



# **COLAB SAN LUIS OBISPO COUNTY**

**WEEK OF APRIL 17 - 23, 2016**

## **THIS WEEK**

**NACIMIENTO PROJECT WATER  
CONTRACTORS TO TAKE THEIR FULL  
ALLOTMENTS**

**BOS TO DESIGNATE SLOCOG AS LOCAL  
TRANSPORTATION AUTHORITY FOR  
ADMINISTRATION OF NEW SALES TAX**

## **LAST WEEK**

**LIGHT WEEK AT THE BOS ON SUBSTANCE  
(BUT HILL TAKES SWIPE AT COMPTON & ANIMAL SHELTER)**

**APRIL 14 REGULAR PLANNING COMMISSION  
(SHORTER MEETING AFTER WITHDRAWALS & CONTINUANCES)**

**APRIL 15 SPECIAL PLANNING COMMISSION  
(PHILLIPS 66 QUESTIONS AND DELIBERATIONS)**

**COMMISSIONERS BEGIN SYSTEMATIC REVIEW  
-NEXT SESSION SET FOR MAY 16, 2016-**

**SLO COLAB IN DEPTH  
(SEE PAGE 10)**

**NEW WAYS TO SPEND OTHER PEOPLES' MONEY**

**BIG MONEY READIES FOR FIGHT OVER TAX  
EXTENSION**

**THIS WEEK'S HIGHLIGHTS**

**Item 3 - Introduction of an amendment to the Growth Management Ordinance, Title 26 of the County Code, to update the fiscal year references for the maximum number of new dwelling units allowed for the Nipomo Mesa area for FY 2016-17 and extension of the allocation waiting list for Los Osos.** This item is the introduction (and first hearing – the 2<sup>nd</sup> will be on May 17, 2016) to extend the development moratorium in Los Osos and the cap on the number of permits allowed on the Nipomo Mesa.

*Maximum number of new dwelling units allowed in the Nipomo Mesa area. The maximum number of new dwelling units allowed in the Nipomo Mesa area (see Figure 1) for the period of July 1, 2016 through June 30, 2017 shall not exceed a 1.8 percent increase in the number of existing dwelling units from the previous fiscal year.*

*Expiration of deferred allocations. All deferred allocations will be retained on the waiting list for Los Osos through June 30, 20169, at which time all unused allocations will be considered expired.*

a. The Board letter does not provide the calculation and number of dwelling units now existing in Nipomo. Thus the public cannot know how many new dwelling units might be permitted in Nipomo in 2016-17. This is a deficiency in the write-up of the item. It should be withdrawn and resubmitted with the requisite information. After all, this item should properly describe the

substance of what it purports to cover. This inadequate process recurs every year. We don't find out what the numbers are and might mean until the 2<sup>nd</sup> hearing.

b. In the bigger picture this item is about restricting the housing supply. When will these moratoria be lifted? What circumstances could cause them to be lifted?

c. Will the Board of Supervisors join with Santa Barbara County in a preliminary feasibility study of large scale desalination?

d. Apartment rental prices and home prices are escalating rapidly in San Luis Obispo County. What is the larger strategic plan to allow the market to provide housing at prices that the workforce can afford and our children and grandchildren need in order to be able to remain in their communities.

**Item 6 - Monthly Drought Report.** The drought persists. The El Nino did not bring sufficient rains to substantially impact the reservoirs and recharge the aquifers. It is now the middle of April and there will be little chance of significant rain until next winter, which is forecast to be dryer than this winter.

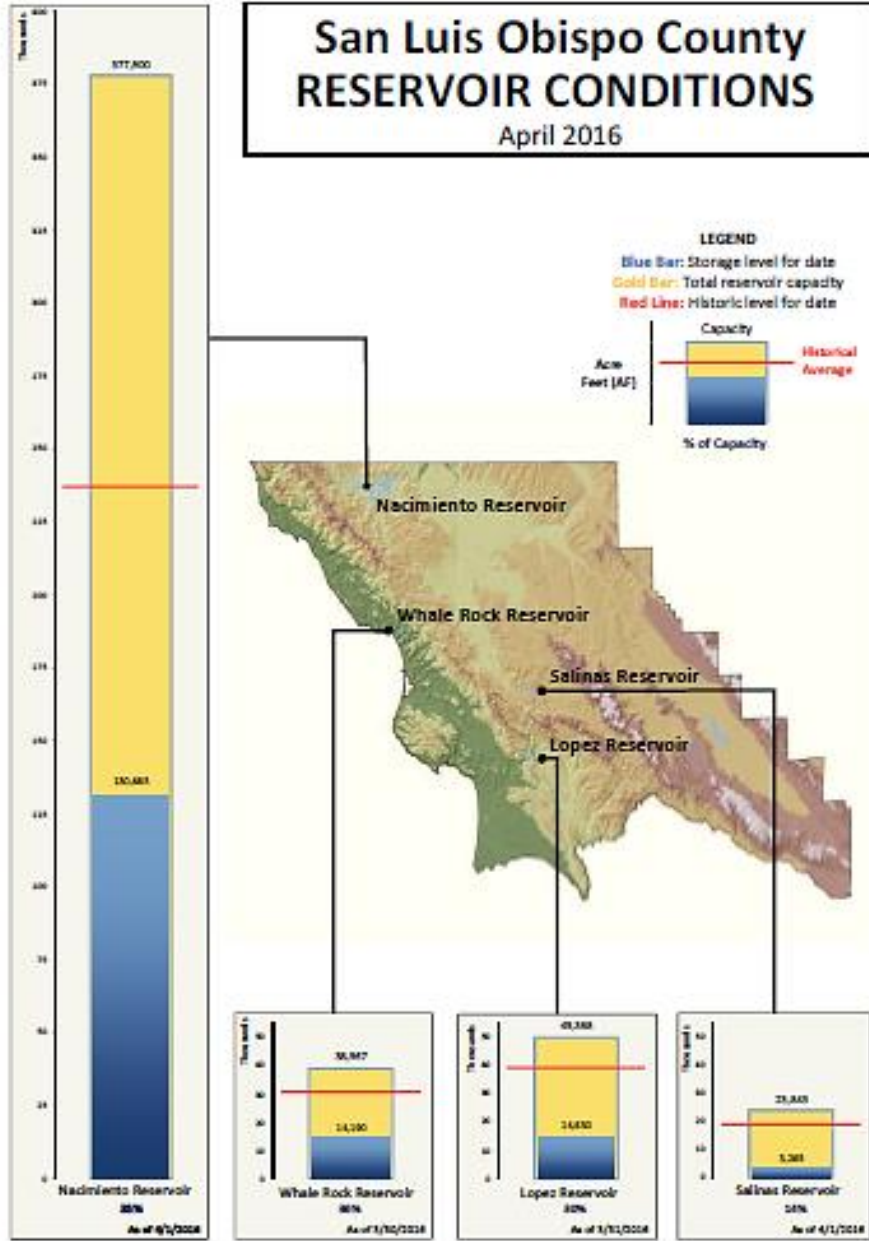
Development moratoria remain in effect in the Paso Robles groundwater basin and Los Osos. Nipomo Mesa is subject to a growth limit. The Lopez Lake/Zone 3 system, which serves tens of thousands of residents, commercial businesses, and tourism, as well as agriculture in the South County, is down to 14,000 acre feet and uses about 9,000 acre ft., per year. At 4000 acre-feet the lake is essentially empty from the standpoint of water supply purposes. Phased cut backs are in process. The County is exploring the acquisition of 400 to 1000 acre-feet per year of desalinated water from PG& E to partially mitigate this situation. Environmental organizations and anti-development forces will certainly oppose the project. Outside of the south coast and the northwest coast, cities and some water districts are in relatively good shape, having acquired and/or developed multiple sources of water over the years. There are a number of projects to move water around the county and de-isolate certain trouble spots through system interties.

a. We can expect continued development moratoria.

b. The drought is a gift to the smart no-growth movement because it can be used (in the absence of more comprehensive strategic policy) as an excuse to over regulate and forestall new development.

# San Luis Obispo County RESERVOIR CONDITIONS

April 2016



**Item 27 - Nacimiento Project Participants Take Their Full Allotments.** When the Nacimiento Water Project was approved, the several participants (City of Paso Robles, City of San Luis Obispo, Atascadero Water Company, and Templeton CSD, SMR Mutual Water Company, CSA 10A and the Bella Vista MHP) contracted for current and future water needs. The portion which the contractors did not take immediately is termed the “unallocated reserve water.” The contractors are now exercising their respective portions of the reserved water. The breakdown is described in the sentence below:

*Of the 15,750 acre feet per year of Nacimiento Reservoir water available to the five existing Nacimiento Project participants (1,750 acre feet is reserved for lakeside users), 9,655 acre feet is subscribed, leaving 6,095 acre feet of unallocated water (termed “Reserve Water” in the Water Delivery Entitlement Contracts).*

The actual current entitlements and additional entitlements are displayed in the chart below:

<b>TABLE A - Nacimiento Reserve Water Project Participant's Share in Acre Feet of Water Per Year</b>					
<b>Participant</b>	<b>Current Entitlement</b>	<b>Change</b>	<b>New Entitlement</b>	<b>Buy-in-Fee</b>	<b>Distribution of Buy-in-Fee</b>
City of Paso Robles	4,000	2,488	6,488	Existing Participant	\$450,830 credit
City of San Luis Obispo	3,380	2,102	5,482	Existing Participant	\$792,812 credit
Atascadero MWC	2,000	1,244	3,244	Existing Participant	\$377,010 credit
Templeton CSD	250	156	406	Existing Participant	\$30,575 credit
SMR Mutual Water Co.	0	80	80	\$1,458,099	New Participant
CSA 10A	25	15	40	Existing Participant	\$16,739 credit
Bella Vista MHP	0	10	10	\$209,867	New Participant
<b>Total</b>	<b>9,655</b>	<b>6,095</b>	<b>15,750</b>	<b>\$1,667,966</b>	<b>(\$1,667,966)</b>

**Implications for Future Water Management:** As awareness of the determination of the participants to exercise their rights became known, Paso Basin residents, farmers, and businesses raised questions. Since the unincorporated portion of the basin is under a water and development moratorium, does it make sense to allocate 6,095 acre foot per year of potential recharge source to future development in cities and special districts?

Accordingly, the staff report for this agenda item expends some effort on explaining how the action does not prohibit or forestall the use of the water for future basin recharge purposes (or direct use). It also explains that it is not within the legal ability of the County to prohibit the exercise of the participants’ options.

*The 1959 Agreement with Monterey County provides that Nacimiento water may be used anywhere within San Luis Obispo County. At the same time, the unallocated Reserve water has been viewed as one of several potential sources of supply for the Paso Robles groundwater basin. The proposed full allocation of the Nacimiento Water Project does not change the amount of water available for use in the Paso Robles basin or any other part of San Luis Obispo County. The existing Nacimiento participants already have first rights to all of the Reserve water via contract provisions that grant the “right of first refusal” should any new participant seek to gain a water delivery entitlement from the project. The actual effect of the participants’ full allocation proposal is to remove an existing contractual requirement that requires any new participant to pay for all of the associated capital costs (costs which to date have been shared amongst the existing participants and the District). Once full allocation is achieved water can be sold on*

*either a permanent or temporary basis at then existing market prices. Given that the reserve water has been available since the initial Water Delivery Entitlement contracts were signed in 2004 (operations began in 2011) it is evident that the required capital cost component has made delivery of Nacimiento water to Paso Robles basin interests financially infeasible. Therefore, full allocation has the potential to make movement of water into the Paso Robles basin more feasible than it currently is.*

*Full allocation of the Nacimiento Water Project by existing participants will have no negative impacts on the recharge or water quality of the Paso Robles basin. Recharge of the Paso Robles basin from the Nacimiento Reservoir occurs as a result of the downstream releases managed by the Monterey County Water Resources Agency. Recharge occurs when the Nacimiento River flows over the Paso Robles basin downstream of the dam; full allocation will have no effect on the timing or volume of those releases. Downstream releases are made based on existing environmental and water supply requirements in Monterey County, none of which are altered by full allocation. Also, the majority of groundwater recharge from the Nacimiento River into the Paso Robles basin occurs in southern Monterey County. As noted above, full allocation may result in beneficial impacts to groundwater volumes in the Paso Robles basin because any water committed to urban uses in the upper Salinas valley directly offsets groundwater pumping in the Paso Robles basin. At the same time, return flows from wastewater treatment can contribute substantial “new” water to the basin.*

**Strange:** Did the County and its consultants consider this positive potential (that some of the upstream utilities would switch from pumping ground water to the use of more Naci Water?) in developing its Paso Basin safe yield models?

Also there is speculation that the Naci contractors are taking this action to forestall the County from using any of the water to support the Paso Basin. However, it would appear from the write-up that the county never had the legal ability to use any of the reserve water since it was never a subscriber.

We don't recall the proponents of the Paso Basin Water Management District suggesting that the district could buy some of this water. In fact the first 5 years of the district's proposed budget only provided funding for the creation of a groundwater sustainability plan (GSP).

**Item 36 - Submittal of a resolution for the designation of the San Luis Obispo Council of Governments as the Local Transportation Authority and Transactions and Use Tax District for regional transportation sales tax measures.** One of the steps necessary for the administration of a local sales tax override for transportation is the creation or designation of an agency to serve as the Local Transportation Authority. It is proposed that SLOCOG be designated since it meets the legal requirements and already has representatives of all the cities and the County. The write-up suggests that designation of a Local Transportation Authority to administer the tax and the programs which it will fund does not constitute support of the tax. *Designation of the Local Transportation Authority is not an action to support a sales tax measure but **only an organizational step** in providing the option to pursue a sales tax measure. In the future, should the SLOCOG board decide to move forward with a transportation sales tax*

*measure, a two-thirds vote in support of that action is required from the SLOCOG board. In addition, a majority of City Councils must also support the action to move forward. Finally, your Board must also support the action, with an adopted Transportation Expenditure Plan, in order to place the measure on the ballot. A transportation sales tax measure must receive two-thirds voter approval to pass (Public Utility Code 180206(b).)*

**OK, but it's not exactly like kissing your sister either. Someone has to have something in mind.**

## LAST WEEK'S HIGHLIGHTS

### Board of Supervisors Meeting of Tuesday, April 12, 2016 (Completed)

**Summary:** It was is a light agenda with no items of significant policy impact in terms of COLAB's key issues of property rights, taxes, agriculture, governmental reform, and personal freedom. This happens several times per year.

**Items 15 and 16 - Hill Takes Swipe at Compton and Animal Shelter.** Item 15 concerned annual formulaic allocations of various Federal housing funds for housing programs. Item 16 concerned potential development of a new animal shelter. As item 15 was being wrapped up, Supervisor Hill used the juxtaposition of the two items to launch into a soliloquy suggesting that the County was shorting funds for the homeless to finance an animal shelter. The gist of Hill's hit was that Supervisor Compton, who had advocated for a new animal shelter issue last year, somehow cared more about animals than the poor or the homeless.

This is yet another Hill red herring. The Federal housing programs have nothing to do with animal shelters, and the funds must be used to fund various types of low income housing as specified in Federal Law. The County Animal Services program is a locally funded safety and humane service to protect public health, and safety. It is also designed to prevent cruelty to animals and promote responsible pet ownership.

The real genesis of insufficient housing is a product of the leftist politicians (Hill is a poster child) making housing development so expensive and restricted that the State, counties, and cities have actually created artificial scarcity. Hill of course is a forceful champion of "smart growth," expensive zoning exactions, restricted land availability, and Byzantine permitting process.

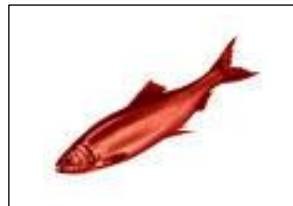
If Hill truly cares about housing for the homeless, the poor, workers, and everyone else, why isn't he proposing major reforms of the County's permitting process, land use allocations, and specifically, the creation of more areas where subdivisions of homes, apartment complexes, and manufactured home communities can receive over the counter permits?



Several years ago, there was a staff report on the “Ten Year Plan To End Homelessness” (since abandoned) that indicated that there about 1,600 homeless people in the County at any given time. COLAB suggested that the Board ascertain the feasibility of planning to zone in and build about 160 apartments and other forms of housing for the homeless per year. Of course a combination of local, state, Federal, and not-for-profit funding could be used. This plan would reduce the number of homeless in a practical way over a defined time period. Of course, we received no response and no interest. In the meantime millions are being spent on various programs with staffs, which concoct unfulfilled plans, counsel the homeless, conduct endless meetings, attempt to wean some of the homeless off of drugs and alcohol, and so forth. None of this addresses the fundamental problem.

This is yet another case of Hill’s hypocrisy.

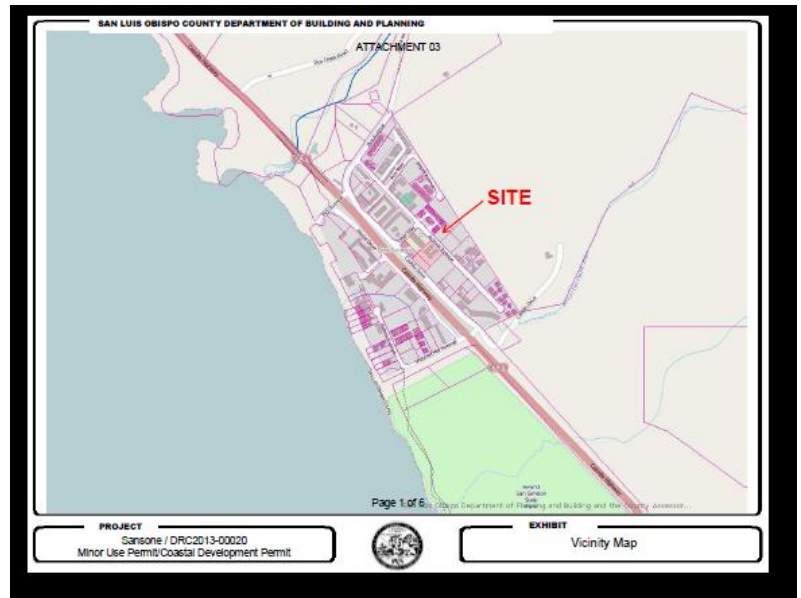
**Another Hill Outburst – Hill Campaign Radio Ad Denigrates COLAB.** His ad says that COLAB is an “extreme right wing lobbying group.” At the end Hill states that he endorses the ad. Clearly Hill finds support of private property, regulatory restraint, tax restraint, and government reform to be “extreme.” At least you know where he stands.



**Planning Commission Meeting of Thursday, April 14, 2016 (Completed)**

**In General:** The Commission had a number of applications that required careful study and review. However, they did not rise to the level of controversial policy questions.

**Item 8 - A hearing to consider an appeal by DAVID SANSONE CO. INC. of the Planning Department’s determination to withdraw an application pursuant to Coastal Zone Land Use Ordinance Section 23.02.056 for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 49 unit mini-storage facility, and for an existing 1,164 square-foot (sf) residence to be utilized as an on-site manager’s unit. The project will result in the disturbance of the entire 22,000 sf parcel. The proposed project is within the Residential Multi-Family land use category and is located at 9270 Avonne Avenue, approximately 0.2 miles southeast of the**





**Highway 1 and Pico Avenue intersection, in the village of San Simeon.** At the beginning of the meeting it was announced that the applicant had withdrawn his appeal. It was not stated if a reason had been given for the withdrawal. This is too bad because the appeal raised an important issue about fairness to applicants in light of how the County interprets the rules under which applications are processed when the zoning is changed after submission of a related application.

**Background:** In 2013 Sansone applied for a permit to build a 214-unit mini storage facility in the village of San Simeon. No one liked it and he eventually scaled it down to a 49-unit facility. At the time he applied, mini storages were a permitted use in the multifamily zone where it was proposed. Subsequently, the County amended its zoning ordinance to eliminate such facilities as a permitted use in that zone. Then the Planning staff notified Sansone that his application had been withdrawn by the County, since his proposed use was no longer permitted. In most jurisdictions, if an applicant has a live project pending and the zoning changes, it is evaluated under the rules that were in effect at the time it was submitted. Sansone appealed the arbitrary action.

### **Appeal**

*Section 23.01.042(b)(1)(iii) of the Coastal Zone Land Use Ordinance (CZLUO) allows determinations of consistency with the Land Use Element made by the Director of Planning and Building and Planning Department staff to be appealed to the Planning Commission.*

*Staff comments: The applicant has requested in writing that the determination by Planning Department staff that this application is deemed withdrawn due to inconsistency with the Land Use Element be appealed to the Planning Commission.*

In SLO County the rule is different. As the staff report rationalizes:

*Although the rules changed while this project was in process, land use permits are Planning Commission subject to the rules that are in place when they are acted upon by the review authority (not when they are submitted or accepted for processing).*

Here the County is having its cake and eating it too. Instead of being processed under the rules that were in effect when the application was submitted, the County says it must be processed under the rules that were in effect “when they were acted upon” – whatever that means. This places an unfair burden on applicants and should be changed.

### **Special Planning Commission Meeting of Friday, April 15, 2016 (Completed)**

**Item 3 - Continued hearing to consider a request by the PHILLIPS 66 COMPANY for a Development Plan/Coastal Development Permit to allow the modification of the existing rail spur currently on the southwest side of the Santa Maria Refinery in order to allow for the import/unloading of crude oil at the refinery via train. The rail spur project includes a 6,915-foot long rail spur, an unloading facility, onsite pipelines, replacement of coke rail loading tracks, the construction of five parallel tracks with the capacity to hold a 5,190-**

**foot-long unit train consisting of 80 tank cars (60 feet each), two buffer cars (60 feet each), and three locomotives (90 feet each), and accessory improvements outlined in more detail below in the staff report as well as the Final Environmental Impact Report (FEIR).** The Commission spent a full day questioning various aspects of the application, staff reports, the EIR, and Federal laws pertaining to the regulation of railroads.

One significant new piece of information involved the question of whether cities and counties, in evaluating applications for increased rail transportation of oil to a particular site within their own boundaries, could consider the impacts of offsite spills and fire potential. County Counsel read a portion of a letter from the California Attorney General to the City of Benicia (In Solano County) which is processing an application similar to the Phillip's application. The Attorney General reportedly stated that localities may consider the offsite hazards along the route.

The next session will take place on May 16, 2016. It is not known if the Commission deliberations will finish on that date and a vote taken or if the matter will have to be continued to future dates. The issues are complicated and extensive.

As we have stated in the past, this issue is not simply about this particular application in isolation, but has huge implications for how the SLO County Government understands its ethical responsibility to support our industrial civilization, the benefits of which underpin our standard of living and our freedom.



**WHAT ARE THE OPPONENTS' PLANS TO KEEP ALL THIS GOING?**



**WILL WE BUY THEIR FUEL FROM ISIS?**

# 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.

## NEW WAYS TO SPEND OTHER PEOPLES' MONEY

By Jon Coupal

An earlier edition of this column focused on government waste due to gross mismanagement and fraud on the part of California state and local governments. The argument then, as it is now, is that elected representatives should be spending much more of their time and energy on oversight of existing programs, rather than posture for a photo op or press release announcing a "new" program that, in all likelihood, is redundant with a dozen or more existing programs covering the same subject matter.

The problem, of course, is that elected officials and bureaucrats have no incentive to be cautious regarding how they spend our tax dollars. Here, the observations of Nobel winning economist Milton Friedman are instructive. He noted that there are four ways people can spend money:

1. You can spend your own money for yourself. (Being careful both about how much you spend and on what you buy);
2. You can spend your own money for somebody else. (Being careful about how much you spend but less careful about what you buy);
3. You can spend somebody else's money for yourself. (Being careful about what you buy but less careful about how much you spend); and

4. You can spend somebody else's money for somebody else. (Where you care less both about how much you spend and what you buy).

Friedman's thesis is that what government does is spend money in the fourth way. And that is why any discussion about California government spending needs to include the question of whether taxpayers are getting value for the tax dollars we send to Sacramento and local governments.

But let's consider another way that government spends "OPM" or, Other People's Money. Sure, they can waste our money directly. But they can also force us to spend money on things we would otherwise not. Two recent examples will help to clarify.

First, as everyone now knows, California has passed a law imposing the highest minimum wage in American. Over the next few years, it will rise to \$15 per hour.

The devastating impact this new law will have on California's business climate, the state's already below average employment numbers and to the economy generally is understood by all except the economically illiterate. Indeed, just a few months ago Governor Brown himself acknowledged how a rapid rise in the minimum wage

would hurt California's economy and cost taxpayers billions. His concerns were confirmed by a host of studies and analyses, including from the Legislature's own Legislative Analyst.

But the majority party in California doesn't care what damage it inflicts by having employers pay a premium for hiring. This way, politicians can claim credit with the interests that give them buckets of campaign cash while, at the same time, have someone else pay for it. What could possibly be better than to please a valued special interest by giving them OPM?

Second, California's ill-fated effort to deal with climate change has not only resulted in no measurable impact in helping the environment, but it has been horribly expensive for California's drivers. According to the Legislative Analyst, because of the cost this year of California's one-of-a-kind "cap and trade" regulation, motorists will spend an additional \$2 billion

more than they would but for this controversial program.

But again, this is just another example of government agents using OPM to satisfy their own bureaucratic desires. Not only that, well financed interests who have invested heavily in "green industries" desire to keep that gravy train rolling. And what better way to pad their own investments than having other people – *i.e.*, hardworking California citizens – pay to prop up business interests that would not be nearly so lucrative in other states.

As California continues to see an exodus of businesses, young people and retirees to other states, we can only hope that our political leadership begins to understand that the reservoir of OPM is limited. And you can't extract money from a business or person who has made the very rational decision to leave the once Golden State to a place where they are not treated like an ATM.

*Jon Coupal is president of the Howard Jarvis Taxpayers Association — California's largest grass-roots taxpayer organization dedicated to the protection of Proposition 13 and the advancement of taxpayers' rights.*

## **Big money readies for fight over tax extension**

10 Mar, 2016 By Matt Fleming



A hospital association just pumped \$12.5 million into an effort to extend a tax on top earners — a tax that's provided billions of dollars in education funding since 2012. In fact, the California Association of Hospitals and Health Systems quadrupled its

### **Health care funding**

Since Prop. 30 passed — during an economic downturn when the state was confronted with sharp budget cuts — it has largely funded education with some money bolstering the general fund, which includes some health care programs.

But the 12-year extension vying for a spot on the November ballot — two years prior to the expiration date — would add up to \$2 billion in funding per year for Medi-Cal, the state's Medicaid program. The contributions to Medi-Cal would come once other funding requirements have been met (the Prop. 2 rainy-day fund requirement and the Prop. 98 minimum education funding requirement).

### **Prop. 30**

Prop. 30 imposed a “temporary,” seven-year personal income tax increase on earnings of more than \$250,000, and a quarter cent sales tax increase for four years.

Some of the revenue went to help balance the state budget, but most went to education funding — 89 percent to K-12 and 11 percent to community colleges.

### **The extension**

The proposed extension allows the quarter cent sales tax to expire, but extends the income tax increase until 2030, securing funding far enough into the future “to provide long-term stability for our schools,” said Jennifer Wonnacott, spokeswoman for the “Yes” campaign.

“We still need this investment,” said Wonnacott. “This is about asking those who can afford to pay a little bit more to keep doing so for a little while longer.”

investment from four years ago when Prop. 30 passed. So why do hospitals care so much about education funding? Because there's billions of dollars per year in health care funding at stake.

### **Big money**

With the heavy early investment from the California Association of Hospitals and Health Systems — which only spent \$2 million to help Prop. 30 pass in 2012 — this is shaping up to be one of the costliest battles this cycle.

Prop. 30 was a \$135 million issue, one largely supported by the California Teachers Association (\$11.4 million), Service Employees International Union (\$10.7 million), Democratic State Central Committee of California (\$5 million) and the American Federation of Teachers (\$4.1 million).

In total, proponents spent \$65.6 million to pass the measure. It has generated \$13.1 billion in education funding since its passage, according to the state controller's office.

The extension measure is again supported by the California Teachers Association and Service Employees International Union, which — along with the hospitals — forms a formidable alliance. The California Teachers Association and Service Employees International Union have already given \$1.2 million on the effort.

While it won't take a formal position unless the measure qualifies for the ballot, the Howard Jarvis Taxpayers Association will make this a top target if it does qualify — the measure has reached the 25 percent mark for required signatures as of Sunday. Many political donors will also fight this measure. In 2012, Charles Munger Jr. contributed \$35 million to the “No on 30” campaign in opposition to Prop. 30, according to Ballotpedia.



**Timing**

Instead of waiting until the next cycle when the Prop. 30 income tax provision expires, proponents are banking on a favorable turnout, as Democrats vote in larger

percentages in presidential cycles than they do in midterms.

There had been competing Prop 30 extension proposals, but the efforts consolidated around this measure, said Wonnacott.

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