6,478	\$14,121

PROPOSED FEE UPDATE: FLAT FEE						
Area	A		B		C	
Residential	\$8,462	(-39%)	\$8,462	(-19%)	\$8,462	(-40%)
Retail	\$8,462	(+67%)	\$8,462	(101%)	\$8,462	(-40%)
Other	\$8,462	(+9%)	\$8,462	(31%)	\$8,462	(-40%)

**Item 21 - Regulation of Marijuana.**

**Introduction:** The Board will receive the Planning Commission’s recommendations for permitting and regulating marijuana pursuant to its legalization by the voters through Proposition 64. The law allows cities and counties to regulate the cultivation, refining, transportation, manufacturing (of finished marijuana products), wholesaling, and retailing of marijuana within the bounds of the State law. If a particular city or county does not wish to regulate it, then the State will step in. SLO County has opted for local control.

Within the State law, cities and counties have broad range of discretion from banning it altogether (except for 6 plants per household for personal use) all the way to permitting a very robust industry with many outdoor and indoor farms, processing facilities, wholesale operations, and retail outlets. Theoretically the County could allow just about any type of retail outlet to sell the product. Stop by your favorite gas station and pick up a pack of Camels, a couple of ice cold tall boys, a bag of Cuesta Quintessence Cannabis Lemon Chews, and head over to the Wednesday evening company softball game.



Out in Ag Land, the county could theoretically permit an unlimited number of outdoor and indoor grows. The maximum size of a grow (in acres or sq. ft.) is limited by the State law, which the County may not abridge.

However, such an expansive approach does not seem to be in the offing for San Luis Obispo County. The ordinances sent forward by the Planning Commission are significantly more restrictive. In this regard, some of the provisions received from the Commission were supported by a majority or plurality of the Commissioners, but most did not achieve consensus. The staff memo reports the splits, but there is insufficient room to post all that detail here.

**Summary Provisions:** Accordingly, the summary of the key measures, by means not all, contains the following provisions for the Board’s consideration:

**Zoning:** Cannabis cultivation would be limited the Agriculture (AG), Rural Lands (RL), Residential Rural (RR), and Industrial (IND) land use categories with a land use permit in each case and as may further be restricted.

**Indoor cultivation:** There would be no limit to the number of permitted indoor cannabis cultivation operations that may be permitted within the unincorporated area of the County at any one time.

**Outdoor cultivation:** No more than fifty (50) permitted outdoor cannabis cultivation operations would be permitted within the unincorporated area of the County at any one time. Any site could receive land use permit approval for up to five (5) outdoor cannabis cultivation operations, provided each cannabis cultivation operation does not exceed the canopy size threshold established by State law.

**Distribution of the number of outdoor cannabis cultivation operations:** The allowed number of permitted outdoor cultivation operations (50) would be distributed as follows by Planning Area based on the total number of available parcels in land use categories allowing cannabis cultivation. The distribution would contain a maximum for each Planning Area.

North County 30

San Luis Obispo 3

South County 11

Coastal Planning Areas (combined) 7 - (Estero, North Coast, San Luis Bay-Coastal, and South County-Coastal)

Carrizo Prohibited

**Land use permit expiration:** All land use permits issued for cannabis cultivation would expire in seven years from the approval date. Prior to expiration, the applicant may request the land use permit be renewed for an additional seven-year period. Any request for renewal would be in writing to the Department prior to the expiration date of the land use permit, and would be submitted in conjunction with the appropriate land use permit application.

**Application requirements:** In addition to any specific requirements in this Section, land use permit applications shall comply with the requirements of Chapter 22.60 and Section 22.40.040.

1. A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
2. Information regarding stormwater control and wastewater discharge.

3. A list of all pesticides, fertilizers, and any other hazardous materials used in the cultivation process.
4. A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the cultivator's site.
5. For indoor and mixed-light cultivation, all power sources proposed to be used.
6. (If applying for a land use permit for outdoor cannabis cultivation) Proof that the applicant has been selected to operate a cannabis cultivation operation pursuant to Section 22.40.040.A.1.

## **CULTIVATION**

**Application requirements:** In addition to any specific requirements in this Section, land use permit applications would comply with the requirements of Chapter 22.60 and Section 22.40.040.

1. A detailed water management plan including the proposed water supply proposed conservation measures, and any water offset requirements.
2. Information regarding storm water control and wastewater discharge.
3. A list of all pesticides, fertilizers, and any other hazardous materials used in the cultivation process.
4. A storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the cultivator's site.
5. For indoor and mixed-light cultivation, all power sources proposed to be used.
6. (If applying for a land use permit for outdoor cannabis cultivation) Proof that the applicant has been selected to operate a cannabis cultivation operation pursuant to Section 22.40.040.A.1.

**Location:** Cannabis cultivation would not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.

**Minimum site area:** No minimum site area is required in the Agriculture, Rural Lands, and Industrial land use categories. Indoor cannabis cultivation in the Residential Rural land use category would be located on sites that are a minimum of 5 acres in area. Outdoor cannabis cultivation in the Residential Rural land use category would be located on sites that are a minimum of 20 acres in area.

**Setbacks:**

- a. Indoor cannabis cultivation would be within a fully enclosed building that has been setback as set forth in Section 22.10.140.
- b. Outdoor cannabis cultivation would be set back a minimum of 300 feet from the property lines of the site.
- c. Indoor cannabis cultivation would be setback 100 feet from any existing offsite residence, swimming pool, patio, or other living area of separate ownership. A new adjacent use does not affect the continuation of an existing use that was legally established under the standards of this Section.
- d. All outdoor cannabis cultivation would be located at least 50 feet from the upland extent of riparian vegetation of any watercourse.
- e. Setbacks could be modified through Minor Use Permit approval, except for setbacks required by the California Building Code.

**Screening and Fencing:** Cannabis plants will not be allowed to be easily visible from offsite. All cannabis cultivation activities would occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area and prevents easy access to the site.

The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress. Said fence shall not violate any other ordinance, code Section, or provision of law regarding the height, location, materials, or other fencing restrictions, and shall be both solid and durable. All screening and fencing would conform to the requirements of applicable area, community, specific and design plans.

## **CANNABIS MANUFACTURING**

**Cannabis Manufacturing Limitation on use:** Non-volatile cannabis manufacturing facilities may be permitted in the Commercial Service (CS), Industrial (IND), Agriculture (AG), and Rural Lands (RL) land use categories subject to a land use permit in each case, as required below. Cannabis manufacturing facilities involving volatile processes or substances (requiring a volatile Cannabis Manufacturing manufacturing State license) would be permitted only in the Industrial land use category

## **CANNABIS DISPENSARIES**

**Limitation on use:** Cannabis dispensaries within a permanent structure open to the public for retail sales may be permitted in the Commercial Service (CS) and Commercial Retail (CR) land use categories subject to a land use permit. Cannabis dispensaries within a permanent structure that are not open to the public for retail sales (mobile deliveries only) may be permitted in the Commercial Service (CS) and Industrial (IND) land use categories subject to a land use permit.

Cannabis dispensaries not operating within a permanent structure (mobile dispensaries) are prohibited.

Cannabis dispensaries with storefronts open to the public would not be allowed within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the structure that contains the dispensary to the property line of the enumerated use using a direct straight line measurement. This location standard may be modified through Minor Use Permit approval to reduce the distance to six hundred (600) feet.

The pressures on the board to liberalize the current Planning Commission document (it's less than a recommendation) are intense.

There has been virtually no public interest, let alone opposition, manifested at the Commission or in the media to this point.

**Item 22 - Hearing to consider an ordinance amending Title 6 (Business Licenses and Regulations) of the County Code to allow for licensing of cannabis businesses, per Board direction. Introduced August 22, 2017.** In anticipation of a regulatory scheme being approved, the elected County Auditor-Controller/Treasurer has prepared amendments to the County's business license ordinance to include marijuana cultivation and retailing, and other points in the production supply chain. The ordinance requires that marijuana operation should have the requisite County and State permits before a license can be granted. It also requires that the application for a business license be referred to the Sheriff, the Planning Department, and the regional Water Quality Control Board. The latter referral may send many applicants packing because the Water Board can be very picky and strict, and can demand measures which become very costly.

It seems strange that the Water Board would be consulted at a point after the Planning Department and the State have signed off on permits. You would think such a review would take place as part of the initial processing of the permit.

The Water Board is going to get into all sorts of concerns about marijuana, pesticides, solvents, etc., as well as getting into the aquifers, wells, and water systems. Growers may have to receive approval of some very complex and rigid water management plans. This provision could be the death knell for the whole industry. Ask anyone who is subject to the current Water Board AG Water Runoff Rule.

## LAST WEEK'S HIGHLIGHTS

### Board of Supervisors Meeting of Tuesday, September 26, 2017 (Completed)

**Item 10 - Suspicious California Energy Commission Grant – Item withdrawn from the agenda with No Date Certain for Return.** The item was withdrawn due to “contract discrepancies” and has not been assigned a new agenda date. If it is rescheduled, we will repost it with any updated information. Contract discrepancies are the least of the problems. Perhaps some of the staffers are getting cold feet or are worried that this program contains some very controversial ideas in terms of private property, individual choice, scheduling energy use, and others.

**Background:** The write-up stated in part:

*On March 7, 2017, the Board approved submittal of a grant application to the California Energy Commission (CEC) to determine financial, technical, and organizational feasibility of developing and supporting “zero net energy neighborhoods” in existing low income areas of the county. The work program in the grant application proposes to assess how much neighborhood energy efficiency potential exists using existing County programs; how much renewable energy is required to meet existing neighborhood electricity load; what types of energy storage, infrastructure and energy management systems are required to manage neighborhood energy supply and demand; how much these assets would cost; and how they would be financed, owned, and operated. A small portion of the grant would be used to prepare an emissions inventory update for the County’s EnergyWise Plan.*

- a. Is the County going to use the data to regulate how much energy people can use?
- b. What does “manage energy supply and demand” mean?
- c. The write-up states that the study would assess “what types of energy storage, infrastructure, and energy management systems are required to manage neighborhood energy supply and demand.”
  - (1) Is someone in the County thinking of taking over part of PG&E’s property?
  - (2) Do you really want the County telling you when you can run the dishwasher or bake the pie?
- d. Is this somehow tied to the impending Community Choice Aggregation government socialization of electricity proposal? Santa Barbara County’s consultant Wildan has found CCA to be infeasible in Santa Barbara and Ventura Counties. Wildan claims that it might be financially feasible in SLO County.

This one should be yanked off the Consent Calendar and set for a fully noticed public hearing with lots of disclosure.

**Item 21 - Counting the Chickens Before They Are Fully Hatched – First Allocations of SB 1 Funds – New Fuel Tax.** The Board received a report from the Public Works Department on the impact of SB-1 on the unincorporated county. The Board also unanimously approved staff recommendations for the expenditure of the first round of payments.

There is nice PowerPoint about the subject at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/7862/U0IxIFBvd2VyIFBvaW50IFByZXNIbnRhGlVbjIuMDkyNjE3ICgwMDIpLnBkZg==/12/n/83768.doc>

The recommendation includes resurfacing certain streets. Templeton and Creston hit the jackpot on this one.

<u>Project</u>	<u>Type of Work</u>	<u>Length of Repairs</u>	<u>RMRA Funds</u>
O'Donovan Road, Creston	road rehabilitation	5.6 miles	\$1,900,000
Bennett Way, Templeton	road rehabilitation	0.5 miles	200,000
Main Street, Templeton	road rehabilitation	<u>1.8 miles</u>	<u>200,000</u>
	<b>Total</b>	7.9 miles	\$2,300,000

The tax increase takes effect on November 1, 2017. Staff mentioned in passing that the first checks are due in March 2018. A local and statewide initiative is being proposed (signatures are being collected to get it on the November ballot in 2018) to repeal the tax.

**Some issues include:**

**Background:** Note that it is estimated that the tax could provide the County \$9 million per year when fully phased in.

If the ballot measure qualifies, will the State Comptroller hold up the checks to the County and other jurisdictions or will she assume that the tax is collectible and distributable until repealed?

Staff and Board members were dismissive of the possibility that the voters will repeal the tax. In fact it was stated that the California State Association of County's (CSAC) has advised members that the measure has little chance of success.

How much risk is there if the County advances funds and the allocation of the new tax is slow or is held up?

**Item 22 - Impact of Fees on Housing Costs – Potential Easing.** The Board directed that a Resolution be prepared directing staff to work on the feasibility items 1-4 in the list below.

Analysis would include an assessment of how much housing the waivers and reductions might generate. It would also include potential financing mechanisms to replace the reduced fees.

### *Options for Fee Modifications*

*Staff recommends that the Board of Supervisors consider the following fee modification options.*

*1. Allow the Director to waive all construction permit fees, land use and environmental review fees, and agency referral fees for affordable projects.*

*This option would grant the Planning Director the ability to waive fees for projects that meet County affordability standards (Sections 22.12.070; 23.04.094). These fees are estimated at roughly \$2,000 to \$6,000 per unit. This would be accomplished by adopting a resolution modifying the fee schedule for the Department of Planning and Building.*

*2. Allow the Director to waive up to \$5,000 in construction permit fees and land use and environmental review fees for “workforce housing.”*

*This option would give the Director of Planning and Building the authority to waive up to \$5,000 of development fees for a project that provides satisfactory workforce housing. This option would be accomplished by adopting a resolution modifying the fee schedule for the Department of Planning and Building. Projects requesting waivers in excess of \$5,000 would require Board of Supervisors approval.*

*3. Extend the Public Facilities Fee deferral program.*

*Between 2011 and 2014, the County allowed payment of public facilities fees to be deferred. Instead of collecting the fees at issuance of building permit, this program allowed payment to occur just before final inspections. This option would modify Title 18 of the County Code to extend the fee deferral program. Variations on this option could include the following:*

*a. Extend the deferral program for a specific period of time.*

*b. Extend the deferral program indefinitely.*

*c. Extend the deferral program, but restrict it to affordable or workforce housing projects.*

*d. Allow the program to be re-enacted from time-to-time by resolution.*

*e. Allow the deferral period to extend beyond final inspections.*

*f. Expand the deferral program to cover construction permit fees in addition to public facility fees.*

*4. Pursue a program to adjust or eliminate Public Facilities Fees for affordable projects.*

*This option would modify the Public Facility Plan and Title 18 of the County Code in order to reduce or eliminate the Public Facility Fee charges for projects that meet County affordability standards. An updated nexus study would likely be needed to support this effort. Additionally, a supplemental source of revenue would be needed to cover the fair-share contribution for affordable units.*

**Background:** Last year the Board gave the Planning and Building Department an assignment to explore methods to make it easier and less costly to develop housing within the County. The first component being reported is the issue of fees. Remember, there are 3 general categories of fees:

1. Permitting fees to cover the County's and other agencies' (school districts, fire districts, etc.) costs for reviewing and processing the permits for the zoning entitlements and then subsequent construction.
2. Public Facility fees, which are actually a form of tax to cover the offsite impact of the new development of public infrastructure, such as libraries, schools, drainage and flood control, fire houses, parks, and so forth. (Note: roads are also covered in a separate regulation).
3. "Hook-up" fees required by government utility systems, such as water and sewer districts and departments. For example a new home might pay \$15,000 one-time to connect to the area sanitary sewer line and treatment plant. These funds are then aggregated to pay for future capital expansion.

All these fees are collected by various jurisdictions and placed in capital reserve funds to pay for expansion and maintenance of roads, new buildings, expanded water and sewer plant capacity, expanded schools, and so forth, which result from the addition of new population, heavier use, etc.

As predicted, the immediate objection was that elimination or reduction of these fees will impact the general fund. But if housing is a priority, why not? Again and as we pointed out last week, staff analysis should consider:

**1. Accumulative Capital Reserve Fund Plan:** One way to provide the funding and not impact existing programs would be for the County to adopt a budget policy that allocates percentage of natural general fund revenue growth (property tax, sales tax, and hotel tax) to a capital reserve fund each year. This allocation would be base building. Thus, if these taxes grew \$9 million in FY 2016-17 and the policy was to allocate 18%, then \$1.6 million would be placed in the fund. The next year the Board would allocate a new \$1.6 million plus 18% of whatever the new natural growth in the general fund revenues provided. For example, if the growth were \$7 million, 18% x \$7,000,000 would provide a new \$1.26 million. Accordingly, \$1.6 million + \$1.6 million + \$1.26 million would total \$4.46 million by the end of the 2<sup>nd</sup> year. The process would be repeated every year accumulatively. In years with no natural growth or with negative growth, the program would be suspended so as not to impact ongoing service levels.

Such a fund could have easily covered the road and public facility fees in the two sample projects above.

**2. Time Payments for Apartment Houses:** In the past the County allowed deferral of fee payments until the project was approved for final occupancy, instead of when the permits were issued. For whatever reason that program has not been used.

To really have an impact, why not allow apartment projects to make time payments over some stipulated period – perhaps seven to ten years. The County does not build the entire new infrastructure in the first year, so why collect all the money in the first year? The receivable could be booked, and the County would have recourse against the property if for some reason the payments ceased.

**3. Other Agency Participation:** The school districts and public utilities, which generate a much larger proportion of the fee costs for facilities, should be approached to determine if they would adopt programs parallel to the County.

**4. Temporary Tax Abatements:** The State of California made the large solar farms almost totally exempt from the property tax on the theory that green energy will reduce greenhouse gases. In SLO County tens of millions of property taxes are forgone each year. The exemptions are forever.

Why not obtain State legislation that would allow the Board of Supervisors to negotiate phased tax fixing agreements for 7 to 10 years on apartment houses and affordable developments (those that are not tax exempt already because they are owned by a government agency). The property tax payment would start out at a low rate the first year and would build up over 10 years to the full value payment.

**Item 26 - Public Facilities Fees Program (PFFP) Annual 2016 -17 Annual Report – Item Rescheduled.** The item was pulled from the agenda and rescheduled for October 10, 2017. The notice of withdrawal stated in part:

*Staff is rescheduling this item to October 10, 2017 to allow additional time for coordination among county departments.*

This actually means that they need more time to get their story straight because the item is controversial, as there are some serious questions about how the money for parks projects was allocated. Is it possible that there are similar questions related to other expenditures for fire houses, libraries, flood control, and public buildings?

We will repost this item for October 10, 2017 with any updated information.

**SLO Air Pollution Control District (APCD) Meeting of Wednesday, September 27, 2017  
(Completed)**

**Item B-3: Joint Presentation on the Status of Rule 1001 Implementation, Emissions and Dispersion Modeling Effort for the Oceano Dunes, and Next Steps for Implementing Emission Controls.**

After the presentation there was a lengthy debate about whether or not the use of the refined model and other current steps to reduce dust emissions are or will be effective. The issue involves dust stirred up by all-terrain vehicles (ATV's) and recreational vehicles, which are used in designated riding areas within the Oceano Dunes State Park.

Clearly, the current Air Pollution Control Officer (APCO) Larry Allen, Supervisors Gibson and Hill, and City representatives Shaw and Heading don't think so. Hill and Gibson accuse the State Parks Department of obstructive, delaying, and insincere tactics designed to thwart efforts to reduce the dust.

The balance of the APCD Board, including Supervisors Arnold, Compton, and Peschong are hoping that accumulative steps taken by State Parks will reduce the dust emissions to the point where they will comply with levels promulgated in the APCD's Dunes Dust Reduction Order 1001.

The order has been the subject of controversy. Some residents downwind from the dunes claim that the order has not been enforced. The APCO has stepped up enforcement actions, which are pending.

The California State Coastal Commission is now beginning to put pressure on State Parks to move faster.

There was a motion to have the APCD Board request the County Board of Supervisors to:

1. Declare the dust a nuisance and use its police power to force State Parks to reduce or eliminate dust-generating activities. While the County owns a parcel of land (the La Grande tract) that is used to access the Park, it does not have jurisdiction over most of the Park, which is owned by the State of California. The proposers, including Gibson and Hill, might be thinking that the Board could vote to shut down the tract, thereby preventing any use. This would be a stretch because millions of people have used the tract for decades to access the Park, creating an overall statewide interest. The State could assert a prescriptive right to use the tract. The County has never objected or told the State to stop or to pay rent. The County, itself, from time to time asserts prescriptive rights over private property such as against lot owners on Ontario Ridge in Avila Beach and against 800 property owners in the Paso Basin in the case of their Constitutionally protected water rights, which the County wishes to void.

2. Encourage the APCO to take action on alleged violations. He is already taking action, so this one is political and superfluous.

3. Encourage the APCO ask request the Board of Supervisors to address the uses that are generating the dust. Again and except for the La Grande track, the Board does not have any land use authority to regulate uses on state owned property.

**Political Play:** All of this is simply a play to attempt to damage Supervisor Lynn Compton, who is up for reelection next year. The principal dust complainers live in her district, downwind from the State Park.

We have asked for years: If the dust and the PM<sub>10</sub> particles which it contains were a health hazard, why wouldn't the County Health Officer intervene under her own powers? Why has the APCD not hired a medical consultant to conduct cluster studies to determine if there are any abnormally high incidences of cancers, pulmonary disease, or others attributable to PM<sub>10</sub>? When asked in the past, she said her powers only related to transmittable infectious disease. After all, the APCO, Hill, Gibson, and others have asserted that the dust is a health issue.

Those who value the dunes recreation had better be ready to fight back.

**Item B-1: Air Pollution Control Officer Candidate Employment Contract.** The Board appointed Gary Wiley as its new chief. He apparently is qualified by education and experience. Hopefully he will help the APCD Board to come to a more practical position on dunes dust, greenhouse gases, and residential fireplace smoke. We could not find any bio or other information on the APCD website. It seems strange that the staff wouldn't post official info about their new boss. Oh well, he's not the new football coach.

#### **Planning Commission Meeting of Thursday, September 28, 2017 (Completed)**

The Commission's agenda did not contain matters of general policy interest – just poor stiffs and businesses attempting to get their permits.

## **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**

# THE PROGRESSIVE OCTOPUS

BY VICTOR DAVIS HANSON

It is the best and worst of times for progressives and liberals.

Politically, their obsessions with identity politics and various racial and gender -isms and - ideologies have emasculated the Democratic party: loss of governorships, state legislatures, the House, the Senate, the presidency, and the Supreme Court.

Democrats, for the time being at least, are now reduced to largely a coastal, big-city party. It can certainly pile up lots of blue electoral votes. And, thanks to California, Democrats can capture the popular vote, without necessarily winning presidential elections.

The old liberal idea that the new demography is progressive destiny did not work out as planned. When the Blue Wall crumbled; Hillary Clinton lost a sure-thing election. Large Latino populations in red Texas and blue California are not likely to turn either one into a swing state. Inner-city voters so far have not transferred prior record levels of turn-out and bloc voting to candidates of the Hillary Clinton sort. Identity politics did not ensure that the white liberals who created it were always exempt from the natural boomerang of their own ideology.

Yet culturally, the progressive octopus continues to recalibrate popular life according to the new orthodoxies shared by a minority of the population.

Indeed, the octopus has formidable and far-reaching tentacles that reach into every crevice of modern American life. Our progressive mollusk is big, and he swims with us everywhere. Most Americans are quite willing to concede spheres of partisanship — but not lawlessness.

Some colleges, such as Evergreen State or UC Berkeley, while public and tax-supported, are, by definition, leftist in the manner that a private Hillsdale College or Saint Thomas Aquinas are traditionalist and conservative. But whereas the latter are calm and tolerant of dissent; the former, with public monies, are hysterical and often Stalinist when confronted by opposing views. That disconnect is unsustainable.

Most citizens are fine with the fact that Fox News is the conservative cable-channel bookend to the progressive MSNBC. Americans realize that a different sort of crowd goes to a NASCAR race than watches the Tour de France.

But what is bothering half the country is not such ideological birds-of-a-feather tribalism per se. The rub instead is the progressive attempt to undermine all shared public institutions by turning

them into left-wing megaphones and in the process condoning the use of violence, obscenity, and racialism.

So it is not quite accurate to complain of the “politicization of everything,” given that the phenomenon is largely a progressive project in which nothing is much sacred from left-wing political hectoring — our vocabulary, the very cars we drive, even the TV shows we watch.

### **No Escape**

Why are the major private research universities such as Yale, Harvard, Duke, and Stanford, not just liberal but fully in service to a left-wing social agenda? Do they not all pile up huge billion-dollar endowments that are not taxed, thus robbing taxpayers of considerable annual revenue, while they turn out more biased yet less educated students?

Network news was always liberal. Yet in the last decade, ABC, NBC, and CBS, along with PBS and NPR, as well as their cable counterparts such as CNN, have become veritable progressive operatives. Mention of transgenderism, gay marriage, abortion, global warming, and identity politics will be massaged to promote a progressive position that was once held only by minority — until the position morphs into an intolerant mainstream orthodoxy that does not allow dissent.

Sometimes the scripted metamorphosis takes just a few years. Obama’s loud support of traditional marriage in 2008 changed to support for gay marriage in 2012. And when he left office, he conformed to the idea that only homophobes agreed with the position he’d held a few years earlier. Bill Clinton’s stance not too long ago on legal-only immigration would reduce him to a nativist racist by today’s progressive standards.

Whether it is a 2006 or 2016 Oscar ceremony, it matters little. Some actor, some screenwriter, some director is eager to lecture the audience (to applause) and a national television audience (to mute disdain) that George W. Bush or Donald Trump (the conservative names come and go; the progressive hysterical outrage stays the same), is a fascist, or a Nazi, or a buffoon, or a criminal.

### **Thanks, but No Thanks**

The result is that increasingly millions of Americans do not watch the Oscars as they once did in the days of the liberal but mostly sensible Hollywood of Doris Day, Paul Newman, Gregory Peck, Sidney Poitier, Debbie Reynolds, Jimmy Stewart, and John Wayne. The Emmy Awards are even more polarizing in their lockstep messaging that resembles the dreariness of a May Day parade on a cold Soviet Moscow morning.

Half of America no longer goes to the movies, for reasons that transcend the advent of cable TV and computer viewing. They are bored with the latest predictable remake of a far better earlier movie — now updated with tattooed, white villains speaking in a Russian, South African, or southern accent, diabolically seeking to harm a young, picture-perfect progressive social-justice warrior as she uncovers the racist, sexist, and homophobic machinations of an evil corporation or government agency, run by a white male cabal, that aims to pollute the water, dirty the air, or rob noble progressive victims.

Much of America finds Hollywood a boring Pravda enterprise. It is hypocritical too in the Soviet style of a privileged apparat — given that movies are the products of huge corporations and multimillionaire actors who live apartheid existences.

### **Sports used to be sacred.**

Not now. ESPN op-eds dressed up as sports analyses are not subtle. The working-class audience is often assumed to be bigoted in some way; the wealthy and elite sportscasters, athletes, and media celebrities imagine that they themselves are virtuous and exempt from their own criticism.

Colin Kaepernick was the straw that broke the viewing audience's proverbial back. He is lionized as Martin Luther King Jr. rather than portrayed as a confused young man of so-so talent, pampered by a multimillion-dollar salary. He and his newfound followers will not stand for the anthem of the country that ensured that the National Football League would be the most ethnically diverse athletic corporation in the world, with the most highly compensated players, and dependent on fans who would scrimp to pay outrageously high sums for tickets and cable packages just to see a simple football game — only to be insulted as the supposedly guilty party.

### **The result is Orwellian on two counts.**

One, the NFL is an admirably meritocratic enterprise, absolutely immune from the progressive dictums of “proportional representation” (diversity in the workplace and university must reflect the race, gender, and ethnic ratios of the general population) and “disparate impact” (there is no need to show that the NFL is racist in order to force it to diversify). Otherwise, the NFL, as in the case of universities or other publicly subsidized entities, would demand that player rosters “look like us.” That is, they'd make the necessary adjustments to ensure affirmative action for underrepresented Latino, Asian, and white players — in the manner that UC Berkeley currently takes steps apparently to keep it from becoming an Asian-majority university based on merit and skills.

The subtext of not saluting the flag seems predicated on the notion of a racist white America, which in overwhelming numbers watches, enjoys, and pays for a mostly black NFL. Two, the subtext of not saluting the flag seems predicated on the notion of a racist white America, which in overwhelming numbers watches, enjoys, and pays for a mostly black NFL. Do the players, then, not wish their viewer base to keep watching, given its supposedly illiberal temperament and contemptible respect for the National Anthem?

### **The Soviet Strangulation of Thought**

Major weather disasters are now almost immediately contextualized in progressive terms (often on the air by news readers) — and not just by politicians. (Do we remember Barack Obama's saying “10,000” died in a Kansas tornado because George W. Bush had shorted the National Guard?)

A drought is proof of climate change. But so is a deep freeze. Storms or the doldrums, it doesn't matter: Greedy corporations and clueless, in-hock consumers are the carbon culprits. A tsunami or a receding sea, fog, or sun — climate change did it. When everything is proof of climate change, then nothing is.

Before 2017 there may have been a decade-long dearth of hurricanes into the Caribbean. There may have been a number of scientists who stated on the record that two large late summer storms in 2017 were not proof of global warming. Surely there is room for reasoned debate?

Again, no. All the pop-culture talking heads, from somber pundits to late-night television hosts, explained Hurricanes Harvey and Irma in a drearily similar way: Americans' wasteful consumption of carbon energies had heated the planet and brought down upon them a Biblical retribution of bad weather.

Some even went so far to point out that the work of divine retribution had deliberately targeted Florida and Texas. The reason was not the obvious one that coastal states have long shorelines on the tropical Gulf of Mexico. Instead, they were hit by Nemesis because they were red states with populations more likely to doubt theories of catastrophic man-made global warming. Even the telethon for victims of the hurricanes turned into yet another media event in which celebrities trashed Donald Trump and his supporters.

When Facebook is caught censoring, when Google fires its employees for talking freely, the sanctimonious high hand predictably comes down on the values of Middle America.

Nothing is spared from rank politicization.

Late-night TV? Superman comic books? Marquee chefs?

The weary messaging is everywhere and always predictable: Superman now protects illegal aliens, so we are no longer to imagine him as an oversized cartoon hero but instead as a newly muscled Jorge Ramos.

## **No Mas**

As the progressive octopus squeezes the country, its dominance comes at a price. Lately fewer and fewer want to waste precious time watching the pampered adolescents of the NFL. Fewer wish to blow an afternoon viewing preachy mediocrities from Hollywood.

Madonna is a tiring bore who needs to go away and age gracefully. Ditto ESPN.

Who wishes to pay for the latest overpriced Apple gadget, because an aging zillionaire dressed in black prances back and forth on stage before stockholders as if he were Mick Jagger with a mic?

Donald J. Trump symbolically served as a radiologically hot CAT scan that revealed long-festering inner metastases. Most yawn that Mark Zuckerberg and Pope Francis have given one too many sanctimonious rants that project their own hypocrisies. And one too many sober and

judicious ex-diplomats (of the sort whose mellifluous prior appeasement led to a thermonuclear North Korea) bores us with warnings about Trump’s “incendiary rhetoric.”

Apparently in 2016, the deplorables and irredeemables struck back. Donald J. Trump symbolically served as a radiologically hot CAT scan that revealed long-festering inner metastases. Next, as deadly chemotherapy, he unpleasantly saturated the patient until the cancers within slowly began to fester and shrink — even as the convalescent resented the harsh therapy as much as he did the symptoms of the disease.

If the diagnosis and treatment are clear, the prognosis is not: Will America the patient buckle under the treatment and its side effects before the malady is mastered?

*This article was first published in the National Review of September 26, 2017 and distributed on The Stanford University Hoover Institution’s Daily Report of September 26, 2017. Victor Davis Hanson is the Martin and Illie Anderson Senior Fellow at the Hoover Institution; his focus is classics and military history. He has been a speaker at various COLAB events.*



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## **Golden Fleece Award Was Given On September 23, 2017 To San Luis Obispo Council of Governments (SLOCOG)**

The **GOLDEN FLEECE AWARD** is given by the Central Coast Taxpayers Association to the agency demonstrating the most arrogantly wasteful and irresponsible actions and practices, often costing taxpayers millions of dollars and sowing distrust, disdain and downright outrage among the weary taxpayers of that agency.



This first year's **Golden Fleece Award** goes to the **San Luis Obispo Council of Governments (SLOCOG)** for using taxpayers' dollars in support of Measure J. SLOCOG was formed in 1966 through a Joint Powers Agreement to promote transportation coordination in what was then a very rural county. It has grown to an agency with over 20 employees who are transportation planners, Rideshare coordinators, and assorted administrators and public relations flacks.

In 2016 SLOCOG spent over \$100,000 of taxpayer money on consultants to come up with a strategy to pass a 1/2% sales tax increase measure, allegedly for roads. SLOCOG also printed and mailed a 27-page booklet to "educate" locals about the bad conditions of their roads, in case they hadn't noticed, again at taxpayer expense. The executive director, while collecting his government paycheck, coordinated a campaign effort that raised and spent over \$500,000 to support this tax increase. But as we all know, Measure J failed in the November 2016 election.

Even though the campaign was unsuccessful, Board members of SLOCOG were so pleased with the actions of their executive director that they awarded him a 5% raise for his valiant efforts to raise taxes. So much for the concept of merit pay!

CCTA was instrumental in defeating Goliath with a mere \$1200 and a grassroots campaign utilizing talk radio, letters to the papers, and word of mouth. Now the FPPC is investigating SLOCOG for the coordination and the expense of public funds used on the measure.

**The other 2017 Golden Fleece Award nominees were:**

- ☆ South San Luis Obispo County Sanitation District – Squandering of Ratepayers Dollars
- ☆ City of San Luis Obispo – Bonuses Amid Pension Liabilities
- ☆ San Luis Coastal Unified School District – School Bond Money Allocated for Superintendent's House
- ☆ Los Osos Sewer – Nearly Forty Years Debacle Costing Taxpayers Big Time
- ☆ Morro Bay Sewer Treatment Plant – Another Debacle Costing Ratepayers Big Time

Since some of the nominees are special districts, a bit of background is in order: special districts include water districts, sewer districts, school districts, cemetery districts and harbor districts. They serve a small geographic area for a specific, limited purpose. It is government at the most grassroots level. In theory, special districts are run by dedicated boards and staff in the most conscientious manner possible. In fact they rank among the worst offenders because they operate below the radar with little press coverage of their activities.

## **BE PREPARED! OSHA SILICA RULE TAKES EFFECT SATURDAY, SEPT. 23**

### **From The National Association of Home Builders**

**BE PREPARED! OSHA SILICA RULE TAKES EFFECT SATURDAY, SEPT. 23**

### **From The National Association of Home Builders**

As NAHB has [reported](#) recently, the U.S. Occupational Safety and Health Administration (OSHA) is scheduled to begin enforcement of the silica rule in construction this Saturday, Sept. 23.

NAHB's Silica in Construction Toolkit, found at [nahb.org/silica](http://nahb.org/silica), provides background on crystalline silica as well as resources for helping home builders and remodelers comply with the rule.

\*OSHA has announced that it will consider good-faith efforts by employers to comply with the new silica rule for the first 30 days following the start of enforcement on Saturday, Sept. 23. [Learn more.](#)

As noted on NAHB's [priority issues](#) page on this topic, OSHA has determined that a rule is needed to substantially reduce the risk of serious disease from exposure to airborne concentrations of silica dust.

Silica is a component of soil, sand and granite, and occurs in many commonly used building products such as mortar, concrete, bricks, blocks, rocks and stones. It can be disturbed by construction activities ranging from cutting concrete and brick to moving soil around the jobsite.

The crystalline silica rule issued in March 2016 is the most far-reaching regulatory initiative ever finalized for construction with an industry-estimated cost of \$5 billion per year — roughly \$4 billion per year more than OSHA estimates. NAHB and the Construction Industry Safety Coalition have requested that OSHA withdraw the rule and talk frankly

with the construction industry about a more feasible and economical approach to dealing with the silica hazards.

NAHB's [legal challenge](#) on the silica rule is still pending. The case is scheduled to be argued before the court on Sept. 26.

[State-run OSHA programs](#) have six months to adopt the federal rule or develop one that is equally effective.

To learn more about the rule and its requirements, see [NAHB's silica toolkit](#). Information is also available on OSHA's website at [www.osha.gov/silica](http://www.osha.gov/silica).

For additional information, contact [Rob Matuga](#) at 800-368-5242 x8507.

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(Revised 2/2017)