



COLAB SAN LUIS OBISPO COUNTY

WEEK OF JANUARY 31-FEB. 6, 2016



COLAB
San Luis Obispo County

7th
ANNUAL



DINNER & FUNDRAISER

2016 - The Year of Opportunity!



Peter Adam

Santa Barbara County Board of Supervisors Chair

How Santa Barbara and San Luis Obispo Counties
can Win the Wild West (Coast)

Friday, March 11, 2016

Alex Madonna Expo Center,
San Luis Obispo

5:15 PM - Social Hour, No Host Cocktails

6:15 PM - Filet Mignon Dinner including Wine

Exciting Auction!

LIVE BAND with Dancing!

\$125 per person / \$1100 per table of 10

Reserved seating for tables of 10

For tickets, mail your check to:

COLAB, PO Box 13601,
San Luis Obispo, CA, 93406

For more information call: (805) 548-0340

or email to COLABSLO@gmail.com

Don't Miss One of the Biggest Parties in San Luis Obispo County!
Cocktail Attire Optional

THIS WEEK

PHILLIPS 66 ACTION

**RADICAL LEFT PLANS MASS INVASION OF SAN
LUIS OBISPO FROM LA, BAY AREA, SAN JOSE,
ETC. ON FEB. 4TH, 12:00 NOON RALLY
COUNTY BUILDING
(SEE PAGE 4 FOR DETAILS)**

**PLANNING STAFF NUKES PHILLIPS 66 RAIL
SPUR PROJECT: HARD REC. FOR DENIAL
(SEE PAGE 9 FOR DETAILS)**

**MORAL, ETHICAL, ECONOMIC & SOCIAL
CONCERNS COMPEL OVERRIDE OF NARROW
STAFF DENIAL - QUALITY OF LIFE AT RISK
(SEE PAGES 11-13 FOR DETAILS)**

LAST WEEK

**WILL ADJUDICATION PREEMPT THE PASO
WATER DISTRICT?
(SEE PAGE 18)**

**APCD RETAINS ITS DIRECTOR
(MUCH ACRIMONY)
APCD ACTUALLY WILL CONDUCT CIVILITY
AND ROLE WORKSHOP ON MARCH 23RD**

SLO COLAB IN DEPTH

(SEE PAGE 19)

SO MUCH FOR THE DEATH OF SPRAWL:

America's Exurbs Are Booming

By Joel Kotkin

THIS WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, February 2, 2016 (Scheduled)

Item 12- 2016 State Legislative Platform. The Annual State Legislative Platform sets the County's policy for its position on various matters to be considered by the State Legislature and Governor. It provides direction to the County's lobbyists and insures that various department heads and other officials do not take contrary positions or wander off on their own. It also advises the County's Assemblyman and State Senator of the County's position.

Generally the Platform seeks to protect local authority and revenues. It also makes requests for specific funding, especially in the areas of transportation (roads) and water projects.

This year there are two provisions which we can heartily support:

14. Oppose any measures or legislation that reduces the super majority vote required to raise taxes from 2/3rd to 55%.

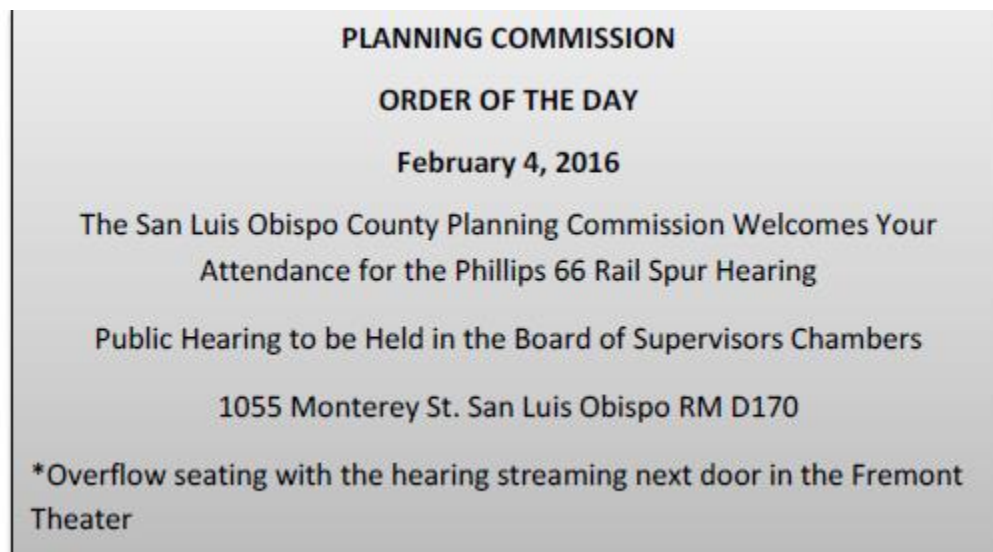
15. Oppose any legislation or initiative that proposes to modify Proposition 13. Specifically oppose any legislation or proposal that would establish a so called "Split Roll" for property tax, which would thereby reduce protections for commercial property owners.

Policy 15 is new for this year and is very important.

Item 13- Women's Jail Construction Project Update: The project continues to be plagued by cost overruns and delays.

Planning Commission Meeting of Thursday, February 4, 2016 (Scheduled)

In General: February 4th and 5th are reserved solely for consideration of the Phillips 66 Oil Company application to add a series of rail spurs on its site to accomadate the parking of rail tank cars that would deliver crude oil to the Nipomo refinery. No other permit applications or other substantive actions will be taken during these 2 meeting days. Because the issue has been seized and exploited by anti-fossil fuel groups and others, a huge crowd, including agitators from outside the community, is expected. For this reason the County has posted the following notice:



Note that the County has rented the Fremont Theater for overflow seating and will stream the proceedings on the big screen. Perhaps you can enjoy Darth Vader during the breaks. Will they have the concession stand open? A parallel notice is posted for Friday's session.

Given the potential for large crowds, including paid agitators from some of the most radical environmental, anti-private property, and anti-capitalist organizations in America, the County has set up special agenda protocols for the meetings. These are posted as **Addendum A** at the end of this Update, starting on page 23. It is likely that parking will be a problem and that 99.99% of the attendees will arrive by private, fossil fuel powered vehicles.

Radical Left Plans Huge Crowd and Rally: Here are a few examples from around the State of efforts to flood downtown SLO and the hearing:

350 Silicon Valley:

350's call for action states in part: Sign up to Carpool or be a driver at <https://www.groupcarpool.com/t/8arsxh>

On both days of the hearings, citizens will be invited to make short statements to the Planning Commission about our concerns. (Stay tuned - we will provide guidance ...)



Stop Oil Trains: This would appear to be part of 350 LA.

Event

LA BUS TICKET: Phillips 66 Oil Train Rally & Public Hearing

Pick up locations:

- Port of Los Angeles High School 250 W. 5th Street San Pedro, CA 90731
- Culver City Expo Line Station (LA Basin) 8804 Washington Blvd. Culver City 90232 with free on-site parking
- Van Nuys Metrolink Station (the Valley) 7720 Van Nuys Blvd. Van Nuys, CA 91405 with free nearby on-site parking.

Timing:

- Departing at 4:00am Port of LA High School
- Departing at 4:30am in Culver City
- Departing at 5:00am Van Nuys
- Arrive at 8:30am at Hearing (1055 Monterey St, San Luis Obispo)
- Return departure from SLO at 5pm
- Estimated Times of Return: 8:30pm Van Nuys, 9:00pm Culver City, 9:30pm Port of LA High School

Please plan to arrive 15 minutes prior to bus departures as they are on a tight schedule and want everyone boarded by the departure times.

Cost: \$20 donation ticket, \$10 donation ticket, Free Subsidized Ticket

Bathrooms: Bus will have a bathroom on board.

If you want to help phone bank to get more people on the LA bus please come to our phone-banking party

THURSDAY to help fill the bus (<http://ow.ly/XnSjg>)!
<https://facebook.com/events/797345003705355/>

On Thursday and Friday February 4 and 5, the San Luis Obispo Planning Commission will be hearing public comments on the Phillips 66 proposed expansion of a rail spur that will allow the Santa Maria Refinery Facility to process shipments of crude oil by rail. If this project is allowed to move forward by the SLO County Planning Commission, it will put the health, water, air and safety of millions of Californians at risk.

The Stop Oil Trains in SLO Campaign is comprised of neighbors, teachers, nurses, students, and allies who are working together to protect California from the threat of Phillips 66 oil trains. Key partners in Los Angeles include SoCal 350 Climate Action, Food & Water Watch, Tar Sands Action SoCal and Sierra Club

If you find yourself with questions, comments, or concerns-- Please feel free to contact us at:

Email: stopoiltrains@gmail.com

Phone Number: 805.316.0033

Forest Ethics:

GET TO THE SLO STOP PHILLIPS 66 RALLY

February 4th, 2016

What city are you coming from?

Click on a city below

Los Angeles Area

Santa Barbara & Santa Maria

San Jose

Bay Area

Los Angeles Area

DEPART 4:00am - Bus departs Culver City Expo Line Station
8804 Washington Blvd. Culver City 90232 with free on-site parking

DEPART 4:30am - Bus departs Van Nuys Metrolink Station
Van Nuys Metrolink Station (the Valley) 7720 Van Nuys Blvd. Van Nuys, CA 91405 with free nearby on-site parking.

ARRIVE 7:30am - Arrive at SLO Public Hearings (*arrival time is approximate*)
1055 Monterey St. San Luis Obispo

RALLY STARTS - 12:00pm - Mass rally outside the Planning Commission Hearings

DEPART 5:00pm - Bus departs SLO to return to Los Angeles

BUS TICKET RSVP: <http://www.brownpapertickets.com/event/2491046>

Click on the RSVP link for more details on bus tickets. We will expect to be back in Los Angeles late in the evening on February 4, so plan on being with us all day!

Santa Barbara & Santa Maria

DEPART 6:00am - Bus departs Santa Barbara Transit Center
Transit Center - Chapala St. Santa Barbara, 93101

DEPART 7:25am - Bus departs Santa Maria Home Depot (parking lot)
2120 S Bradley Rd, Santa Maria, 93455

ARRIVE 8:00am - Arrive at SLO Public Hearings (*arrival time is approximate*)
1055 Monterey St. San Luis Obispo

RALLY STARTS 12:00pm - Mass rally outside the Planning Commission Hearings

DEPART 6:00pm - Bus departs SLO to return to Santa Maria & Santa Barbara

BUS TICKET RSVP: <http://www.brownpapertickets.com/event/2491094>

Click on the RSVP link for more details on bus tickets. We will expect to be back in Santa Barbara by 7:30pm on February 4, so plan on being with us all day!

San Jose

DEPART 6:00am - Bus departs San Jose
San Jose City Hall (200 E Santa Clara St, San Jose, CA 95112)

ARRIVE 9:00am - Arrive at SLO Public Hearings (*arrival time is approximate*)
1055 Monterey St. San Luis Obispo

RALLY STARTS 12:00pm - Mass rally outside the Planning Commission Hearings

DEPART 6:00pm - Bus departs SLO to return to San Jose (*departure time is approximate*)

BUS TICKETS RSVP: <http://www.brownpapertickets.com/event/2494621>

Click on the RSVP link to sign up. We will expect to be back in San Jose in the late evening on February 4, so plan on being with us all day!

Bay Area

DEPART 4:30am - Carpool departs Hercules
Click the RSVP link below to sign up as a driver or passenger.

DEPART 5:00am - Carpool departs Richmond BART
Click the RSVP link below to sign up as a driver or passenger.

ARRIVE 9:00am - Arrive at SLO Public Hearings
1055 Monterey St. San Luis Obispo (arrival time is approximate)

RALLY STARTS 12:00pm - Mass rally outside the Planning Commission Hearings

DEPART 5:00-6:00pm - Carpool departs SLO to return to Bay Area (*departure time is approximate*)

CARPOOL RSVP: <https://www.groupcarpool.com/t/2qg3f6>

Click on the RSVP link to sign up as a passenger or driver. We will expect to be back in the Bay Area in the late evening on February 4, so plan on being with us all day!



Sierra Club-- Local Santa Lucia Chapter Ad:



Note that they are telling people to get there an hour early – 8:00 AM for a 9:00 AM meeting.

Event Public Safety: The information above and much more is available on the internet. It is strange that we have not yet (as of this writing) seen the plan for traffic and parking (remote parking and shuttles?), street closures, crowd assistance, water, first aid stations, portapotties, transit service, parking for the buses, and related matters in downtown SLO. Surely the SLO Police Department, County Sheriff, and Highway Patrol have an event operations plan. Certainly all these people can't use the restrooms in the County building or Plaza Giuseppe. Of course, if 5,000 or so Cal Poly students detect the opportunity for an outing, it even gets more interesting. Perhaps the University will suspend classes in honor of the event.

The Actual Agenda Item: The staff recommendation is summarized below:

Item 3 - Recommendation for denial of Phillips 66 Application 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.

The site is in the South County Coastal Planning Area, in the Industrial Land Use Category, and is located at 2555 Willow Road, approximately 3 miles west of the Nipomo Urban Reserve Line and approximately 3,300 feet from the nearest residence.

Every radical from Berkeley to Bagdad is celebrating the Planning staff's harsh rejection of the project. For example:

Valerie Love, an Oakland-based organizer for the Center for Biological Diversity, one of the leaders of the statewide campaign against the project, said in a statement: "This recommendation is unprecedented in how clearly it spells out the health, safety, and environmental risks of this project. Now it's up to the planning commission and the board of supervisors to heed the recommendation and reject this dangerous project once and for all."

As the Bay area's East Bay Express Weekly Newspaper reported:

Environmental activists said it's now especially important to continue their plans for a massive showing of opposition to the project at the planning commission meeting February 4. Buses and van pools from around the state will bring hundreds of protestors to the meeting to demand that the planning commission follow the staff's recommendation and reject the project.

Not surprisingly Supervisor Adam Hill (who should be scrupulously neutral since he may have to vote on the project) is quoted in the January 27th addition of the East Bay Express:

San Luis Obispo County Supervisor Adam Hill said the issue "has probably received as much attention as any project I can remember. The opposition group has been able to mobilize people throughout the county concerned about rail safety and climate change.

"It's rare that any of our land-use decisions reverberate like this," he continued. "I think [the statewide concern] is valid. I will certainly take it into consideration."

Hill had previously been quoted in the New Times Weekly Newspaper, saying:

"Ultimately, it comes down to this: Is what they're proposing appropriate for the community, or are the impacts just too great?" said District 3 Supervisor Adam Hill. "It will be interesting to see how that question is answered."

The slap in the face to Phillips is astonishing. Here is a business that has paid taxes and provided pay checks in the County and its local communities for over half of a century. In rejecting the project, the staff provides the Planning Commission and ultimately the Board of Supervisors with no ideas on how the project could be made workable. Every barrier and every potential risk attributable to the project is minutely amplified and detailed. At rock bottom the Commission would have to make findings to overturn 12 Class 1 unavoidable negative environmental impacts in order to approve the project. Key objections include:

The staff report summarizes a few of the reasons for denial as follows:

The Planning and Building Department recommends denial of the Project because the project would be inconsistent with goals and policies outlined in the County's Local Coastal Program, Coastal Zone Land Use Ordinance (CZLUO), Coastal Plan Policies, and other sections of the County's General Plan. In addition, the Project would include 11 "Class I" environmental impacts, (two of which are on the project site) and there are insufficient economic, social, technological, or other benefits of the Project to override its significant unavoidable environmental impacts.

1. The Department of Planning and Building has found the Project to be inconsistent with several goals and policies of the following plans:

- a. Coastal Zone Framework for Planning*
- b. County's Conservation and Open Space Element*
- c. Coastal Plan Policies*
- d. Safety Element*
- e. Coastal Zone Land Use Ordinance*
- f. South County Area Plan*

2. The Project would be detrimental to the health, safety and welfare of the public and the residents of San Luis Obispo County due to the increase of hazardous accidents as a result of the Project.

3. The Project includes a significant and unavoidable environmental impact with regards to cancer risk (air quality) for the population near the proposed rail spur.

4. The Project includes a significant and unavoidable environmental impact with regards to diesel particulate matter (air quality) due to an exceedance of the SLOCAPCD CEQA threshold.

5. The Project would result in 10 significant and unavoidable environmental impacts (agricultural resources, four which are air quality, biological, cultural, hazards, public services, and water resources), with regards to the mainline rail operations within the County as a result of the Project.

6. The Project would result in 10 significant and unavoidable environmental impacts (agricultural resources, four which are air quality, biological, cultural, hazards, public services, and water resources), with regards to the mainline rail operations beyond San Luis Obispo

County and throughout the State. **Note:** There are actually 12, of which 2 are problems which might occur along the rail routes outside the project area.

7. There is a lack of specific overriding economic, legal, social, technological, or other benefits of the Project that outweigh the significant effects on the environment, as would be required to approve the Project pursuant to Public Resources Code section 21081.

Ultimately the Commission would have to make findings in accord with Section 21081 of the State Resources Code to overturn the 12 Class 1 unavoidable negative environmental impacts in order to approve the project.

21081. Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

Item (3) immediately above (an opportunity for the Commission to consider overriding public interest matters - highlighted in yellow is rejected out of hand by the Planning Staff per item 7 (highlighted in green above) in the reasons for denial. The bar for the Planning Commission (and ultimately the Board of Supervisors) is thus set impossibly high.

OVERRIDING THE DENIAL RECOMMENDATION

The System is Rigged Against Industrial Projects:

Under the logic applied here, could any industrial project or major transportation project ever be approved in San Luis Obispo County or even the State of California for that matter?

Parenthetically, there is no way the Golden Gate Bridge could be approved today. By their very nature, extracting and refining minerals, smelting metals, manufacturing chemicals and durable goods, transporting hazardous raw materials, processing agricultural products, producing electricity on a large scale, producing and distributing medical gases, spraying crops, and many other essential industrial processes are inherently hazardous. But without them, the standard of living would be devastated. Civilization would collapse. What if people in all the counties of America (about 3000) decided that industrial processing is too hazardous and violated their respective general plan elements and environmental standards?

What Project Could Be Approved? The Planning Staff (government officials) say that denial of this project does not prejudice or set a precedent for some future project by Philipps 66. What does that mean? The issue is how to get more oil supply from disparate and shifting points on the north American continent to this refinery (not a refinery in Bakersfield or some other hypothetical place). This militates against permanent pipelines, since the sources are moving targets. So what does the staff actually mean? They have given no examples of projects which they believe they could recommend, let alone test their examples with financial feasibility.

You Can't Have it Both Ways: When one of the planners or one of planning commissioners or one of the members of the Board of Supervisors has a heart attack at 3:00 AM, they want the phone to work, the dispatch system to work, the ambulance to come, the lights to be on in the cardiac care unit, the hospital to be warm, the medical gases to be plentiful, the plastic oxygen mask to be ready and functioning. Each of these things and processes are currently about 86% dependent on fossil fuels. Tank cars which bring them go through Salt Lake City, Boise, Tucson, San Antonio, Sacramento, Los Angeles, Oakland, San Bernardino, and even Berkeley. To what exceptional privilege do people in San Luis Obispo County or the entire state of California for that matter, claim that they should be exempt from hosting the industrial plants, mines, oil fields, etc., which make their very lives and standard of living possible?

The Anti-Industrial Policy Is Not Only Selfish – It Is Classist and Racist: Do those who would deny this project consider themselves an elite to be served by less affluent others in other locations that must separately bear the risks of industrial society? It is not as if this project is a new refinery. Do they think it's OK for black families in Richmond (California) to have lived next to huge refineries, tanker facilities, and rail facilities for generations (and where this oil will be tankered even if this project is denied), so that they can drive their Mercedes Benzes to LAX and fly to Cabo?

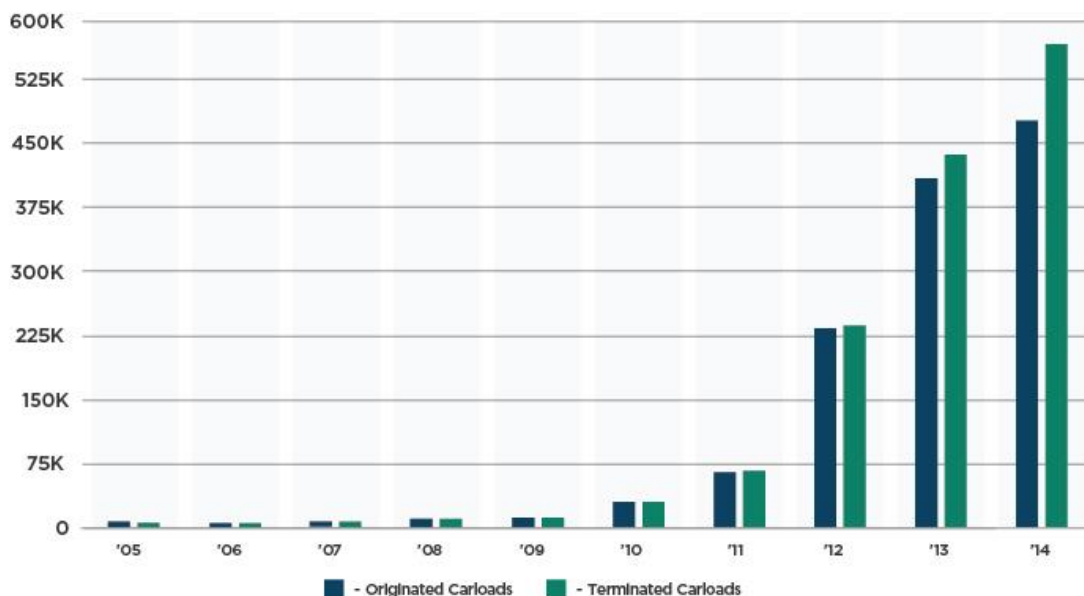
After all, they all drive cars, fly on 777's, use plastic, enjoy hot water on demand, and wear clothes made of synthetic products. Indeed they depend on a huge fleet of tanker trucks, which deliver thousands of gallons of highly volatile gasoline into their very neighborhoods and densest commercial areas every day without a second thought. At least the tank car trains run in dedicated right of ways which are often grade separated from adjacent traffic and activities.

When judged in the moral and ethical light of the benefits of an industrial civilization, civic responsibility, and material practicality, the Commission has plenty of reason to override its staff and approve the project in accordance with section 21081.

The chart below demonstrates the significantly increased amount of tank car loads of oil moving through American communities. What if they all shut it down?

RAILROADS MOVING MORE CRUDE OIL

Originations vs. Terminations, 2005-2014



America's freight railroads are supporting the nation's energy renaissance by moving domestic energy resources such as crude oil. In fact, rail shipments of crude oil have skyrocketed in recent years with railroads originating a record 493,146 carloads in 2014. In light of increased volumes of crude oil moving by rail, freight railroads have implemented new operational protocols and advocated for stronger tank car design standards, while federal regulators have issued new regulations to help ensure this important commodity is moved safely.

Notes: Data are for U.S. Class I railroads

Source: Association of American Railroads



In recent years, as U.S. crude oil output has surged, so too have carloads of crude oil on U.S. railroads. Originated carloads of crude oil on U.S. Class I railroads (including the U.S. Class I subsidiaries of Canadian railroads) rose from 9,500 in 2008 to 493,146 in 2014. Terminated carloads of crude oil on U.S. Class I railroads rose from 9,344 in 2008 to 540,383 in 2014.

From 2000 through 2014, a period during which U.S. railroads terminated 1.405 million carloads of crude oil, more than 99.99 percent of those carloads arrived at their destination without a release caused by an accident. That said, several recent rail accidents involving crude oil have led some to question railroads' ability to operate safely.

Figure 2-8 Mainline Rail Routes to the Santa Maria Refinery



Source: Adapted by MRS from UPRR maps.

Railroads are committed to keeping the public's full confidence and demonstrating that nothing is more important to railroads than the safety of their employees, their customers, and the communities they serve.

Background: There is local opposition primarily from newer Nipomo residents who are retirees who have bought into the Trilogy, Black Lake, and other planned golf communities in the area.

Separately, and as noted above, there is a huge statewide campaign to stop the project by a variety of anti-oil interests. The powerful campaign asserts that the tank car unit trains are too dangerous, will derail, explode and destroy nearby communities through which the Union Pacific tracks go. Each derailment news event is cited as evidence. School district boards, city councils, and county boards along the route have been solicited by the campaign to oppose the permit.

More recently, the County staff has decided that the fumes from the diesel engines that pull the tank cars are carcinogenic. They have also discovered large areas of environmentally at-risk plants on the site that limit the area which can be developed.

Further Background: The article below, which first appeared in the San Luis Obispo Tribune Newspaper on October 9, 2015, provides further background and a number of reasons for the Commission to approve the project.

Tactics to block oil rail extension on Nipomo Mesa provide false sense of security

By Al Fonzi

Advertising executives know that sex sells; so does fear. Fear is a hot commodity when it comes to the [Phillips 66 project](#) to build a rail extension on its Santa Maria Refinery property located on the Nipomo Mesa. It's working well in a cynical campaign to terrorize the public with the specter of exploding rail tank cars carrying innocuous crude oil to the Santa Maria Refinery.

I say innocuous because trains carrying crude oil have been transiting the county for decades, from the oil fields of San Ardo in southern Monterey County to refining facilities in Los Angeles. It's happening now. It's been happening several times a week for 20 years, and nobody notices. It's the same type of crude that Phillips 66 wants to bring in — high-sulfur crude similar to local crude oil for which the Santa Maria Refinery was specially designed.

San Ardo crude has a vapor pressure of about 1.5 psi (pounds per square inch); vapor pressure determines its volatility. The diluent (dilbit) added to the Canadian tar sands to reduce its viscosity has a psi of about 3.9. When mixed with the heavy crude Phillips 66 is attempting to transport by rail, the volatility is around 4 to 4.5, considered to be in the lower volatility range. This is only about a third of the volatility of Bakken crude, which has a psi of 11.5 to 11.8. Anything below 7 psi is considered "not volatile" and is comparable to the Outer Continental

Shelf (offshore) crude currently processed at the Santa Maria Refinery that has never posed a problem.

The California Energy Commission documents the decline in state oil production as oil field production diminishes. Accordingly, Phillips 66 and others must find other sources of crude to keep operating. Today, they're at half capacity, due in part to the shutdown of pipelines (ordered by regulators) that pump oil north to the Santa Maria Refinery. The pipelines are owned by an independent company that has a poor maintenance record, severely impacting all California oil refinery facilities, but especially the Phillips 66's facility on the Nipomo Mesa.

Some say the refinery provides no local benefit — just profits for Phillips 66.

That facility provides \$2.5 million in taxes, a \$43 million payroll, generates \$31 million in economic activity and creates 1,200 local jobs. The rail terminus is projected to add an additional \$600,000 to local tax revenue. How's that "no benefit"?

The fear campaign has convinced thousands of Californians that blocking the Phillips project will protect them from a rail disaster involving crude oil. It won't. Oil trains routinely transit the county to other destinations. Even more shipments are to be expected as demand is up and projected to continue to rise over the next 20 years, according to the California Energy Commission.

Numerous city and county government bodies have passed resolutions asking that SLO County not approve the Phillips 66 project in the hopes that will halt the "bomb trains." It won't, as the "evacuation corridors" and "blast zones" weren't established for trains carrying low volatility crude oil. They were created for really bad actors, such as liquid petroleum gas and other extremely flammable products transported under high pressure. LP gas, when released to the atmosphere, vaporizes with a 600-1 expansion ratio. An LPG explosion is catastrophic and known as a BLEVE (boiling liquid expanding vapor explosion), which can hurl a multi-ton rail car nearly a mile, creating a fireball with a quarter-mile ground flash capable of inflicting second- and third-degree burns on anyone in the open up to 1,000 feet distant. That is the reason for the "blast zones."

Tank cars hauling LPG, along with many other extremely hazardous products, routinely transit county rail lines on freight trains passing through SLO. They aren't the crude oil trains you've been told about, and they're not in any way related to the Phillips 66 project. They've been coming through for many decades and aren't subject to state or local authorities. Mostly we ignore them.

We're told there's insufficient emergency response or hazmat capability. Not true. The county has a Hazardous Materials Team, most recently employed in Atascadero two weeks ago. Fire departments have combined resources to support a multi-agency response and routinely incorporate mutual aid for any incident, even routine structure fires. Phillips 66 and the railroads conduct joint training with fire departments, with Phillips 66 funding training for local responders at national training sites. Some local fire personnel are scheduled for such training in November.

More can be done. The state has identified gaps in emergency response capability, such as caches of firefighting foam used for rail disasters. Union Pacific could provide a cache in SLO County to fill the gap, and state officials could lobby the Federal Railway Administration for slower speeds in incorporated areas, down to 35 mph maximum. Physics plays a role in emergencies; slower speed lessens the likelihood of rail accidents and container ruptures.

Sadly, the resolutions passed by so many provide not safety, but a false sense of security.

Al Fonzi wrote the first Hazardous Materials Emergency Response Plan for San Luis Obispo County in 1981. He was also a licensed hazardous materials emergency response specialist/instructor for the [Governor's Office of Emergency Services](#) for 15 years and spent 20 years as a first responder with the fire service.

LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, January 26, 2016 (Completed)

In General: There were no items of significant public policy impact.

Item 24 - Termination of the Paso Water Basin Advisory Committee. The term of the 26-member Committee was scheduled to sunset. The Committee did not request to be continued. There was much praise for the work of the Committee as well as some promotion of the proposed AB 2453 water district.

San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday, June 27, 2016 (Completed)

Item D-3: Update on Dunes Dust Mitigation. The APCD Board received reports from its staff, the State Parks staff, and the California Air Resources Board staff, which are running a joint project to see if the dust particulate can be reduced. On the surface there was much cooing about collaboration, growing native plants, and progress. It wasn't so clear if the dust is being reduced. Of course the \$64,000 question is still how much dust is natural (the background dust) and how much comes from ATV's stirring it up. A new more sophisticated computer model is being developed to try to get a better analysis of this phenomenon.

Residents who want relief see all this as a stall tactic and still want action. It's amazing that someone who is bothered by the wind and dust would continue to live in the downwind area. Some of the same residents live near the Nipomo refinery discussed above.

Item D-4: Consultant/Facilitator Proposed (\$12,000) To Make the APCD Board More Civil. The APCD Board determined that it did not wish to spend \$12,000 but might spend up to \$5,000. The entire APCD meeting of March 23, 2016 may be dedicated to this subject.

Background: This item resulted from public complaints and APCD Board embarrassment attendant to the treatment of a public speaker by Supervisor Bruce Gibson, Supervisor Adam Hill, and SLO City Mayor Jan Marx during a Board meeting last fall. The APCD Board was to take up the matter in November but kicked the can down the road – probably because it is such a hot potato.

Given that the behavior problems are pretty much confined to Supervisors Gibson and Hill, Supervisor Compton pointed out that the whole thing is a waste of time unless the Board is willing to provide sanctions for violations. Most of the rest of the members glazed over on this point, as they have been conditioned to avoid controversy and are intimidated by Hill and Gibson.

In the end Fonzi, Hamon, Marx, Smukler, Hill, Gibson and Lee voted yes. Arnold, Compton, Harmon and Waage voted no. Mecham had left.

Hill said he voted to go along but stated that the problem is much deeper than simple process and civility questions. He pointed out that there is a deep division in the culture, ... “incredibly deep.”

Telegram to Hill: You created the chasm. After all we didn’t spit on the returning Viet Nam Vets, destroy the integrity of the universities with political correctness, make it impossible for people to own homes, or a thousand other things which the left did to undermine the society.

Item D-5: Contract Extension for the Air Pollution Control Officer. The APCD Board voted to extend the Air Pollution Control Officer’s Contract by a 7/5 vote. Members Lee, Hamon, Marx, Smukler, Hill, Gibson and Wagge voted yes. Arnold, Compton, Fonzi, Harmon and Mecham voted no. There were actually 3 separate votes including the final vote. There was considerable wrangling. The APCO has both strong supporters and opponents. He may retire in 2017. It all probably depends on the 2016 elections.

Background: *The Air Pollution Control Officer’s (APCO) employment contract expires on February 1, 2016. The APCD Executive Committee met with the APCO on January 6, 2016 to discuss his performance evaluation and proposed contract renewal. The Committee voted unanimously to recommend to the full Board that the APCO contract be renewed for a period of one year, with a Cost of Living Adjustment of 4.8%, equivalent to the COLAs approved by the Board last year for APCD staff.*

Planning Commission Meeting of Thursday, January 28, 2016 (Completed)

In General: The Commission considered applications for two commercial projects, which suggests that the economy is growing and that investors and developers are becoming more active. One project is an assisted living facility in Templeton and one is a new phase of the Monarch Dunes planned community in Nipomo.

Proposed Paso Water District Powers Nullified? Santa Clara County Superior Court - Steinbeck Vineyards # 1, LLC, et al. v. County of San Luis Obispo, et al.

A trial on the issue of quiet title to the Paso Robles Groundwater Basin is underway in the Santa Clara County Superior Court. One issue, which appears to have already been settled, is the validity of the status of the overlies. Three weeks ago, the Plaintiffs (the 600 + overlies representing 20,000 acres who are seeking to protect their water rights) rested their case in chief, and the Court has made a final ruling that they have proved title to their overlying properties, and that their properties overlie a groundwater source from which the Defendants pump water. This will entitle the Plaintiffs to their quiet title, unless the Defendants can successfully prove their adverse claims. Accordingly, the burden is now entirely on the Defendants (County, Paso Robles, Templeton Community Services District, San Miguel Water District, and Atascadero Mutual Water Company).

The phase of trial that is currently underway in San Jose concerns whether the Atascadero Sub-basin should be considered a separate basin from the larger Paso Robles basin. Expert testimony from hydro-geologists for Templeton Community Services District and Atascadero Mutual Water Company (who argue that it is a separate basin) and the City of Paso Robles (who argue that it is not a separate basin) took up four full days. This issue will affect whether the water in the Atascadero Sub-basin will be considered part of the larger water supply for the Defendants' prescription claims.

Some Devastating Questions: If the proposed AB 2453 Water Management District is approved, as the newest player in the Basin, would it be last in line, after those who have filed for quiet title and the Defendant appropriators? Will it have any authority at all to regulate those landowners who successfully sued for quiet title? How would the County Counsel and the Board of Supervisors advise on this question?



Judge Peter Kirwan, Santa Clara Superior Court

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.

So Much For The Death Of Sprawl: America's Exurbs Are Booming

By Joel Kotkin

It's time to put an end to the urban legend of the impending death of America's suburbs. With the aging of the millennial generation, and growing interest from minorities and immigrants, these communities are getting a fresh infusion of residents looking for child-friendly, affordable, lower-density living.

We first noticed a takeoff in suburban growth in 2013, following a stall-out in the Great Recession. This year research from Brookings confirms that peripheral communities — the newly minted suburbs of the 1990s and early 2000s — are growing more rapidly than denser, inner ring areas.

Peripheral, recent suburbs accounted for roughly 43% of all U.S. residences in 2010. Between July 2013 and July 2014, core urban communities lost a net 363,000 people overall, Brookings demographer Bill Frey reports, as migration increased to suburban and exurban counties. The biggest growth was in exurban areas, or the “suburbier” places on the periphery.

How could this be? If you read most major newspapers, or listened to NPR or PBS, you would think that the bulk of American job and housing growth was occurring closer to the inner core. Yet more than 80% of employment growth from 2007 to 2013 was

in the newer suburbs and exurbs. Between 2012 and 2015, as the economy improved, occupied suburban office space rose from 75% of the market to 76.7%, according to the real estate consultancy Costar.

These same trends can be seen in older cities as well as the Sun Belt. Cities such as Indianapolis and Kansas City have seen stronger growth in the suburbs than in the core.

This pattern can even be seen in California, where suburban growth is discouraged by state planning policy but seems to be proceeding nevertheless. After getting shellacked in the recession, since 2012 the Inland Empire — long described as a basket case by urbanist pundits — has logged more rapid population growth than either Los Angeles and even generally healthy Orange County. Last year the metro area ranked third in California for job growth, behind suburban Silicon Valley and San Francisco.

To those who have been confidently promoting a massive “return to the city,” the resurgence of outer suburbs must be a bitter pill. In 2011, new urbanist pundit Chris Leinberger suggested outer ring suburbs were destined to become “wastelands” or, as another cheerily described them,

“slumburbs” inhabited by the poor and struggling minorities chased out of the gentrifying city.

In this worldview, “peak oil” was among the things destined to drive people out of the exurbs. So convinced of the exurbs decline that some new urbanists were already fantasizing that suburban three-car garages would be “subdivided into rental units with street front cafés, shops, and other local businesses,” while abandoned pools would become skateboard parks.

This perspective naturally appeals to people who write most of our urban coverage from such high-density hot spots as Brooklyn, Manhattan, Washington, D.C., or San Francisco. And to be sure, all these places continue to attract bright people and money from around the world. Yet for the vast majority, particularly families, such places are too expensive, congested and often lack decent public schools. For those who can’t afford super-expensive houses and the cost of private education, the suburbs, particularly the exurbs, remain a better alternative.

Even as Houston, like other Sun Belt cities, has enjoyed something of a renaissance in its inner core, nearly 80% of the metro area’s new homebuyers last year purchased residences outside Beltway 8, which is far to west of the core city.

If you want to know why people move to such places, you can always ask them. On reporting trips to places like Irvine, California, Valencia, north of Los Angeles, or Katy, out on the flat Texas prairie 31 miles west of Houston, you get familiar answers: low crime, good schools and excellent access to jobs. Take Katy’s Cinco Ranch. Since 1990, the planned community has grown to 18,000 residents

amid a fourfold expansion in the population of the Katy area to 305,000.

To some, places like Cinco Ranch represents everything that is bad about suburban sprawl, with leapfrogging development that swallows rural lands and leaves inner city communities behind. Yet to many residents, these exurban communities represent something else: an opportunity to enjoy the American dream, with good schools, nice parks and a thriving town center.

Nor is this a story of white flight. Roughly 40% of the area’s residents are non-Hispanic white; one in five is foreign born, well above the Texas average. Barely half of the students at the local high school are Caucasian and Asian students have been the fastest-growing group in recent years, with their parents attracted to the high-performing schools.

“We have lived in other places since we came to America 10 years ago,” says Pria Kothari, who moved to Cinco with her husband and two children in 2013. “We lived in apartments elsewhere in big cities, but here we found a place where we could put our roots down. It has a community feel. You walk around and see all the families. There’s room for bikes—that’s great for the kids.”

Here Come The Millennials

Potentially, the greatest source of exurban and peripheral revival lies with the maturation of the millennial generation. Millennials — born between 1982 and 2002 — are widely portrayed as dedicated city dwellers. That a cohort of young educated, affluent people should gravitate to urban living is nothing new. The roughly 20% who, according to an analysis by demographer Wendell Cox, live in urban cores may be brighter, and certainly more

loquacious, than their smaller town counterparts, dominating media coverage of millennials. But the vast majority of millennials live elsewhere — and [roughly 90%](#) of communities' population growth that can be attributed to millennials since 2000 has taken place outside of the urban core.

To be sure, millennials are moving to the suburbs from the city at a lower rate than past generations, but this is more a reflection of slower maturation and wealth accumulation.

According to U.S. Census Bureau data released last month, 529,000 Americans ages 25 to 29 moved from cities out to the suburbs in 2014 while 426,000 moved in the other direction. Among younger millennials, those in their early 20s, the trend was even starker: 721,000 moved out of the city, compared with 554,000 who moved in.

This may well reflect rising cost pressures, as well as lower priced housing many millennials can afford. Three-quarters, according to one [recent survey](#), want a single-family house, which is affordable most often in the further out periphery.

Future trends are likely to be shaped by an overlooked fact: as people age, they change their priorities. As the economist Jed Kolko has [pointed out](#), the proclivity for urban living peaks in the mid to late 20s and drops notably later. Over 25% of people in their mid-20s, he found, live in urban neighborhoods; but by the time they move into their mid-30s, it drops to 18% or lower. In 2018, according to Census estimates, the number of millennials entering their 30s will be larger than those in their 20s, and the trend will only get stronger as the generation ages.

Some might argue that millennials will be attracted to more urban suburbs, places like Bethesda, Md.; Montclair, N.J.; or the West University or Bellaire areas of Houston, all of them located near major employment centers with many amenities. These suburban areas are also among the most expensive areas in the country, with home prices often in the millions. And a number of older inner ring suburbs, as we saw in the case of Ferguson, [are troubled](#) and have lost population — even as the number of residents in downtown areas have grown

So when millennials move they seem likely to not move to the nice old suburbs, or the deteriorating one, but those more far-flung suburban communities that offer larger and more affordable housing, good schools, parks and lower crime rates.

Among the research that confirms this is a [study released this year](#) by the Urban Land Institute, historically hostile to suburbs, which found that some 80% of current millennial homeowners live in single-family houses and 70% of the entire generation expects to be living in one by 2020..

The Future Of Exurbia

Far from being doomed, exurbia is turning into something very different from the homogeneous and boring places portrayed in media accounts. For one thing exurbs are becoming increasingly ethnically diverse. In the decade that ended in 2010 the percentage of suburbanites living in “traditional” largely white suburbs [fell from 51% to 39%](#). According to a 2014 University of Minnesota report, in the 50 largest U.S. metropolitan areas, 44% of residents [live in racially and ethnically diverse suburbs](#), defined as between 20% and 60% non-white.

And how about the seniors, a group that pundits consistently claim to be heading back to the city? In reality, according to an analysis of Census data, as seniors age they're increasingly unlikely to move, but if they do, [they tend to move out of urban cores](#) as they reach their 60s, and to less congested, often more affordable areas out in the periphery. Seniors are seven times more likely to buy a suburban house than move to a more urban location. A National Association of Realtors [survey](#) found that the vast majority of buyers over 65 looked in suburban areas, followed by rural locales.

Trends among millennials, seniors and minorities suggest that demographics are in the exurbs' favor. The movement to these areas might be accelerated by their growing sophistication, as they build amenities long associated with older cities, such as town centers, good ethnic restaurants and shops, diverse religious institutions and cultural centers. At the same time, the growth of home-based business — already larger than

transit ridership in two-thirds of American metropolitan areas and growing much faster — increases [the need for larger homes](#) of the sort found most often in the outer rings.

Rather than regard these communities as outrages to the urban form, planners and developers need to appreciate that peripheral developments remain a necessary part of our evolving metropolitan areas. With a new generation looking for affordable homes, good schools and low crime, it seems logical that many will eventually leave core cities that offer none of the above. The future of exurbia is far from dead; it's barely begun

This article first appeared in Forbes Magazine on November 3, 2015. Joel Kotkin: Joel Kotkin is a fellow in urban studies at Chapman University in Orange, California. He writes about demographic, social, and economic trends in the U.S. and internationally.



ADDENDUM A

Thursday February 4, 2016



PLANNING COMMISSION

ORDER OF THE DAY

February 4, 2016

The San Luis Obispo County Planning Commission Welcomes Your
Attendance for the Phillips 66 Rail Spur Hearing

Public Hearing to be Held in the Board of Supervisors Chambers

1055 Monterey St. San Luis Obispo RM D170

*Overflow seating with the hearing streaming next door in the Fremont
Theater

9:00 AM ROLL CALL & FLAG SALUTE

1. PUBLIC COMMENT: For items *NOT* listed on today's agenda, 3 minutes per person.
2. PLANNING COMMISSION SECRETARY INTRODUCES AGENDA ITEM
3. CHAIRPERSON TO ANNOUNCE HEARING PROTOCOL AND INTRODUCTORY REMARKS
4. STAFF PRESENTATION – Approximately 30 minutes
5. APPLICANT PRESENTATION – Approximately 30 minutes

10:30 – 10:45 AM Morning Recess

6. COMMENT TIME RESERVED FOR ELECTED OFFICIALS AND AGENCY REPRESENTATIVES – 1.5 hours reserved for this time. Officials are granted 3 minutes each to speak, however if this time is not used completely, public comment will start immediately after. All speakers must obtain a speaker slip. Special speaker slips will be given to elected officials and agency representatives (i.e. Mayor, City Council Members, Board of Supervisors Members from other jurisdictions, Fire Chief) in order to speak during this time. Speaker slips will be available in the Fremont Theater which will be used as overflow seating. Please bring your business card and ID for pick up of this special speaker slip.

12:00 – 1:30 PM LUNCH

7. PUBLIC COMMENT - This could start before the lunch hour. This will likely take several days depending on how many people wish to speak. All speakers must obtain a speaker slip available in the Fremont Theater. Each speaker slip will have a number on it. If you don't have a seat in

the chambers, and if you are one of the first twenty speaker numbers please line up at one of the two podiums in the Board of Supervisors Hearing Chambers. The next twenty speakers are on deck and will come in after the first twenty are complete etc. It is likely that the Commission will be able to hear approximately 50- 60 speakers in the afternoon after lunch.

3:00 – 3:15 PM Afternoon Recess

8. PUBLIC COMMENT CONTINUED

5:00 PM Adjourn Meeting – Continue to February 5, 2016

The following items will occur on a future date after close of ALL public comment:

9. STAFF RESPONSE POST PUBLIC COMMENT

10. QUESTIONS FROM COMMISSION

11. OTHER AGENCIES AVAILABLE FOR COMMISSION QUESTIONS (e.g. Cal Fire, and APCD)

12. PLANNING COMMISSION DELIBERATIONS

13. PLANNING COMMISSION DECISION

*Information regarding any potential future hearing dates will be posted on the San Luis Obispo County Department of Planning and Building Website www.sloplanning.org.

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FRIDAY February 5, 2016 SCHEDULE

9:00 AM ROLL CALL & FLAG SALUTE

1. PUBLIC COMMENT: For items *NOT* listed on today's agenda, 3 minutes per person.
2. PLANNING COMMISSION SECRETARY INTRODUCES AGENDA ITEM
3. CHAIRPERSON TO ANNOUNCE HEARING PROTOCOL AND INTRODUCTORY REMARKS
4. PROCEDURAL UPDATES FROM STAFF
5. COMMENT TIME RESERVED FOR ELECTED OFFICIALS AND AGENCY REPRESENTATIVES – 1.5 hours reserved for this time. Officials are granted 3 minutes each to speak, however if this time is not used completely, public comment will start immediately after. All speakers must obtain a speaker slip. Special speaker slips will be given to elected officials and agency representatives (i.e. Mayor, City Council Members, Board of Supervisors Members, Fire Chief) in order to speak during this time. Speaker slips will be available in the Fremont Theater which will be used as overflow seating. Please bring your business card and ID for pick-up of this special speaker slip.

10:30– 10:45 AM Morning Recess

6. PUBLIC COMMENT - This will likely take several days depending on how many people wish to speak. All speakers must obtain a speaker slip available in the Fremont Theater. Each speaker slip will have a number on it. If you don't have a seat in the chambers, and if you are one of the first twenty speaker numbers, please line up at one of the two podiums in the Board of Supervisors Hearing Chambers. The next twenty speakers are on deck and will come in after the first twenty are complete etc.

12:00 – 1:30 PM LUNCH

7. PUBLIC COMMENT - Continued

3:15 – 3:30 PM Afternoon Recess

CONTINUED ON NEXT PAGE

8. PUBLIC COMMENT - Continued

5:00 PM Adjourn Meeting – Continue to a date certain determined by the Commission

The following items will occur on a future date after close of ALL public comment:

9. STAFF RESPONSE POST PUBLIC COMMENT
10. QUESTIONS FROM COMMISSION
11. OTHER AGENCIES AVAILABLE FOR COMMISSION QUESTIONS (e.g. Cal Fire, and APCD)
12. PLANNING COMMISSION DELIBERATIONS
13. PLANNING COMMISSION DECISION

*Information regarding any potential future hearing dates will be posted on the San Luis Obispo County Department of Planning and Building Website www.sloplanning.org.



DID YOU EVER STOP HERE FOR GAS AND A COKE?

WHERE DO YOU THINK THE GAS COMES FROM?

HOW DOES IT GET TO THE GAS STATION?

DO YOU WANT TO GET YOUR GAS FROM THESE GUYS?

