



COLAB SAN LUIS OBISPO WEEK OF MARCH 12 - 18, 2017



COLAB
San Luis Obispo County

8th
ANNUAL



DINNER & FUNDRAISER

CELEBRATE SUCCESS - REINFORCE REFORM

Thursday, March 30, 2017



Lynn Compton
District 4 Supervisor
San Luis Obispo County



John Peschong
District 1 Supervisor
San Luis Obispo County



Debbie Arnold
District 5 Supervisor
San Luis Obispo County



Jordan Cunningham
Assemblyman
CA 35th Assembly District

Alex Madonna Expo Center, San Luis Obispo

5:15 PM - Social Hour, No Host Cocktails

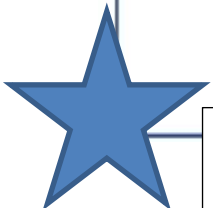
6:15 PM - Filet Mignon Dinner including Wine

Exciting Auction!

\$120 per person / \$1200 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



**CALL (805) 548-0340
FOR INDIVIDUAL
TICKETS & TABLES**

THIS WEEK

**BOS PHILLIPS 66 RAIL SPUR DENIAL APPEAL
MEGA MEETING – 9AM MONDAY MARCH 13**

LAST WEEK

**HILL GETS NASTY AND PERSONAL /GIBSON TURNS
PROSECUTORIAL**

**MILLIONS IN NIPOMO DEVELOPMENT MITIGATION FEES
SENT TO COASTAL AND MIDDLE COUNTY- COMPTON
LASHED BY GIBSON AND HILL FOR COMPLAINING
(BUT SHE GOT ACTION FOR HER CONSTITUENTS)**

**BOARD MAJORITY: NO NEW TAXES FOR GROUNDWATER
MANAGEMENT PLANNING**

**GIBSON AND HILL THREATEN STATE CONTROL OF RURAL
RESIDENTS IF THEY WON'T VOTE FOR NEW TAXES**

**SHORT TERM VACATION RENTALS ON WILLIAMSON ACT
LAND OK'D WITH SOME LIMITS**

**SUPPORT FOR CARBAJAL ANTI-OIL BILL APPROVED IN
FINAL ACTION 3/1/0**

SLO COLAB IN DEPTH

(SEE PAGE 24)

Our Whale Of A Congressman

BY ANDY CALDWELL

THIS WEEK'S HIGHLIGHTS

Special Board of Supervisors Meeting of Monday, March 13 - Friday 17, 2017 (Scheduled)

Agenda Mistake?

No period for general public comment is listed. This would violate the Open Meeting law. We suspect that once they discover the mistake, it will be set for 9:00 AM sharp. The room will be full of elected leftist public officials, leaders of all the major enviro organizations, and many imported agitators from the Bay area and elsewhere. They will be impatient to get on with the Phillips hearing.

PHILLIPS 66 APPEAL



Special Single Item Meeting - No Item Number. Hearing to consider appeals by Phillips 66 and Jeff Edwards of the Planning Commission's denial of a Development Plan/Coastal Development Permit to allow for construction of 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 which would allow three trains per week to deliver heavy crude to the refinery. The Planning Commission denied Phillip's application for the addition of 5 rail spur tracks for the parking and unloading of tank cars bringing crude oil to the refinery. The vote was 3/2 after a process which consumed 4 years and unknown millions of dollars. The refinery has been operating for more than 60 years at the Nipomo location without incident. Neighbors of area residential areas that have developed in recent decades are naturally opposed to the expansion of the refinery's capacity and would prefer that industrial uses in the area eventually go away. In fact a good many state that it is the County's fault for zoning in the residential uses where they now live. They rationalize that since the County permitted the residential development, it should prohibit expansion of the refinery loading area.

Actually, several years ago the County did approve increased production throughput (of more oil) than had been permitted in the past. The alleged problem at this point is that much of the oil would be delivered by tank cars rather than pipeline.

Now, the County staff and the Planning Commission provide 31 reasons (noncompliance with County General plan goals and rules) for denial of the proposed project. In each of the items below, the County asserts that approval of the Phillips 66 application would violate the sections (called elements) of its Land Use Plan. It is hard to believe, given the scope and intensity of these listed barriers to approval, that the Planning staff did not know that the permit would in all likelihood have to be rejected under their own interpretations. Nevertheless, they allowed Phillips to pursue a time consuming and costly process when they must have known in their own minds that they would most certainly recommend rejection in the strongest terms. Was there any preliminary evaluation?

- 1. CZLUO Section 23.07.170, Environmentally Sensitive Habitats (ESHA)*
- 2. Coastal Plan Policies: Environmentally Sensitive Habitats, Sensitive Habitats, Policy 1, Land Uses Within or Adjacent to Environmentally Sensitive Habitats*
- 3. Coastal Plan Policies: Environmentally Sensitive Habitats, Sensitive Habitats, Policy 29, Protection of Terrestrial Habitats*
- 4. Coastal Plan Policies: Environmentally Sensitive Habitat Area Policy 36, Protection of Dune Vegetation*
- 5. Framework for Planning: Land Use Goal 4, Land Use Compatibility*
- 6. Framework for Planning: Strategic Growth Goal 1 Objective 2 Air Quality*
- 7. Framework for Planning: Sensitive Resource Area General Objective 1*
- 8. Conservation and Open Space Element: Air Quality Policy AQ 3.2 Attain Air Quality Standards*

- 9. Conservation and Open Space Element: Air Quality Policy AQ 3.3 Avoid Air Pollution Increase*
- 10. Conservation and Open Space Element: Air Quality Policy AQ 3.4 Toxic Exposure*
- 11. Conservation and Open Space Element: Air Quality Policy AQ 3.5 Equitable Decision Making*
- 12. Conservation and Open Space Element: Biological Resources Policy 1.2 Limit Development Impacts*
- 13. Conservation and Open Space Element Air Quality Goal AQ 3: Implementation Strategy AQ 3.6.1 Identify Health Risks to Sensitive Receptors*
- 14. Conservation and Open Space Element Biological Resources Policy BR 1.15 Restrict Disturbance in Sensitive Habitats during Nesting Seasons*
- 15. Conservation and Open Space Element: Non Renewable Energy Facility Siting Policy E 7 Design, siting and operation of non-renewable energy facilities*
- 16. Conservation and Open Space Element Non Renewable Energy Facility Siting Policy E.7.1. Non Renewable Energy Facility Siting Policy*
- 17. South County Coastal Area Plan: Land Use Rural Area Industrial*
- 18. South County Coastal Area Plan: Industrial Air Pollution Standards*
- 19. Framework for Planning Land Use Goal 4 Neighborhood Compatibility*
- 20. Framework for Planning Strategic Growth Goal 1 Objective 2 Air Quality object to ensure safe air quality*
- 21. Framework for Planning Combining Designations, Sensitive Resource Areas General Objective 1*
- 22. Framework for Planning: Strategic Growth Goal 1 Preserve Resources*
- 23. Framework for Planning: Strategic Growth Goal 1 Objective 4 Agriculture*
- 24. Framework for Planning: Land Use Goal 2 Preserve Agriculture*
- 25. Coastal Plan Policies: Chapter 6 Environmentally Sensitive Habitats, Coastal Streams Policy 20*
- 26. Coastal Plan Policies: Chapter 7 Agriculture Policy 1*

27. Coastal Plan Policies: Chapter 12, Archaeology Policy 1, Protection of Archaeological Resources

28. Safety Element: Chapter 4, Fire Safety Goal S-4, Reduce the threat to life, structures and the environment

29. Safety Element: Chapter 4, Fire Safety Goal S-4, Reduce the threat to life, structures and the environment Safety Element: Chapter 4, Fire Safety Goal S-4, Reduce the threat to life, structures and the environment Safety Element: Chapter 4, Fire Safety Goal S-14.

30. Safety Element Hazardous Materials Policy S-26 and Program S-68

31. Safety Element: Chapter 6, Other Safety Issues Goal S-6, Reduce the Potential for harm to individuals and damage to environment from hazards.

The full agenda package, analysis, and detailed findings can be found at the web site:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/Proposal.html?select=7111>

The Nipomo opponents argue that that since there are residential enclaves bordering the Nipomo industrial zone, their preferences should rule. If this principle is validated, is any change (particularly a new plant) at any business in the county safe? After all, this is an industrial zone, and the plant abuts a mainline national railroad. It has been zoned industrial since the County adopted zoning in the first place.



Does this mean that if someone builds some new condos next to the railroad in SLO, the railroad should eventually be shut down? The new condos under construction off Orcutt Road on Sacramento St. are located adjacent to the railroad, which carries tank cars containing not only crude oil, but all sorts of hazardous materials every day. The last unit in the picture above is about 50 ft. from the track.

Opposition is not limited to area residents. In fact a massive statewide campaign vilifying Phillips and the fossil fuel industry has been mobilized to frighten San Luis Obispo officials and residents into opposing the permit.

This is NOT about Safety: Tank cars containing oil, ammonium hydroxide, sulphuric acid, chlorine, and many other dangerous substances have rolled through the area every day for a century. A massive statewide opposition movement, undergirded by anti-industrial and anti-fossil fuel radicals, has framed the issue as exploding tank cars in an urban area. As we have pointed out previously:

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. 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.

How many additional tank cars per year are too many? Is one more too many? What about 50? Three trains per week (the current proposal) of 80 cars adds up to 240 cars per week, or 12,480 per year. As noted in the text above, 99.99 percent of all tank carloads of crude oil in America reach their destination without incident. Thus only .01% are involved in some problem. The number within the .01%, which actually spill something or catch fire, is statistically very small (some part of .01%). Say for discussion purposes – it's .005. The risk would be $.005 \times 12,480$, or up to 62 of the tank cars might have a serious accident somewhere along the route from the Midwest, Texas, or wherever to Nipomo. For most of these routes the trains are passing through sparsely populated prairies, mountains, and deserts. Accordingly, the chance of a serious incident taking place in an urban area is statistically even more remote.

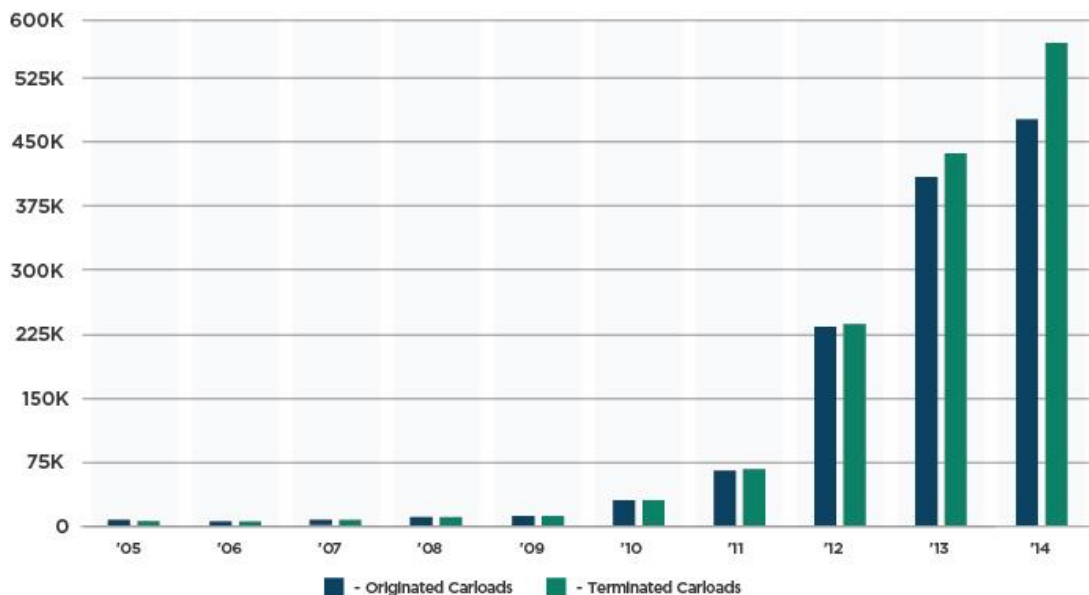
Of course these numbers also apply to the other potential less catastrophic incidents such as spills into watercourses, agricultural fields, and other land uses, which are noted in the EIR.

Were the Board to deny the project on this basis, it would essentially be setting a standard that the project must have absolutely no risk – a 100% chance of no risk. Applying such a standard would be unreasonable and capricious in the extreme. The fact that the neighbors don't like the project or that a noisy group of radicals wishes to destroy the fossil fuel industry (and perhaps the civilization in the process) should not have a bearing on the Commission's decision.



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



The same opponents have totally ignored the risk of the over 12.3 billion gallons of gasoline that are delivered each year into California cities and towns (including very dense urban settings) by tandem gasoline tanker trucks. Millions of individuals are handling gasoline in a variety of risky settings and not everyone is careful. Any ignition source here could be disastrous, especially if the gasoline tanker truck is at the station at the same time making a delivery.



How many times per day do you think this happens all over the State? None of the opponents are hysterical about all the gasoline in their communities. Why are they picking on the Phillips project? Put these pictures together with a little wind and a loose ash. In making its decision the Planning Commission should use real statistics, not politicized emotion.



The Project:

A schematic of the track configuration is displayed on the page below.

Figure 2-4 Proposed Rail Track Line Diagram

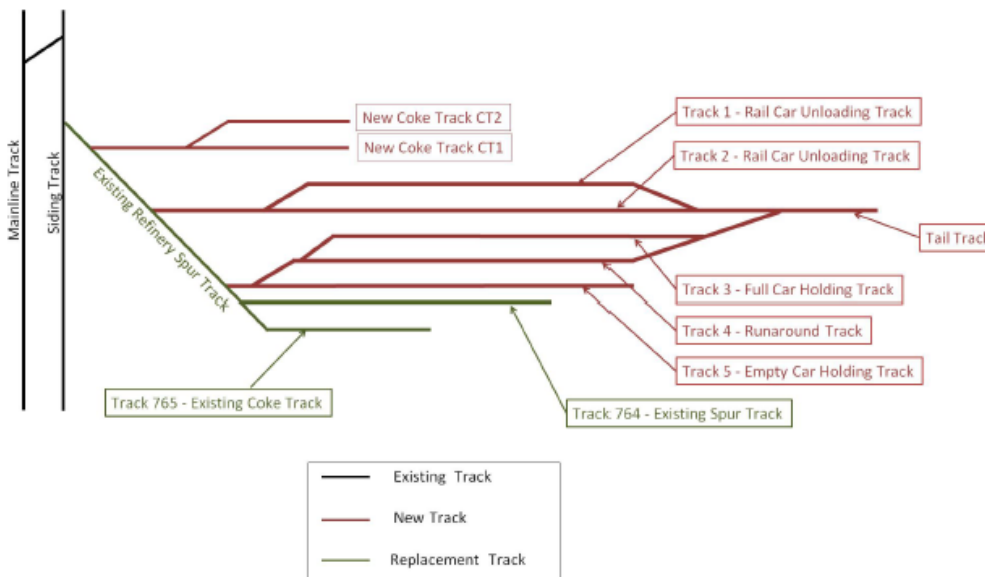
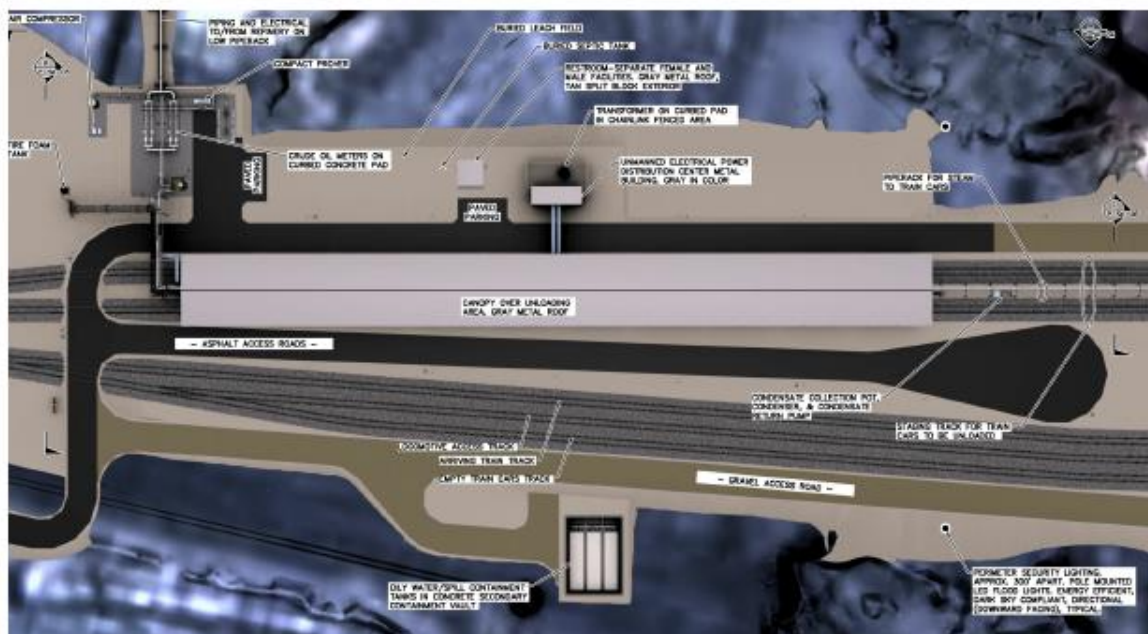


Diagram is not to scale.

Source: Developed by MRS from Union Pacific Rail Track Drawings. See Appendix A.

The rendering below shows the configuration as it would look from the air. Note that the actual unloading tracks are covered.

Figure 2-6 Plot Plan of Rail Unloading Facility

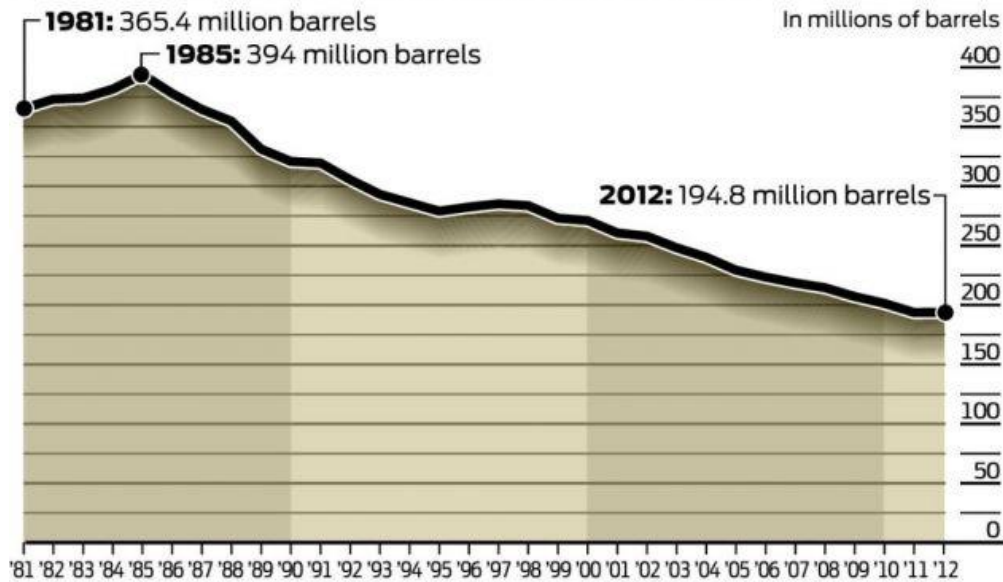


Source: Phillips 66 updated drawing, 2014.

As illustrated in the chart below, California refineries are becoming increasingly dependent on imported oil as existing oil fields in the State are pumped out. Where is Phillips to get its oil? It

is unlikely that SLO County will permit the development of new oil fields, let alone promote such development.

California field production of crude oil

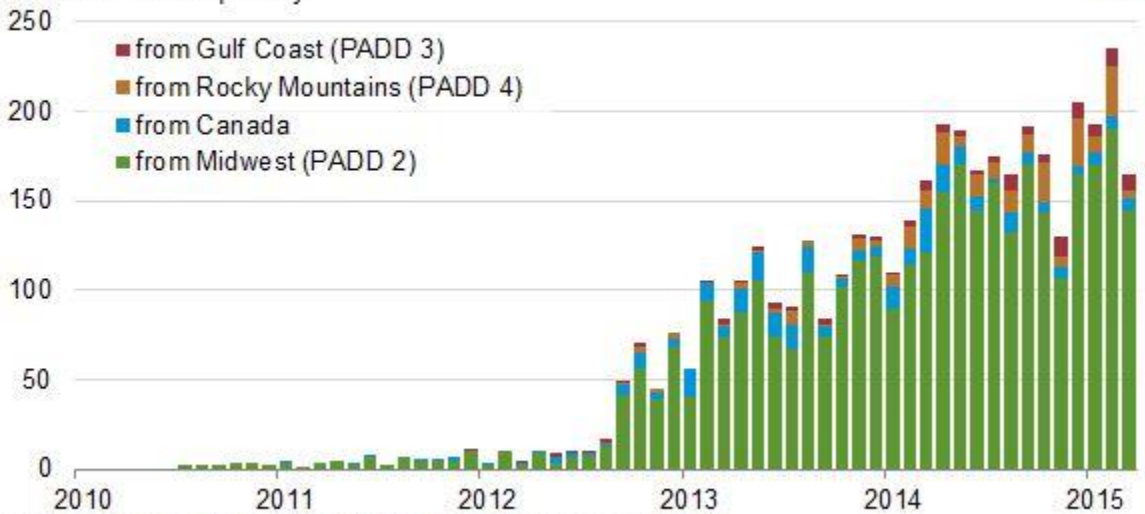


Source: U.S. Energy Information Administration

John Blanchard / The Chronicle

Crude oil supplied by rail to West Coast (PADD 5)

thousand barrels per day



Source: U.S. Energy Information Administration, *Petroleum Supply Monthly*

Background - We Repeat:

Last year the Planning staff recommended the denial of the project in the most didactic terms. The Planning Commission then denied the project on a 3/2 vote.

Under the logic as 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 violates 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 is currently about 86% dependent on fossil fuels. Tank cars that 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 Elitist: Do those who would deny this project consider themselves members of an elite group, to be served by less affluent others in distant 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 families in Richmond (California), who 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 the elite can drive their Mercedes Benzes to LAX and fly to Cabo?

After all, they all drive cars, fly on 777s, 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 Board has plenty of reason to override its staff and the Planning Commission and approve the project in accordance with section 21081 (the crucial legal criteria by which the project must be approved or denied under State law).

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.

Details of the agenda file, including the Board letter and the extensive attachments, can be viewed at the link:

<http://agenda.slocounty.ca.gov/agenda/sanluisobispo/Proposal.html?select=7111>

The County announcement detailing the hearing procedures is displayed below.



SEE ATTACHED HEARING PROCEDURES BELOW

IF THE HEARING IS NOT COMPLETED ON MARCH 13, 2017, IT MAY BE CONTINUED EACH DAY THROUGH FRIDAY, MARCH 17TH IF NECESSARY. ALL MEETINGS WILL BEGIN AT 9AM IN THE BOARD OF SUPERVISORS CHAMBERS

MARCH 13, 2017 PHILLIPS 66 APPEAL HEARING PROCEDURES

The Board of Supervisors welcomes your participation in this hearing. It is recognized that there will be many people wishing to speak. Staff has suggested the following hearing procedures to ensure an open, respectful, fair, and legal hearing. It is anticipated that the Board Chairperson will follow the procedures as described below. However, depending on circumstances, the Board of Supervisors could make adjustments to these procedures. Any changes or adjustments will be clearly explained and announced to the public. Thank you for your interest in the County of San Luis Obispo.

SPEAKER SIGN-UP FOR PHILLIPS 66 APPEAL HEARING

- ☐ All persons wishing to speak on the Phillips 66 Appeal Hearing item must first sign-up at one of the tables labeled "Speaker Sign-Up" inside the Fremont Theatre, which is located at 1035 Monterey Street, San Luis Obispo.
- ☐ Speaker sign-up will only occur between 8:00AM and 4:30PM on March 13 2017. If the Board does not complete the hearing on March 13, 2017, the hearing may be continued to March 14, 2017, and possibly throughout the rest of the week. 'Signed-up speakers' who did not have an opportunity to speak on March 13th, can come back and speak at the continued hearing. It is important to note that no additional speaker sign-ups will occur on the 'continued hearing' days.
- ☐ Speakers will be signing up to speak for: one minute, two minutes, or three minutes. In order to accommodate all speakers, please limit your comments to the allotted time for which you have signed up.
- ☐ Each person will be limited to request one name for sign-up.

☐ If you wish to submit digital information such as a PowerPoint or digital photos as part of your presentation, please indicate this to staff when signing up to speak. Flash drives will need to be labeled with your speaker number (provided by staff) and turned in to staff before speaking. The flash drive will not be returned because the information will need to be retained for the record.

If the permit is denied by the Board of Supervisors, what happens if Phillips returns with an application for receiving the oil by construction of a new pipeline? Will the company be put through another multi-year, multi-million dollar application process only to find out that it too is impossible? Phillips has been a resident employer of the County for over 60 years, paying millions of dollars in taxes and providing economic base jobs that in turn generate 3 to 5 other jobs in the economy. What a shabby way for them to be treated.

LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, March 7, 2017 (Completed)

Item 13 - Public Facility Financing Plan (PFF)/ Hill and Gibson's Disrespect for the Public/ Gibson and Hill's attacks on Supervisors Compton and Arnold. The Board voted 4/1 (Hill dissenting and Gibson grumbling) to direct staff to get busy and bring forward some previously stalled parks development projects in the Nipomo area. See the Background Section below for the technical and financial details. We repeat it from last week because the whole thing doesn't make sense without the information.

The New News: Significantly and separately from the actual policy substance of the matter, Supervisors Hill and Gibson once again confirmed their arrogance, disdain for the public, and

outright hostility towards anyone who disagrees with them. There were two separate instances where this behavior was manifest.

1. Disrespect for and Intimidation of the citizens: It turned out that Compton's complaints about allocation of park and other capital funding had galvanized some of the Nipomo area citizens, who showed up. There were 45 speakers, of which 41 pled with the Board to redress the issues detailed in the background section below on page 18. There were also people from the SLO County Bicycle Coalition pleading that the funding for the Bob Jones Trail not be diverted to help Nipomo, a matter which had never been contemplated, let alone proposed. Is it possible that Hill riled them up?

Rudely, and before the people were permitted to have public comment, both Hill and Gibson publically accused Compton of fomenting the issue and misleading the public. Even more bizarrely, they accused the public (they had received emails) of being misinformed and even making improper statements. Mind you, they had not even started the public comment, which turned out to be very polite and respectful of all the Supervisors including Hill and Gibson. Some of the comments included:

Gibson:

I disagree that they (the Nipomo residents) have been slighted.

Any injustice has been a manufactured impression.

They have been given a skewed impression.

There is no injustice here.

Hill:

People have been deliberately manipulated.

Gibson:

Lynn Compton has agitated the people in Nipomo.

Hill:

Made up stories.

Compton spread misinformation, ...misinforming...

2. Hill's Attack on Compton: After the public comment and a lunch break, the scene became dismally worse.

The SLO New Times weekly newspaper Shredder column under the headline, “Shame On You,” detailed Hill’s bizarre behavior. It should be noted that the column contained other subjects including criticism of President Trump and others unrelated to this matter. Thus it is not clear exactly to whom the headline refers.

A portion of the March 9, 2017 column is quoted below:



*Both Hill and fellow liberal **2nd District Supervisor Bruce Gibson** were less than enamored by the way conservative **4th District Supervisor Lynn Compton** got her discussion of proposed Nipomo-area parks on the agenda, but Hill went apoplectic, accusing Compton of lying and agitating the public with said lies, leading to a gaggle of Nipomoites showing up at the meeting to decry the lack of spending for public amenities.*

“I think when you make accusations that are deliberately meant to inflame the members of a community, this is dangerous,” Hill shot at Compton.

Their “discussion” eventually devolved into Hill saying, “Shame on you for your lies!” and Compton responding, “Shame on you!”

Oh, grow up!

*Look, let’s be real. **Nipomo** has been less than engaged in securing funding and lobbying for itself, so one reason it doesn’t have enough recreational facilities is due to its own inaction, but Compton is on the case now, and she has a pretty startling statistic to show that Nipomo hasn’t been getting its fair share of funds.*

A staff report shows that in the past 12 years, the South County generated \$10.88 million in certain development fees but only received \$2.02 million of those fees to spend. Meanwhile, the Coastal Zone generated \$2.23 million in fees but received \$8.2 million in expenditures, and SLO Town generated \$1.7 million in fees but received \$9.65 million in expenditures. Gibson and Hill’s districts are largely represented in those two well-funded areas.

*Does that mean the two liberal supes are misappropriating funds? Nope. They followed the rules, according to **Rita Neal**, who serves as county counsel.*

“I realize you can do that,” Compton asserted. “I just think it’s not fair.”

It sure doesn’t seem fair, and maybe Compton’s approach to furthering her agenda has been unorthodox, but you have to admire her tenacity in lobbying for her constituents.

Or maybe all that funding for the Coastal Zone and SLO Town means Gibson and Hill are kickass supes who know how to bring home the bacon to their districts!

*Yeah, maybe, but we're all citizens of SLO County, and I do leave SLO Town occasionally and would love to drive down to the **Jim O. Miller Memorial Park** or the **Jack Ready Imagination Park** or an expanded **Dana Adobe** or a **new skate park in Nipomo** ... except they aren't there and neither was even the hint of needed money to develop and build them ... until now! Now there's a hint.*

Hill and Gibson can bitch and moan that they didn't like the way Compton has gone about politics, but guess what? She got 'er done! Sometimes strong-arming works out.

Sometimes it makes you look like an unprofessional jerk.

Background: This is a report that was requested by Supervisor Compton after she discovered that public facility fees generated in the south county (primarily Nipomo) were spent outside the area where they were generated. Public facility fees are a type of tax called an exaction, which are levied on new development to offset the capital costs (new fire houses, parks, police stations, libraries, etc.) that are needed as a result of the development. The write-up states in part:

The PFF Program is a financing mechanism by which the County can collect fees to offset the costs associated with providing new public facilities to accommodate new growth and development. County facilities provide services for the benefit of all county residents and employees, which is known as the service population. As the service population increases, so does the demand for County facilities. As developers build new homes and non-residential buildings, the County must provide proportional amounts of facilities to serve this new development if it is to maintain existing standards. The PFF Program is one mechanism to offset the costs of maintaining existing standards as the service population grows

The rates charged are displayed in the table below.

Current Public Facilities Fees*

Facilities	Residential (per dwelling unit)		Non-residential (per 1,000 building square feet)		
	Single Family	Multi- Family	Office	Retail	Industrial
Parks	\$2,303	\$1,753			
Law Enforcement	\$280	\$213	\$378	\$226	\$163
General Govt.	\$533	\$406	\$719	\$432	\$309
Fire	\$1,994** (based on sq ft of 2,210)	\$902** (based on sq ft of 1,000)	\$902	\$902	\$902
Library	\$454	\$345	\$239	\$143	\$103
Subtotal	\$5,564	\$3,619	\$2,238	\$1,703	\$1,477
Admin Fee @2.0%	\$111	\$72	\$45	\$34	\$29
Total	\$5,675	\$3,691	\$2,283	\$1,737	\$1,506

Note that the “fees” are not cheap. Each single family dwelling pays \$5,675. This does not include road fees, school district fees, or sewer and water hookup fees.

1. * Adopted May 12, 2009

It turns out that most of the development in the unincorporated County over the past decade-and-a-half was in Nipomo. Large planned golf communities and subdivisions were approved and constructed.

The tables below illustrate how much funding was generated in each area of the County and how much was expended. For whatever reason the staff provided both a 10-year and a 12-year view. The map below on page 21 lays out the boundaries of the areas. We have lifted the data off the map in the tables because it is too small to be seen on the map when it is reduced to an 11 x 8 standard page.

North County					
	Expenditures		Revenue		
	12 Yr	10 Yr	12 Yr	10 Yr	
Gov	\$ 7,337	\$ 7,337	\$ 1,707,639	\$ 1,000,348	
Law	\$ 1,490,063	\$ 64,277	\$ 693,768	\$ 525,999	
Lib	\$ 2,175,750	\$ 2,175,750	\$ 916,123	\$ 590,808	
Parks	\$ 1,155,905	\$ 950,777	\$ 3,164,906	\$ 1,868,932	
Fire	\$ 4,444,481	\$ 4,321,222	\$ 3,851,687	\$ 3,048,546	
Total	\$ 9.27 M	\$ 7.52 M	\$ 10.33 M	\$ 7.03 M	

Carrizo					
	Expenditures		Revenue		
	12 Yr	10 Yr	12 Yr	10 Yr	
Gov	\$ -	\$ -	\$ 75,477	\$ 63,206	
Law	\$ -	\$ -	\$ 34,530	\$ 33,398	
Lib	\$ -	\$ -	\$ 33,456	\$ 26,626	
Parks	\$ -	\$ -	\$ 83,408	\$ 45,878	
Fire	\$ 854,626	\$ 514,959	\$ 192,265	\$ 173,541	
Total	\$ 0.85 M	\$ 0.51 M	\$ 0.42 M	\$ 0.34 M	

South County					
	Expenditures		Revenue		
	12 Yr	10 Yr	12 Yr	10 Yr	
Gov	\$ -	\$ -	\$ 1,372,361	\$ 876,501	
Law	\$ -	\$ -	\$ 587,617	\$ 460,562	
Lib	\$ 56,050	\$ 56,050	\$ 938,128	\$ 668,841	
Parks	\$ 1,964,968	\$ 1,948,055	\$ 3,854,599	\$ 2,500,251	
Fire	\$ -	\$ -	\$ 4,129,437	\$ 3,423,078	
Total	\$ 2.02 M	\$ 2.00 M	\$ 10.88 M	\$ 7.93 M	

San Luis Obispo					
	Expenditures		Revenue		
	12 Yr	10 Yr	12 Yr	10 Yr	
Gov	\$ 5,483,777	\$ 4,476,505	\$ 312,232	\$ 240,694	
Law	\$ 402,175	\$ 399,984	\$ 144,722	\$ 126,631	
Lib	\$ 45,743	\$ 41,799	\$ 139,451	\$ 104,623	
Parks	\$ 1,888,998	\$ 823,000	\$ 343,055	\$ 181,656	
Fire	\$ 1,832,242	\$ 489,311	\$ 763,881	\$ 660,379	
Total	\$ 9.65 M	\$ 6.23 M	\$ 1.70 M	\$ 1.31 M	

Coastal Zone					
	Expenditures		Revenue		
	12 Yr	10 Yr	12 Yr	10 Yr	
Gov	\$ -	\$ -	\$ 362,488	\$ 245,481	
Law	\$ -	\$ -	\$ 158,843	\$ 129,077	
Lib	\$ 2,067,800	\$ 2,039,800	\$ 174,099	\$ 128,732	
Parks	\$ 4,671,833	\$ 3,240,634	\$ 609,043	\$ 434,623	
Fire	\$ 1,458,681	\$ 933,031	\$ 930,402	\$ 765,786	
Total	\$ 8.20 M	\$ 6.21 M	\$ 2.23 M	\$ 1.70 M	

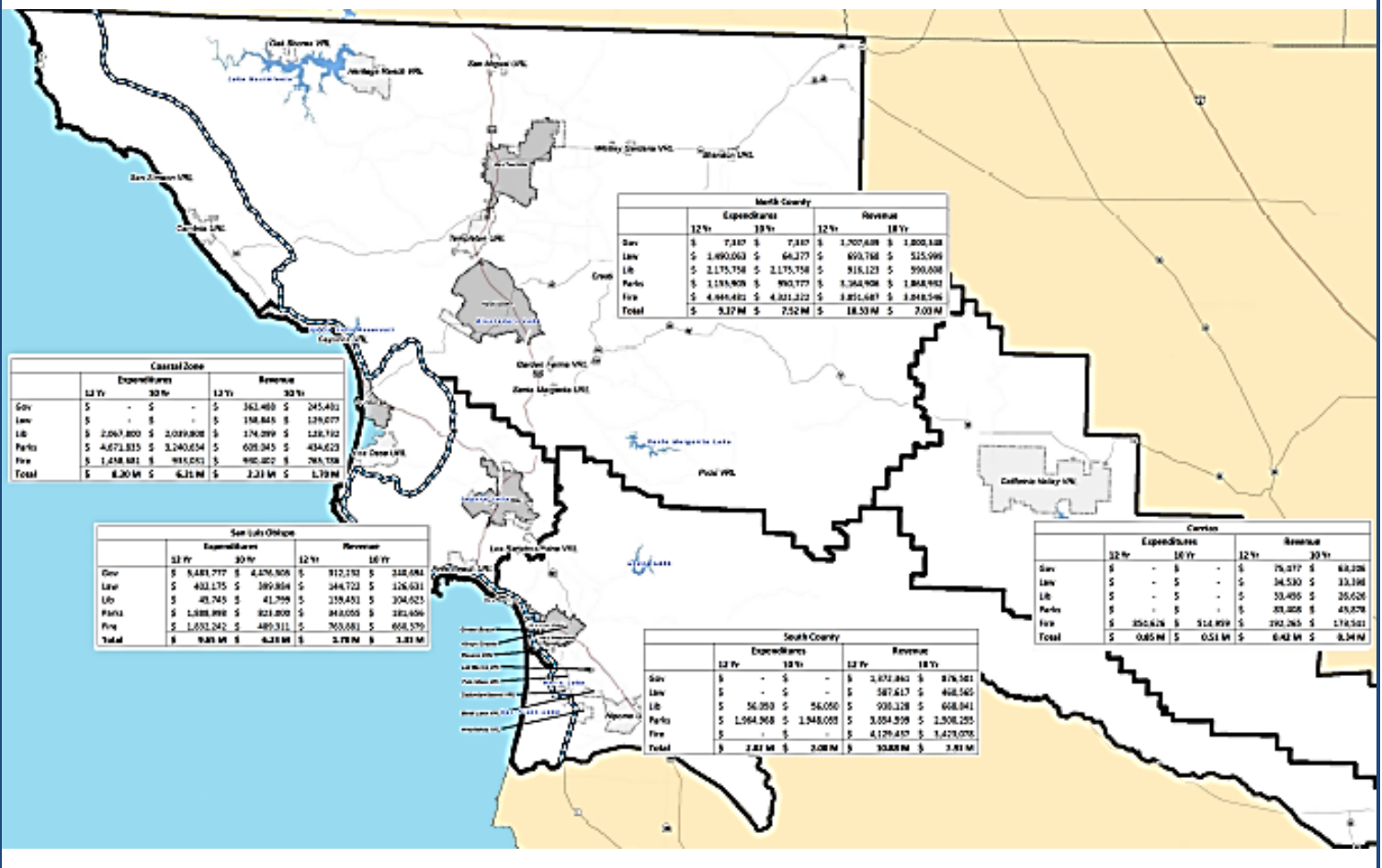
As noted in the tables, the South County, primarily Nipomo, generated almost \$11 million. But only \$2.2 was expended in the South County area. In fact, \$8.2 million was expended in the Coastal Zone, which is approximately congruent with Supervisor Bruce

Gibson's 2nd district. Similarly, the San Luis Obispo area generated \$1.7 million but received \$9.6 million. The SLO Area generally corresponds with Supervisor Hill's District. It would appear that a significant amount of the expenditures in the SLO area were applied to the County Administration Building.

Compton requested reparations and actually got some attention. Of course there is very little money being generated at this point because the County has used the drought to justify water and development moratoriums just about everywhere. Compton was being told by the staff – and by some of her colleagues – so sorry, you lose. In fact, Administrative staff and County Counsel are bent over backwards to defend the situation. As the staff report said:

The funds in each public service category can be used for any given project countywide within the public service category in which it was collected. This practice is consistent with the way that fees have been historically allocated. The intent behind the method is that County facilities provide services for the benefit of all county residents and employees, and as such, the collected fees can be expended under broad discretion of the Board and used for a wide variety of projects to benefit the public. Due to the long-term nature of the PFF Program, projects are often unknown until new development occurs and new public facility needs are created. This method allows enough funds to be collected over time to implement and fund complete projects as the need arises. If funds were not allocated county-wide, it is uncertain whether enough funds would be collected to execute specific projects.

Why then did the County set up the idea of geographic zones in which to calculate development impacts in the first place? Voters in the 4th District should remember this in 18 months, when Compton is up for re-election and Hill and Gibson come around endorsing her opponent. Whoever that may be will side with them and if elected, will stick it to the Nipomo residents for another 12 years.



Item 18 - State Groundwater Management Act (Update). The new Board majority adopted significant policy change as it considered this item. It reversed the prior Board's policy, which had been adopted in the fall of 2016, to require that residents of the unincorporated areas ultimately vote for new taxes or be subjected to very expensive State regulatory control and fees. The new Board majority disagreed and pointed out that residents have already been paying a portion of the property tax for countywide water management and planning. In fact the old Board majority (Hill, Gibson, and Mecham) spent almost a million dollars of that tax money promoting the ill-fated Paso Basin AB 2453 water district, which was rejected by the voters by almost 80%. Now, in a hypocritical policy flip, Hill and Gibson consider spending money from the same source on developing required state groundwater management plans as a travesty.

Gibson questioned why taxpayers in incorporated cities who pay property taxes should contribute to water planning in the Paso Basin or Nipomo. He sure didn't question spending it when they were shoving the proposed Paso Basin district down people's throats, even in teeth of a petition of opposition with 1600 signatures. Moreover, cities keep an apportioned part of the property tax for their own purposes. Additionally, they receive the services of the District Attorney, Jail, Public Health, Behavioral Health, Social Services, Public Defender, etc., from the County. In fact most of the crime and social disarray occurs in the cities.

Gibson became very agitated on the issue and demanded that Compton answer him. Well, she's not a staff person or a flunky who has to kowtow to him. In fact, if Gibson spoke to a staff person the way that he went after Compton, the County would probably be on the wrong end of a labor grievance, legal claim, and harassment suit.

Where were the League of Women Voters Civility watch dogs?

There was an extensive report on the status of ongoing and future work to comply with the state-required creation of Groundwater Sustainability Agencies (GSAs) in various parts of the County, pursuant to the State Groundwater Management Act (SGMA).

The major questions were:

- a. How will the County manage those areas in the unincorporated County which are not part of a city, community services district, water district, or other entities that will function as separate GSAs?
- b. What will the cost each year be for the County to manage those areas?
- c. How will the County fund those costs?
- d. How will the County handle the rights and the regulation of the 1200 or so property owners representing 20,000 acres in the Paso Basin who are in the quiet title/adjudication process?

A complex portion of the issue is the financing. As expected, there was significant disagreement. Supervisors Gibson and Hill believe that the property owners in the unincorporated areas who are not part of an existing or new water district or city or special district GSA should be required to be subject to a vote to raise the money for the portion of the cost attributable to their areas. Supervisor Arnold has been adamant that the existing dependent County Water District pay for the costs (at least in the early years for planning), since the people are already being taxed.

It is not known where Supervisors Peschong and Compton stand on the issue. Public Works has been projecting the costs, which could still be fairly substantial, even after the formation of several new water districts as GSAs.

Item 19 - Short Term Vacation Rentals (STR's) on Williamson Act Contracted Lands. The Board adopted the inclusion of STRs as a permitted ancillary use in properties which are contracted under the Williamson Act, 3/2, with Gibson and Hill objecting. The Board also clarified that the owner or resident manager would not actually have to be present on the property when the unit has a tenant. Gibson and Hill don't want farmers or ranchers to have any supplemental income that might keep them in business. After all, if one's ultimate purpose is to have the government owning everything, why would you allow a tool to be used to help people survive.

Background: The County, at the request of area residents, extended the short term vacation (STR) rental ordinance to the Adelaida area. Staff is working on extending it to the entire inland County. This in turn raised the issue of compatibility of STRs with the Williamson Act (land contracted to remain as an agricultural use). The County staff has examined the County Procedures Resolution pertaining to the Act and recommends some changes to insure compliance. Technically, the action adds short term vacation rentals to the list of uses deemed compatible with Williamson Act contracted land.

Item 20 - Carbajal Bill. The proposal to send a letter to Congress supporting Representative Carbajal's bill banning oil development along the entire west coast was approved 3/1/0 (Compton, Gibson, and Hill in favor; Arnold opposed; and Peschong recused) last week after some debate. It was reapproved on the same vote this week because some language about prior anti-oil policies of the County was added. While some of the Supervisors whine about the cost of housing, insufficient funding for the homeless, lack of programs for youth, pensions eating up school program funds, and so forth, they pander to environmental elites and cut their noses on developing new revenues.

See the related Andy Caldwell editorial starting on page 25 below.

March 7, 2017

The Honorable Ryan Zinke

Secretary of the Interior

United State Department of the Interior

1849 C Street, N.W. Washington DC 20240

RE: Offshore Oil and Gas leasing- California Outer Continental Shelf

Dear Secretary Zinke:

The County has a substantial history of involvement and opposition to leasing on the Outer Continental Shelf (OCS) for oil and gas development. Major issues involve potential adverse impacts to the land and marine environment, air quality, economic impacts on commercial and recreational fishing, oil spill impacts and tourism. These concerns are reflected in a number of adopted County plans and policies including the Local Coastal Program and the County Offshore Energy Element.

There are no current oil and gas exploration or extraction facilities directly offshore the coast of San Luis Obispo County. However, our county has had a front row seat on the issues and activities associated with off shore oil experienced by our neighbor to the south- Santa Barbara County. While San Luis Obispo County has never had to grapple with a major off shore oil disaster, such as the oil spill that occurred in 2015 north of Refugio State Beach in Santa Barbara County, we have had extensive experience dealing with the calamitous aftermath of oil company negligence and equipment failure resulting in the massive clean-ups of the Guadalupe Dunes Oil Field and the town of Avila Beach.

It is important to note that in 1986, a voter initiative, "Measure A," was approved by the voters of San Luis Obispo County and is now a part of the County's Local Coastal Program. Measure A requires that any permit or authorization allowing the development or establishment of any support facility for off shore oil and gas activity must be approved by a majority of voters at a special or general election. The passage of Measure A in 1986 and subsequent denial by the voters of an application by Shell Oil was an excellent gauge by which to judge the concerns and will of the citizens of San Luis Obispo County, and those concerns run just as strongly today.

While improvements have been made in offshore drilling technology and oil transport and delivery, substantial risks and these risks far outweigh the potential benefits.

A substantial portion of the economy of San Luis Obispo County relies on tourism. These tourism dollars reflect visitors enjoying the beaches, natural scenic beauty and natural resources that exemplify San Luis Obispo County. In addition, survey after survey of the residents of San Luis Obispo County place the "quality of life" and the "environment" as some of the top reasons for living in this area. The effects of off shore oil exploration and extraction would create a grave risk to these resources and further threaten commercial and recreational fishing off the coast and the overall quality of life for our citizens.

The County of San Luis Obispo is opposed to any expansion of oil and gas exploration or extraction off our coastline.

We recognize the challenge facing the nation and the world in addressing global climate change and reducing our dependence on oil and other fossil fuels. This is why we are supportive of a comprehensive energy plan that includes development of clean renewable energy in an environmentally balanced manner.

San Luis Obispo County looks forward to working with the Department of the Interior in their development of an offshore energy plan that provides for needed energy while ensuring protection of our important natural resources.

Thank you for the opportunity to provide comments on this significant issue.

Sincerely,

ADAM HILL

Vice -Chair, Board of Supervisors

c - Honorable Dianne Feinstein

Honorable Kamala Harris

Honorable Salud Carbajal

County of San Luis Obispo Board of Supervisors

Dan Buckshi, San Luis Obispo County Administrative Officer

Mike Miller, The Ferguson Group

Paul Yoder and Karen Lange, Shaw/Yoder/Antwih

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

Our Whale Of A Congressman

BY ANDY CALDWELL

I have known freshman Congressman Salud Carbajal for some twenty years, ever since he was an aide to the late County Supervisor Naomi Schwartz. Salud Carbajal is for the most part an affable person; however, he can also be trite and it seems that the vainglory limelight of Washington DC is bringing out the worst in him. Having served for only a few short weeks, he is choosing to become an all too predictable left wing ideologue, happy to occupy the fringe in the company of Nancy Pelosi and the His-panic Caucus.

A week ago, at Santa Barbara's Shoreline Park, Congressman Carbajal announced the first bill he has authored seeking to permanently ban new off-shore oil and gas leases from federal waters off the coast of California. He was joined at the press conference by a score of the usual suspects, the Environmental Defense Center, Get Oil Out, and the Sierra Club. Preening in the spotlight of Santa Barbara's energy luddites, Carbajal couldn't have been happier even though his bill has no chance of being signed into law. For everyone knows that President Trump intends to unleash America's oil and gas sectors to lower costs to consumers, create high-paying jobs, and establish energy independence. Moreover, instead of war for oil, Trump is pursuing oil for peace- the opportunity to rob our enemies in the Middle East of the means to fund international terrorism.

Therefore, what Salud Carbajal was doing on Saturday was nothing less than wasting everybody's time, energy and our tax dollars for a photo op in the sand that will be washed away by the Trump tide faster than he can say cheese for the cameras. Unfortunately, this is already par for the course as far as Carbajal's nascent career is concerned. He is pretending to be a martyr in the cause against Trump, the "face of resistance" as he puts it, instead of finding common ground and getting things done.

I would have preferred to stand with the Congressman asking for federal funds to finish the 101-widening project. Alternatively, how about a bill to end water releases from Lake Cachuma for the fish in Hilton Creek before there is no water left for the people of the South County for drinking, bathing and flushing? Carbajal could have also asked the Trump administration to help fund a bigger and better desal plant for the South County in view of the interest the President has shown in increasing water supplies to ease our drought situation. Finally, why not work on a plan to create a viable guest worker program for our farmers?

But no, Congressman Carbajal chose to do none of these practical things. He would rather engage in polemical diatribes instead of getting down to business as part of the minority party in Washington. Perhaps, that is the problem. Salud Carbajal has never been in the minority. Anytime he walked across the proverbial aisle while serving in local government was to self-

congratulate himself for his magnanimity while throwing the opposition relatively meaningless bones.

In effect, Congressman Carbajal is proving himself as effective as a beached whale. Somehow enjoying the attention and adulation of the people surrounding him instead of being concerned about his circumstances and effectiveness. The Congressman should learn to breach while avoiding the beach altogether; standing out and making his presence known while actually accomplishing something useful. Instead, he seems intent to bask in the sun selling us short in the process. Pity the constituents represented by a beached whale who thinks making a statement against the pod is worth sacrificing the opportunity to be effective, practical, relevant and visionary!

First Published in the Santa Barbara News Press. Andy Caldwell is the Executive Director of COLAB of Santa Barbara County, host of the weekday Andy Caldwell Radio show on AM 1440 KUHL, and the regular editorial contributor for the Santa Barbara New Press.



ANNOUNCEMENTS

 <p>COLAB 8th ANNUAL San Luis Obispo County Thursday, March 30, 2017</p>	<p>DINNER & FUNDRAISER Alex Madonna Expo Center, San Luis Obispo For more information call: (805) 548-0340 or email to COLABSLO@gmail.com</p>
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(Revised 2/2017)