



**WEEKLY UPDATE JULY 14 - 20, 2019**

**THIS WEEK**

**CEQA REFORM ITEM PROPOSED FOR BOARD ACTION**

**AFFORDABLE HOUSING FEES AND TAXES STUDY  
STAFF MISSED THE MAIN POINT**

**HEMP MORATORIUM SET FOR 1 YEAR EXTENSION**

**LAST WEEK**

**DUNES RIDING AND OHV CAMPING GET 1 YEAR  
STAY OF EXECUTION  
BUT THE LETHAL CATHETER IS SET IN THE VEIN**

**COASTAL COMMISSION WORKSHOP – CITIES,  
COUNTIES, & COMMISSIONERS: PUBLIC NEEDS TO  
BE “EDUCATED” ON SEA LEVEL RISE  
OTHERWISE YOU ARE TOO CONCERNED ABOUT PROPERTY RIGHTS  
AND TAKINGS**

**GIBSON PUSHING FOR MONTEREY POWER  
AUTHORITY ENERGY TAKEOVER**

# ZONING SWAPS AFFIRM PUBLIC PREFERS SINGLE FAMILY DETACHED HOMES

## SLO COLAB IN DEPTH SEE PAGE 27

### MASTERS?

*Hundreds of California government workers earn more than \$500,000 a year — and that's just the tip of the public-employee compensation iceberg.*

BY STEVEN GREENHUT

## THIS WEEK'S HIGHLIGHTS

### Board of Supervisors Meeting of Tuesday, July 16, 2019 (Scheduled)

**Item 19 - New Probation Officers Contract.** The new contract covers from July 1, 2019 - June 30, 2021 and contains two 2.5% raises and some benefit increases. The new cost is \$539,000 for the current fiscal year and \$849,000 in FY 2020-21 and thereafter. Apparently this raise is unbudgeted, as the write-up states:

*Departmental savings and/or unanticipated revenue will be the primary source of funding for unbudgeted expenditures associated with the compensation increases included in the attached MOUs. To the extent departmental savings are not available to cover the amount, staff will recommend that the Board authorize a transfer of the deficit amount out of General Fund Contingencies to the department's operating budget, as needed, as part of the third quarter report. Third quarter is when many such year-end adjustments are made.*

**Question:** What is the current vacancy rate in the Department and how many positions will have to go unfilled to cover it?

**Item 30 - Extension of the Industrial Hemp Ordinance for one year.** On June 18, 2019 the Board adopted a 45-day urgency moratorium on processing and issuing permits of growing industrial hemp. The staff proposes extending the urgency moratorium ordinance for one year to give itself time to engage the community, develop a regulatory ordinance, conduct an EIR, and otherwise process the issue. We believe that the adoption of an urgency ordinance in this case is unwarranted because the County has not demonstrated that an imminent threat to public health, safety, and welfare exists.

**The County's basic finding states:**

*The cultivation of industrial hemp prior to the adoption of state or local regulations is potentially harmful to the welfare of residents, creates a nuisance, and may threaten the safety and land of nearby property owners. The allowance of cultivation of to the adoption of reasonable state or local regulations, creates an urgent and immediate threat to the public health, safety or welfare of the citizens and existing agriculture in San Luis Obispo County. S. There is an urgent need for the County, including its Agricultural Commissioner, Planning and Building, Sheriff, and County Counsel departments, to assess the impacts of industrial hemp cultivation to review any state regulations subsequently issued and to explore reasonable regulatory options relating thereto.*

In reaching this conclusion, the ordinance cites the problems which the County has recently become aware of relative to marijuana odors. Since the plants are indistinguishable in the field, the County concludes that it does not have sufficient staffing to monitor hemp.

Essentially the County is channeling marijuana for the problems which might be caused by hemp. What if someone doesn't like the smell of garlic, broccoli, cabbage, or cattle?

It will take a year to go through the process of adopting a permanent ordinance per the County Board letter:

***The permanent Industrial Hemp Ordinance will require:***

- Industry outreach via the formation of an Advisory Group lead by both Department of Planning & Building and Agriculture*
- Staff research from both Department of Planning & Building and Agriculture*
- Ordinance preparation from both Department of Planning & Building and Agriculture*
- Internal review by Department of Planning & Building and Agriculture, County Counsel, and the Administrative Office*
- Environmental review per the requirements of the California Environmental Quality Act (CEQA)*
- Staff report preparation from both Department of Planning & Building and Agriculture*
- Planning Commission Hearing*
- Board of Supervisors Hearing*

*Below is an approximate timeline to complete these tasks:*

- Present – October – Advisory group formation, meetings, staff research*
- October – December - Ordinance preparation, internal review by Planning & Building, Agriculture, County Counsel, and the Administrative Office*

- January – March - CEQA document preparation and 30-day public review period*
- May – Planning Commission*
- June – Board of Supervisors*

The long time schedule will be particularly burdensome to the agricultural community as it impacts investment, crop selection, and crop planning decisions.

**An Interim Solution Fairness Plan:** Could the County set up an interim voluntary system which allows people to plant the hemp like any other agricultural crop with the stipulated/contracted understanding that if once the permanent ordinance is adopted, those properties which are in exclusion zones or which are too close to residences, per the new ordinance, would have to be amortized out on some set schedule? Perhaps those who would have to shut down could be given some sort of processing preference if they obtained a new legal location.

In this way the County, its Board of Supervisors, and the staff would have some skin in the game and a reality check.

## **Matters After 1:30 PM**

**Item 32 - A request to receive and file an update and provide direction to staff regarding the affordable housing funding strategy and amendments to the County's California Environmental Quality Act Guidelines.** The report contains two main subjects which are assignments that had been given to staff as part of the overall effort to make it easier and more practical to build affordable housing. One of these includes development of an unrestricted base stream of funding which could be used to leverage other Federal, State, regional, and private housing investment funds. The second is improved transparency and communication relative to the CEQA process. A group, including homebuilders, not-for-profit housing developers, chamber of commerce reps, and economic development entities known as the Housing Coalition, has been formed. It has been working with County staff and an ad hoc Board Committee consisting of Supervisors Gibson and Peschong for months. They are presenting recommendations to the full Board for review, comment, amendment, and possible adoption.

**1. Base Funding Options for Affordable Housing:** The staff and the Housing Coalition determined last year that there is a need for a steady stream of \$2-4 million unrestricted (to any program) annually to serve as the leverage funds for a variety of Federal, State, and private sources. The assignment here was for staff to examine alternate methods of generating the funds.

Our original thought in this regard was that the County should put in a small percentage of the natural growth of its true local discretionary revenue each year into the housing fund until it reaches the \$4 million level. We were thinking of something like 18%.

For FY 2019-20 the natural growth was about \$10 million, so such a policy would have generated \$1.8 million. During an emergency or bad economic period the program could be suspended. The first \$1.8 million would become the base and continue automatically. The next year the new amount would be calculated and placed in the fund. This process would continue incrementally until the goal of \$4 million per year is reached. This would require no new taxes or fees.

Staff does not like this option because they fear it will divert funding from salaries, pension cost increases, health benefits, overtime, vacation pay, raises, merit steps, and all the rest. The Board had to put its collective foot down to make them even include it.

Here again they do not support it. Instead, they say that it won't work because from year to year one Board cannot bind a Board to a budget guarantee. Ok, so what! Each Board would have to renew the commitment each year. If they didn't, they would be undermining their housing policy. Most of the Budget, except for debt service and required State and Federal matches, has to be renewed each year in any case.

Moreover, part of the agreement to increase the housing in lieu fees was based on finding other funding sources and, in particular, seriously attempting to implement the base revenue commitment and then eventually eliminating the housing in lieu fees. The current strong economy is the perfect time. Instead, the staff insists on floating new fees and taxes and even issuing debt.

The tables below contain their thinking:

**Table 1: Housing Coalition's Prioritized List of Near-term Funding Options**

Near-term Funding Option <i>(Developed/Prioritized by Housing Coalition)</i>	Revenue Estimate	Status / Timing
1. Inclusionary Housing In-Lieu Fees	\$500,000 - \$1M / year <sup>1(a)</sup>	Approved on March 12, 2019 and effective July 1, 2019.
2. Existing County Revenues	Not designated <sup>1(b)</sup>	The Board will set budget priorities for FY 2020-21 in November 2019.
3. Dedicated Share of General Fund Growth	Not designated	
4. Vacation Rental Impact Fee	\$500,000 / year <sup>1(c)</sup>	Nexus study will be complete in fall 2019.

<sup>1(a)</sup>Staff's original estimate was \$1M / year. This table shows a more conservative estimate considering vested subdivisions and will vary depending on the number of eligible building permits issued each year.  
<sup>1(b)</sup>On May 14, 2019, the Board conceptually designated \$6.4M in SB1090 funds for housing.  
<sup>1(c)</sup>Staff's original estimate was \$675,000 to \$920,000 based on 1,377 licensed vacation rentals. This is a revised estimate accounting for the high percentage of licensed vacation rentals that are not reporting TOT.

**Table 2: Housing Coalition's Prioritized List of Long-term Funding Options**

Long-term Funding Option <i>(Developed/Prioritized by Housing Coalition)</i>	Applied Regionally	Revenue Estimate	Approval Thresholds	Timing
1. Affordable Housing Bond - Countywide	Yes	\$4M / year <sup>2(a)</sup>	<ul style="list-style-type: none"> <li>3/5 BOS to call for election</li> <li>Voter supermajority</li> </ul>	Next available General Election - November 2, 2020, if pursuing then timing would need to include: <ul style="list-style-type: none"> <li>Feasibility study - November 2019</li> <li>Call for election - prior to August 6, 2020</li> </ul>
2. Transient Occupancy Tax - 1% increase for unincorporated areas	No	\$1M / year	<u>General Tax<sup>2(b)</sup>:</u> <ul style="list-style-type: none"> <li>4/5 BOS to call for election</li> <li>Voter majority</li> </ul>	
3. Sales Tax - 0.25% increase Countywide	Yes	\$12.5M / year	<u>Special Tax:</u> <ul style="list-style-type: none"> <li>3/5 BOS to call for election</li> <li>Voter supermajority</li> </ul>	
4. Sales Tax - 0.25% increase for unincorporated areas	No	\$2.5M / year		
5. Property Tax Surcharge for Second Homes	Yes	\$648,000 / year		

<sup>2(a)</sup>Assumes a \$40M bond issuance with funds available for 10 years, secured with an ad valorem property tax rate increase of \$5 / \$100,000 of assessed value, or \$20 / year for the average house in the county.

<sup>2(b)</sup>The revenue from a General Tax would be deposited into the General Fund and could be spent at the Board's discretion but cannot be pledged to a specific use such as affordable housing.

Item 5 above, the property surcharge on Second Homes, is outrageous.

**2. Improved CEQA Processing:** The CEQA recommendations are summarized in a table below:

**Table 3: Housing Coalition's CEQA Guideline Recommendations and Status**

Housing Coalition Recommendation	Status
1. Pre-application meeting with staff and applicant	This is a process currently offered by the Department that is available to any potential applicant.
2. Completeness to mean all items in checklist have been submitted on the checklist and meet latest professional standards necessary for CEQA compliance	This is a process currently utilized by the Department during initial completeness review.
3. Initial project description agreed upon by County and applicant	Complete. Item has been incorporated into latest iteration of County CEQA Guidelines.
4. If all application information submitted meets professional standards for CEQA compliance, a preliminary determination of level of environmental review may be provided within 30 days of application submitted/deemed complete	<b>Reflected in revised CEQA Guidelines attached for Board consideration.</b>
5. Prebid meeting – includes consultants interested in project, get their questions answered early	<b>Reflected in revised CEQA Guidelines attached for Board consideration.</b>
6. Once application has been deemed complete, the County will commence the consultant selection process. Once process has commenced, the County will complete the process within 90 days for an EIR if feasible based on the information provided from the applicant (Note: this does not include time required for pre-bid meeting) a) Request for Proposal Process – allow the applicant to provide input on proposals during the consultant selection process b) Contract Quality Control – ensure the project scope, timeline and budget are discussed with the applicant	<b>Reflected in revised CEQA Guidelines attached for Board consideration.</b> Items a) and b) have already been incorporated into latest iteration of County CEQA Guidelines.
7. Project schedule/determinant processing – County staff, applicant and consultant agree on goal schedule and deliverables timeline early in the process	<b>Reflected in revised CEQA Guidelines attached for Board consideration.</b>
8. Project description finalized – ensure the applicant has formally agreed to the final project description to ensure accuracy in the EIR	Complete. Item has been incorporated into latest iteration of County CEQA Guidelines.
9. Mitigation measure coordination – ensure staff and the applicant discuss feasibility, phasing, and other details of proposed mitigation measures before draft environmental document is complete	Complete. Item has been incorporated into latest iteration of County CEQA Guidelines.
10. Project alternatives confirmation – ensure staff and the applicant discuss feasibility, phasing, and details of project alternatives before draft environmental document is complete	Complete. Item has been incorporated into latest iteration of County CEQA Guidelines.
11. Billing Transparency – ensure billing details are discussed with the applicant on a monthly basis	Complete. Item has been incorporated into latest iteration of County CEQA Guidelines.
12. Applicant-prepared assessments can be used as a foundation for ND/MND/EIR but depending on the complexity of the report may require peer review	<b>Reflected in revised CEQA Guidelines attached for Board consideration.</b>

These seem fine as far as they go. The one we don't see is the ability of an applicant to review and correct any misconceptions by the EIR scrivener before it is circulated for comment. They are, however, going to let the applicant see the project alternatives and the project description before it is completed to make sure they are accurate. This is a positive step.

### Local Agency Formation Commission (LAFCO) Meeting of Thursday, July 18, 2019 (Cancelled)

The next LAFCO meeting will be held on Thursday, August 15, 2019.

## LAST WEEK'S HIGHLIGHTS

### Board of Supervisors Meeting of Tuesday, July 9, 2019 (Completed)

**Item 1 - Grand Jury Report on Emergency Medical Services.** The Board responses were approved unanimously and without comment on the consent calendar. The Jury recommended that additional paramedics be added to the various engine companies. It was not clear which engine companies have paramedics assigned or for which days and shifts. There is no documentation of any problems nor was there any examination of the feasibility and cost.

The report also makes some recommendations as to training requirements for those who administer airways to patients. There were no statistics related to experience or problems.

**Item 2 - Grand Jury Report on Emergency Communications/Notification of the Public.** Similarly to item one above, the Board approved the staff responses as its responses unanimously.

**Background:** The Jury seemed to believe that the siren warning system provided by PG&E cannot be used for other emergencies. This is not the case, and the response from the Office of Emergency Services (OES) details the facts. Relatedly, the Jury speculated on the decline of funding for OES and emergency services in general, which is currently funded by PG&E in relation to risks related to the Diablo Nuclear Power Plant. In fact PG&E has promised to fund these until the Plant is fully decommissioned. It will also have a plan to manage the spent nuclear fuel stored on site until it is removed or decays to the point of safe inertness.

The Jury is also concerned that citizens do not sign up for the Reverse 911 emergency notification system. The Sheriff and OES will develop an ongoing campaign to encourage more participation. The

County's recently appointed OES Manager has deep experience in this regard and has recently developed systems to do mass (but area focused) public notifications to iPhones and other popular devices. The public will still need to make sure that the phones are charged and that they take them to bed with them at night.

**Item 3 - Request to amend the Minimum Revenue Guarantee (MRG) Program to support solicitation of additional air service at San Luis Obispo County Regional Airport in the amount of \$1,000,000, funded by the Tax Reduction Reserve Fund in FY 2019/20; and approve the budget adjustment required to administer the Minimum Revenue Guarantee (MRG) program in the amount of \$2,000,000 within in FY 19-20 as outlined here-in, by 4/5 vote.** The board unanimously approved the increase from \$1 million to \$2 million per year. The write-up states in part:

*New service, operated by carriers qualifying under the scope of the incentive program, is eligible to use Minimum Revenue Guarantee (MRG) funding to a maximum of \$2,000,000 from the start-date of new service through the first 12-months of service. New service is only eligible if nonstop flights are provided on a daily basis to the following targeted markets:*

- *Houston, Texas*
- *Portland, Oregon*
- *San Diego, California*
- *Sacramento, California*
- *Salt Lake City, Utah*
- *Chicago, Illinois*

**Questions Which Went Unanswered Include:**

- a. Has the County actually had to make any payments under the program to date, or was there enough passenger traffic to not require any subsidy?
- b. How much has been paid so far for service to Denver, Seattle, and Dallas?

**Item 29 - Request to authorize a budget adjustment in the amount of \$350,000 from Building Replacement Reserves to Fund Center 230–Capital Projects for the Women's Jail Expansion project, (by a required 4/5 vote).** The Board approved the additional funds unanimously on the consent calendar.

It was not clear from the write-up if the \$350,000 is for costs in dispute or for legal expenses or both, which the County is experiencing in a dispute with the contractor.

**Background:** The Board letter stated:

*Contract close-out with the contractor, Roebbelen Construction, Inc., is ongoing due to construction claims filed by the contractor. County Counsel provides legal assistance to the Department of Public*



*Works in the management and execution of its Capital Projects program, including the Women's Jail Expansion project. County Counsel and Public Works has determined that the additional funds are required to defend against the claims asserted by the contractor and ultimately close-out this multi-year project. Today's action is expected to address the remaining costs.*

The agenda item does not indicate how much money is in dispute.

**EXHIBIT A**  
**Project Cost Estimates**

Women's Jail Expansion  
Contract No. 300034

Table #1

Project Costs			
Costs			
Component	Est. Cost Dec. 2013	Current Budget	Expenses through May 2019
Construction Housing/Medical	\$29,721,565	\$31,570,217	\$31,405,767
Construction Electronic Security/Property Storage	1,910,018	1,877,327	1,876,427
Architectural & Design	3,619,222	3,547,524	3,475,281
CEQA	477,339	234,566	234,087
Biological, Environmental Consultant SWPPP Construction Inspector			
Construction Management	3,275,325	5,681,602	5,681,602
Construction Manager Inspector of Record Testing & Special Inspection Commissioning			
County Administration	1,691,317	2,567,738	2,519,201
<b>Total Project Budget</b>	<b>\$40,694,786</b>	<b>\$45,478,974</b>	<b>\$45,192,365</b>

It became more expensive as it went forward.

**Item 38 - General Public Comment for Matters Not on the Agenda.** Supervisor Gibson pushed for Board consideration of the County joining Monterey Bay Community Power (MBCP). MBCP is a new government authority that is in the business of purchasing and retailing electrical energy to citizens in member cities and counties.

Apparently MBCP must have a firm decision on whether a particular city or county is signing up by the end of August in order to serve them in 2020. The County CEO indicated that the County could conduct a study of the feasibility of joining MBCP, but he didn't think it could be completed and reviewed by the Board by the end of August. Gibson and Hill kept pushing but Arnold, Compton, and Peschong voted against a rush job.

Entities such as MPCP are generically known as community choice aggregators (CCAs), which are designed to eventually drive the investor owned utilities IOUs) out of business and socialize electrical energy production and distribution. It is claimed that the CCAs will save the customers money and provide more renewable and more fossil free energy than the IOUs. So far Monterey County, San Benito County, Santa Cruz County, and all their cities except King City have joined. The cities of SLO, Morro

Bay, Grover Beach, and Paso Robles have also joined. CCAs will buy electricity on the open market, while existing companies such as PG&E are required to operate and maintain the distribution system.

MBCP is conducting a full court press to sign up all the cities and counties on the central coast. COLAB and others have pointed out some of the problems and long-term issues in past Weekly Updates.

**Item 45 - Hearing to consider a request by Monarch Dunes, LLC for proposed amendments to the Woodlands Specific Plan (LRP2018-00010) to 1) re-designate 35 residential multi-family units to 35 residential single-family units, 2) allow for the relocation of the units to 35 new single-family lots within the newly proposed Phase 2C area of the village, 3) change the name of the village from Woodlands Village to Monarch Dunes Village, and 4) determine the amendments are consistent with the previously certified Final Environmental Impact Report (FEIR).** The Board approved the swap of the authorized but unbuilt attached homes for single-family free-standing homes unanimously. The Planning Commission reviewed the request a number of times and recommended Board of Supervisors approval.



**Background:** Several developers had told us that single-family attached housing is not selling so well. In this case the developer wishes to convert 35 previously approved but unbuilt attached homes to single-family homes.

*The proposed amendment would re-designate 35 residential multi-family units to 35 residential single-family units and allow for the relocation of the units from the village center and multi-family site to 35 new single-family lots to be created within the newly proposed Phase 2C area of the village (a portion of existing Phase 2B).*

*This amendment also includes a proposal to officially change the name of the village from the Woodlands Village to the Monarch Dunes Village. The site is located south of Via Concha Road approximately 1,000 feet east of Highway One in the South County Planning Area.*

The stack-and-pack advocates should take notice of real data from the field.

**Planning Commission Meeting of Thursday, July 11, 2019 (Completed)**

**Item 6 - Hearing to consider a request by Larry Nasareno Montenegro Delgado for a Conditional Use Permit (DRC2017-001 08) to establish three acres of outdoor and 22,000 square feet of indoor cannabis cultivation, 28,800 square feet of indoor and 77,657 square feet of outdoor standalone**

**cannabis nursery, non-volatile manufacturing, and distribution of cannabis on a portion of a 42-acre project site. The project includes construction of two greenhouses (57,600 square feet) to support the proposed indoor cultivation and indoor cannabis nursery. A 6,000-square-foot processing building would be used for non-volatile manufacturing, and the drying, curing, trimming, packaging, and labeling of non-manufactured cannabis product. Three 864-square-foot temporary office trailers are also proposed. The project will result in the disturbance of approximately 10 acres. The project would operate seven days per week, up to 24 hours per day.** This application was on the April 25, 2019 Planning Commission meeting agenda and had been recommended for approval. At the last minute the State of California Fish and Wildlife Department requested that it be held up because the agency asserted that the layout would interfere with wildlife transiting the property.

Apparently, the whole layout had to be redesigned to accommodate Tule Elk, Giant Kangaroo Rats, Kit Fox and other critters. According to the write-up, the Antelope avoid the wildlife corridors which were required at the neighboring Topaz Solar Project. This cannabis project had originally been designed to dovetail with the Topaz wildlife provisions. But once the State discovered that the animals would not use the corridors, the whole layout of the cannabis project had to be changed.

Why did applicants have to incur additional costs and delays due to miscalculations by government agencies? In this case, the Topaz project had to expend funds and eliminate productive land to design and provide the wildlife corridors. Then the Delgado Cannabis farm had to delay and do a redesign of its project. The costs for all this are not disclosed, but shouldn't the California Fish and Wildlife Department be made to reimburse both applicants for these costly requirements, which were and are based on suppositions about animal behavior that did not pan out?



WONDER IF THEY EAT MARIJUANA?

**California Coastal Commission Meeting of Thursday June 11, 2019 (Completed)**

**Item 12a - Oceano Dunes State Vehicular Recreation Area (ODSVRA) Review.** The Commission considered imposing 15 Special Conditions on the State Parks Department operation of the riding area. After massive public comment and a cautious deliberation, the Commission voted 8/2 to direct the State

Parks Department to include certain Special Conditions within the ongoing 4-year Court stipulated dust remediation plan (called the Public Works Plan – the PWP) because it involves construction and installation of many devices to attempt to reduce the blowing dust. These include more robust planting, additional snow fencing, creation of a fore dune closer to the ocean, and more operating restrictions.

The State Parks Director was called up before the Commission and asked if she would agree to include the 15 conditions in the PWP process. She agreed. Had she not agreed, the Commission would have imposed them then and there. It was an offer she couldn't refuse.

The Commission will meet in July 2020 to assess progress on the existing PWP and whether the State Parks Department has successfully complied with the "voluntary" inclusion and operationalization of the Special Conditions. If not satisfied, the Commission could then impose them with deadlines and/or could move forward with phasing out the riding and camping area.

Notwithstanding this stay of execution, it is clear that the staff and a substantial number of the Commissioners believe that the OHV's and off road vehicle camping vehicles must ultimately be prohibited.

At this point it is possible that implementing all or a portion of these will themselves hamstring the Park to such an extent that it effectively shuts down the riding and camping. Of course, failure to meet the conditions could cause the Commission to yank State Parks permit for operating the Park.

The Special Conditions are quoted verbatim below for the most part. We truncated several because they were extremely long.

## ***B. STAFF-RECOMMENDED ADDITIONAL CDP SPECIAL CONDITIONS***

***The following conditions are hereby added to CDP 4-82-300:***

***1. Predator Management Plan.*** By October 31, 2019, the Permittee shall submit for Executive Director Review and approval a Predator Management Plan. The Plan shall be prepared by a resource ecologist (or ecologists) with experience with sensitive species and predation issues, shall be based on consultation with USFWS, and shall identify the measures to be implemented to protect sensitive species (including Western snowy plover and California least tern) from predation, including by coyotes, raccoons, skunks, opossums, ravens, gulls, owls, and peregrine falcons.

***2. Vehicular Enforcement Plan.*** By October 31, 2019, the Permittee shall submit for Executive Director review and approval a Vehicular Enforcement Plan. The Plan shall identify the measures to be taken to comply with and actively enforce all CDP ODSVRA vehicular use limits, all vehicular speed limits, and all other vehicular requirements associated with the CDP, including through additional signs, rangers, and parameters for verifying that the number of vehicles in the Park do not exceed maximum allowances. The Permittee shall immediately implement the Vehicular Enforcement Plan upon Executive Director approval.

**COLAB NOTE: Don't these restrictions ultimately shut down a large percentage of the use of the Park?**

***3. Fencing Augmentation and Enhancement Plan.*** By October 31, 2019, the Permittee shall submit for Executive Director review and approval a Fencing Augmentation and Enhancement Plan. The Plan shall identify additional fencing to be installed to better protect coastal resources (including additional

fencing in the South Oso Flaco Lake area, fencing suitable for enhanced predator management, fencing to better define the southern enclosure, and fencing to ensure all vegetated dune areas are appropriately fenced off). The Permittee shall immediately implement the Fencing Augmentation and Enhancement Plan upon Executive Director approval.

**4. Public Outreach Plan.** By October 31, 2019, the Permittee shall submit for Executive Director review and approval a Public Outreach Plan. The Plan shall be designed with the goal to maximize use of appropriate beach and dune areas by lower-income, youth, and tribal parties, where such Plan shall identify all measures and venues to be used to advertise and increase awareness of such available uses (e.g., ODSVRA website, press release, calendar listings, ads on radio, print ads, social media (including Facebook, Twitter, and Instagram), etc.). The Plan shall be designed to reach as many potential lower-income, youth, and tribal audiences as possible, including audiences that might not normally be reached through traditional and local means (e.g., inland communities). The Permittee shall immediately implement the Public Outreach Plan upon Executive Director approval.

**5. Monitoring Program.** All CDP requirements associated with the Technical Review Team (TRT) shall be deleted, and the role and responsibilities currently attributable to the TRT shall instead be incorporated into a Monitoring Program that will be used by the Permittee to monitor Park use and management under the CDP, where the information collected pursuant to such monitoring will be provided to the Commission annually. By December 31, 2019, the Permittee shall submit for Executive Director review and approval the Monitoring Program. **The Program shall describe the structure, content, and methods for ongoing monitoring of public access and recreational uses, including vehicular recreation (accounting for attendance numbers, special events, and user types, etc.), and of dune resources, dune vegetation, and creek and wetlands resources (including but not limited to Arroyo Grande Creek) as well as sensitive species resources. The Program shall be sufficiently detailed to identify the data and information that must be collected to document the effectiveness of Park management activities in protecting the aforementioned dune and other coastal resources (including evaluating vehicular recreation and coastal resource trends, impacts, and issues facing Park operations), and to support recommendations for changes to Park management to better address any identified impacts.**

**COLAB NOTE: Again, is this so restrictive that it will curtail the uses to the point where the Park is effectively closed to large numbers of users?**

**6. Special Events Protocol.** By October 31, 2019, the Permittee shall submit for Executive Director review and approval a Special Events Protocol. The Protocol shall specify that a separate CDP shall be required for all special events that could result in adverse impacts to coastal resources (including music festivals, concerts, OHV events (e.g., Huckfest), and any other special events that propose an intensity of use beyond those specified in the CDP), and shall provide a methodology for identifying, evaluating, mitigating (for projected coastal resource impacts), and permitting of any proposed special events. The Permittee shall immediately implement the Special Events Protocol upon Executive Director approval.

**7. Nighttime Vehicular Use Prohibited.** All vehicular and OHV activity within ODSVRA shall be prohibited during nighttime hours (i.e., from one-hour after sunset and to one-hour before sunrise), which restriction shall be a component of the Vehicular Enforcement Plan.

**8. Arroyo Grande Creek Crossing Plan.** Vehicular crossings through Arroyo Grande Creek shall be prohibited, except for emergency vehicles, and all OHV and camping operations shall cease when the creek flows to the ocean. **The Permittee shall regularly monitor the creek so as to ensure that users are**

not allowed to the southern side of the creek area when the creek may soon connect to the ocean, and so as to provide time for users then south of the creek area to exit the Park before it will connect to the ocean. By October 31, 2019, the Permittee shall submit for Executive Director review and approval an Arroyo Grande Creek Crossing Plan that shall identify all measures to be taken to maintain consistency with this condition, including any materials to be provided to Park users, signs near the creek, and protocols for ensuring that there are no creek crossings under the conditions specified above, which restrictions shall be a component of the Vehicular Enforcement Plan (see Special Condition 2 above).

**9. Updated Interim Use Limits.** Interim OHV, street-legal vehicle, and camping daily use limits shall be reduced an amount proportionate to acreage that has been removed from vehicular/OHV use (e.g., due to dust control requirements, other exclosures, etc.), including as future areas are taken offline. As of July 11, 2019, 1,048 acres are authorized for OHV and camping use, and interim use limits are as follows: (a) 1,806 street-legal vehicles per day; 700 camping units per night; and (c) 1,204 OHVs per day. A street-legal vehicle that also stays overnight counts as both a street-legal vehicle and as a camping unit. These restrictions shall be a component of the Vehicular Enforcement Plan (see Special Condition 2 above).

**COLAB NOTE: Initially this would be a 30% reduction of the number of vehicles. This could grow as the PWP goes forward.**

**10. No Interim Use Limit Exceptions.** The four exceptions (specified in Special Condition 3d of the fifth amendment to the CDP) that allow unlimited vehicular and OHV use on Memorial Day, Fourth of July, Labor Day, and Thanksgiving weekends and related days shall be eliminated, and interim OHV, street-legal vehicle, and camping use limits (see Special Condition 9 above) shall apply 365 days per year. These restrictions shall be a component of the Vehicular Enforcement Plan (see Special Condition 2 above)

**COLAB NOTE: These restrictions will severely curtail park use on these holidays**

**11. Entrance Study.** By December 31, 2019, the Permittee shall submit for Executive Director review and approval an Entrance Study. The Study shall evaluate changes that can be made to provide vehicular access into the Park in a manner that will reduce coastal resource impacts relative to the existing interim entrances, particularly as it relates Arroyo Grande Creek crossings and more normal and typical beach uses north of the riding area.

**COLAB NOTE: What if there is no entrance that is acceptable to the Commission?**

**12. Permanent Southern Exclosure.** The roughly 300-acre seasonal ESA vehicular exclosure area (see Exhibit 2) shall permanently exclude vehicles, and such area shall be restored as needed to enhance habitat values consistent with allowed passive public access use. By October 31, 2019, the Permittee shall submit for Executive Director review and approval a Permanent Exclosure Plan. The Plan shall be prepared by a resource ecologist (or ecologists) with experience with sensitive species, shall be based on consultation with USFWS, and shall identify the measures to be implemented to make the seasonal exclosure permanent and to restore the area as needed to enhance habitat values for sensitive species (including Western snowy plover and California least tern) consistent with allowed passive public access use. The Permittee shall immediately implement the Permanent Exclosure Plan upon Executive Director approval.

**COLAB NOTE: This will further and permanently reduce the riding area and concentrate the OHV riding.**

*13. Authorize Dust Control Areas. This CDP authorizes State Parks to implement specified airborne particulate matter emission (“dust”) control and related monitoring measures at ODSVRA in order to reduce and control dust generated at ODSVRA consistent with the requirements of San Luis Obispo County Air Pollution Control District (APCD) and the California Air Resources Board (CARB) subject to all of the following:*

*a. Dust Control Measures. Approved dust control measures include planting native dune vegetation, installing perimeter fencing (around emissive ‘hot spots’), installing ‘track out’ devices at the Pier Avenue and West Grand Avenue entrances to ODSVRA, and installing native trees inland of ODSVRA. Soil stabilizers and straw bales shall only be utilized when the Executive Director determines that the proposed soil stabilizers and/or straw bales will be utilized in an amount, configuration, and composition that will not significantly disrupt dune habitat values (no significant degradation of dune habitats and/or vegetation; use to be kept to the minimum amount necessary to abate dust).*

**COLAB NOTE: These measures will further reduce the riding area.**

*b. Monitoring Measures. Air quality monitoring stations consistent with APCD and/or CARB requirements that are sited and designed to limit any associated coastal resource impacts as much as possible.*

*c. Dust Control and Monitoring Area. Approved dust control and monitoring measures are to be located in the areas specified (by APCD and/or CARB) as necessary to meet APCD and/or CARB requirements, subject to concurrence by the Executive Director. In addition, track out devices are to be located at Pier and West Grand Avenues, but shall only be allowed within the existing paved street areas and shall not be allowed on the beach sand. Further, native trees shall only be planted where the Permittee has provided property owner consent for same, and where the Executive Director determines that the proposed native trees will be planted in an amount, configuration, and species type that will not have significant adverse effects on coastal resources (no obstruction of any public coastal views; no significant degradation of dune vegetation and habitat; no loss of prime agricultural lands or lands used for agricultural production).*

*d. Dust Control Measures Coverage. Dust control measures approved pursuant to this CDP are expected to result in planting/maintaining approximately 350 acres. Authority for State Parks to implement the approved dust control and related monitoring measures at any given location is subject to the requirement that State Parks has landowner approval to undertake development on that property.*

**COLAB NOTE: 300 acres for Plover and 350 acres for planting plus unknown reductions for some of the others, such as windy day restrictions. How much of the 1580 acre riding area will ultimately be left?**

*e. APCD and CARB Requirements. Notwithstanding subsections (a) through (d) above, any dust control measures implemented under this CDP shall be consistent with any applicable requirements of APCD and CARB related to dust control at ODSVRA.*

*Prior to implementing any of the approved dust control and monitoring measures, the Permittee shall submit, for Executive Director review and approval, a Dust Control Work Plan that clearly describes the dust control and monitoring measures to be implemented, where the Dust Control Work Plan shall be submitted with evidence that APCD and CARB have reviewed the measures and consider them*

*consistent with their requirements related to dust control at ODSVRA. Each Dust Control Work Plan submitted by the Permittee shall include a description of the previous dust control and monitoring measures undertaken, including monitoring data identifying effectiveness, including the effectiveness and success of dune revegetation, and any coastal resource impacts. The Executive Director shall review Executive Director determines that the proposed soil stabilizers and/or straw bales will be utilized in an amount, configuration, and composition that will not significantly disrupt dune habitat values (no significant degradation of dune habitats and/or vegetation; use to be kept to the minimum amount necessary to abate dust).*

**14. Indemnification by State Parks/Liability for Costs and Attorneys' Fees.** *State Parks agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than State Parks against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval of these CDP changes. The Coastal Commission retains complete authority to conduct and direct the Commission's defense of any such action against the Coastal Commission, its officers, employees, agents, successors and assigns.*

**COLAB NOTE: Condition 14 makes State Parks responsible for legal costs and damages resulting from actions of the Coastal Commission from July 11, 2019 forward.**

**15. Special Condition Conflicts.** *In case of any conflict between these special conditions (i.e., Special Conditions 1 through 15 as approved by the Coastal Commission on July 11, 2019) and other CDP 4-82-300 special conditions (see Exhibit 4), these special conditions (Special Conditions 1 through 15) shall take precedence.*

**COLAB NOTE: These new conditions supersede any prior permit provisions with which these conflict. There is no analysis of the impact of this condition on the Park operations.**

In the end, does the "voluntary" acceptance of these Special Conditions cripple the OHV riding and camping to such an extent that it will become effectively closed?

**At the Meeting:** The Commission and its staff were totally overwhelmed in terms of space, time, and logistics, as over 1000 people showed up to protest the recommended elimination of dunes riding and off road vehicular camping. As early as 7:30 AM (the meeting was supposed to start a 9:00 AM) the line to get in filled the Embassy Suites lobby, went out the door, and wrapped around the parking lot. The room was too small, and the Commission staff was unable to deal with all the group representatives and individuals who wished to speak.

The parking lot was packed with pickups, jeeps, large tow trucks, cranes, OHV's, motor homes, and other vehicles, all flying flags and rallying against the potential closure of the dunes. It looked like a football game tailgate party.

The Sierra Club, Audubon clubs, Mayor Harmon of SLO City, and the usual Mesa opponents spoke in favor of the staff recommendation to start phasing out the off-road uses at the Park. Arroyo Grande City Councilman Jimmie Paulding supported the closure. Arroyo Grande Mayor Caryn Ray sidestepped the substantive issue of closures and chastised the Commission for not having conferred with local officials prior to developing the staff report. Other local officials also voiced their complaints.



Supervisor Compton, many chambers of commerce, business reps, and off road organizations were opposed to the potential closure. Realtors, hospitality industry reps, and many local inter-generational dunes users (Duners) including a substantial number of area Hispanics also spoke about their family traditions and the dunes heritage and what that has meant and continues to mean in their lives.

Chillingly and much later in the day during deliberations in response to these comments, one of the Commissioners, Padilla, noted that “some heritages have to go away” and that dunes riding “is a slow moving environmental disaster.”

There was a great deal of rhetoric about Coastal Commission and State Parks cooperation. The Commissioners and local officials all gushed about how much they respect each other. Inside baseball says that the State Resources Secretary who supervises both agencies, among others, sent someone to keep them on their best behavior.



The room only holds about 300. They should have held it at the Madonna Expo or the Fremont Theater

**Background:** (See last week's Update for a lot more detail)

**The Coastal Commission Staff Threw the Book at State Parks and Dunes Riding:** The 65-page staff diatribe recommends prohibition of riding on the dunes and camping in RVs, trailers, and other vehicles. Under “Conclusions” on page 64, the report states in part:

*The status quo related to operations and management at ODSVRA under the CDP is clearly not sustainable in a manner consistent with coastal resource protection requirements, and it is time to more fully understand and evaluate other public access and recreation options that better respond to the current realities that affect and are affected by activities at this shoreline location. Put simply, a Park that is fully consistent with on-the-ground realities, consistent with CDP, Coastal Act, and LCP requirements, does not include OHV use. Rather, it is clear that the coastal resource issues and constraints warrant elimination of OHV use at the Park.*

The Commission has 12 members, 4 of whom are appointed by the Governor, 4 by the Speaker of the Assembly, and 4 by the Pro-Tem of the State Senate. Within this group are appointments by interest class types such as environmental, local governments, and coastal industries. Any 7 could vote to revoke State Parks permit to operate the riding and camping area.

The staff report attempts to cloak its primary recommendation with language about less severe measures such as further reducing the riding areas, restricting the number of vehicles and riders on any given day, imposing further restrictions on special days such as the 4<sup>th</sup> of July, eliminating special events such as Huck Fest, and barring use on windy days or during the windy season.

**Accordingly, and after listing some of these options, the report continues:**

*Although the Commission has to date used its discretion (through amendments to the base CDP and through the annual review process) to allow ODSVRA use parameters, intensities, and activities to continue based on these temporary and interim use parameters (as adjusted through CDP amendments) as they relate to coastal resource impacts for decades, it has become clear to staff that the coastal resource issues and constraints affecting vehicular operations at the Park are only becoming more acute, and have reached a point where it is simply not appropriate for the Commission to continue to allow for use to continue as it has in the past, as this would not be consistent with underlying permit conditions and coastal resource protection parameters, interpretation of which must be consistent with the Coastal Act and LCP.*

Here the staff is stating that it would be illegal for the Commission to allow continued riding and vehicular camping. Presumably, the Commission’s General Counsel has read the report and has approved it. The Commissioners are in a terrible position to reject the staff recommendation under these circumstances.

**Staff Arrogance and Disrespect for the Public:** The staff also took pains to editorialize against whatever Park users and supporters may have to present by way of countering these arguments. Remember these writings were prepared far ahead of the legally required public hearing, during which the Commissioners are supposed to listen to the people with an open mind. **Also see page 27 for COLAB In Depth in this regard.**

**Read on:** *Put simply, in staff's view a Park that is fully consistent with on-the-ground realities, and with coastal resource protection requirements, does not include OHV use. Rather, it is clear to staff that the significant coastal resource issues and constraints attributable to OHV use render long-term OHV use at this location untenable. Granted, current vehicular and OHV users will no doubt suggest that is exactly the manner in which State Parks should proceed, but to do so is to suggest that State Parks should simply disregard the realities affecting this Park, and to suggest that those realities are somehow inconsequential.*

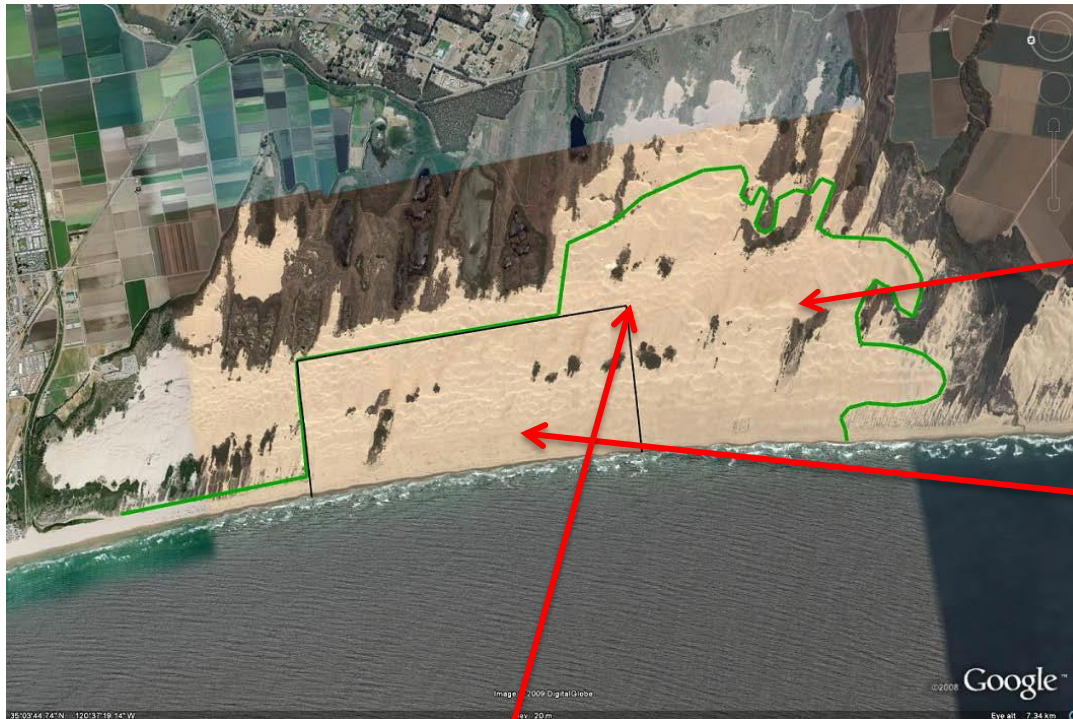
**Relatedly:** Please see the COLAB In Depth Section on page 27 for an overview of the royalization of California's public servants.

**The Sham:** Why have a Commission appointed by elected officials? Or for that matter, why have a Commission at all? Simply appoint a self-perpetuating staff and let them make any rules (in effect, laws) which they decide are appropriate. The current Staff is essentially uncontrolled. Encased in its privileged marble and glass building on Van Ness Avenue, next to the Opera House in San Francisco, and sipping Martinis at fancy SF Restaurants, it can destroy property, people's lives and hopes, and at this point, whole communities. These Mandarins won't even deign to serve in the gritty State Capitol in Sacramento.

Remember that the recent study of the economic impacts of the State Park and its heretofore existing recreational uses demonstrate that it generates about \$243 million of economic multiplier activity in the Five Cities area per year.

**Blackmail:** One of the most offensive and astonishing staff recommendations requires that the State Parks Department use its funds to cover the Commission's costs of litigating and paying damages for any lawsuits that may arise as a result of the Commission voting to shut down the riding and camping.

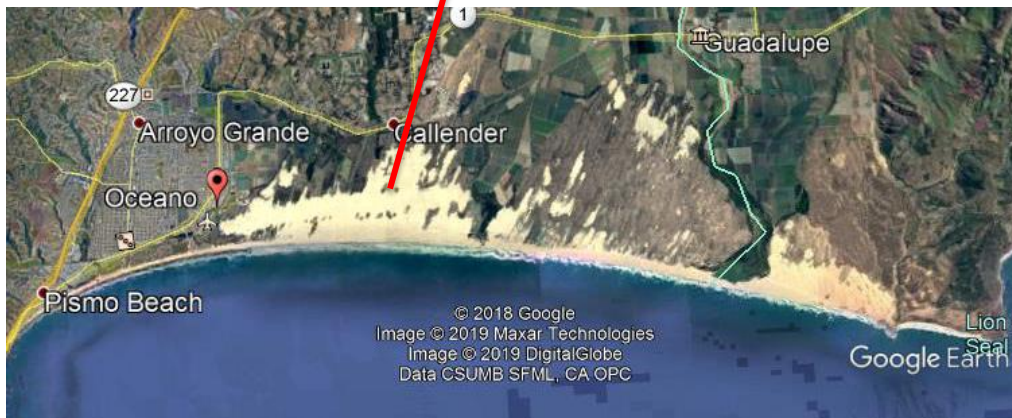
**Truth in Perspective:** Please see the satellite photos on the next page, which compare the Commission staff's distorted presentation of the impact of the riding area with the true big picture.



The State Park riding area.

The County owned La Grande Tract

The overall riding area is bordered in green in the Commission Report map above. In perspective and by displaying the true picture, it can be seen that the riding area is only a portion of the total dunes and beach area available to the public. This demonstrates how biased and false the staff report accusations are that the riding area prevents people from access to beaches without riding taking place. The riding area is only the portion in the blow up. There are miles of vacant beach and dunes outside the riding area. Did the Commission staff fall for the Northern Chumash hype or did they induce it?



**BE READY NEXT JULY FOR A PROBABLE NOT SO GRAND FINALE.**

As one Commissioner, in a tongue in cheek aside, said to the Commission Executive Director, “if you pull this off, we will give you a medal - maybe even a raise.” The new “voluntary” conditions eliminate over 600 acres of the 1,580 acre riding area.

## California Coastal Commission Meeting of Friday, July 12, 2019 (Completed)

**Unnumbered Item - Coastal Commission Workshop.** The format was a facilitated workshop which included the Commission members and a city and county local elected official panel. Local participants on the local government panel included Supervisor Bruce Gibson, Pismo Beach Mayor Ed Waage (the facilitator kept pronouncing it “wage”), Santa Barbara County Supervisor Das Williams, and Santa Barbara City Councilman Jason Dominguez. There were a number of other electeds from up and down the Coast.

Pismo Beach Mayor Protem Eric Howell is the Central Coast Commission representative.

The nominal purpose of the nearly day long session, which was supposed to last until 4:00PM, was to build better relationships between the Commission and the local cities and counties. It ended shortly after 2:00PM. The Commissioners were exhausted from the day before. They had to stay into the evening after the contentious dunes hearing to deal with other matters. They wanted out of Dodge.

The Workshop was structured to utilize 3 issues to focus the participants and to prevent the discussion from wandering all over and/or diving down into city X’s complaint about a particular project. This largely worked. The overall theme from the counties and cities was to request that the Commission defer to local ordinances and regulations.

### **The Issues Included:**

1. Short Term Vacation Rentals
2. Sea Level Rise
3. Coastal Commission Processing of City and County Mandated Coastal Plans.

COLAB is particularly leary of the sea level rise issue in relation to its velocity, its use as a tool to add regulations and expand government, and its ultimate role as a component of the broader enviro-socialist program to impose an elite socialist regime. It also has serious implications for private property rights and economic survival of whole communities. In a way, the Commission and many of the city and county representatives acknowledge this, but only as a negative problem barrier to their ultimate goals.

A number of the participants blamed local groups for fomenting opposition and turning the conversation from “science” and solutions to objections to property takings. In fact the Commission has provided written advice to the localities on how to be careful not to end up with takings lawsuits.

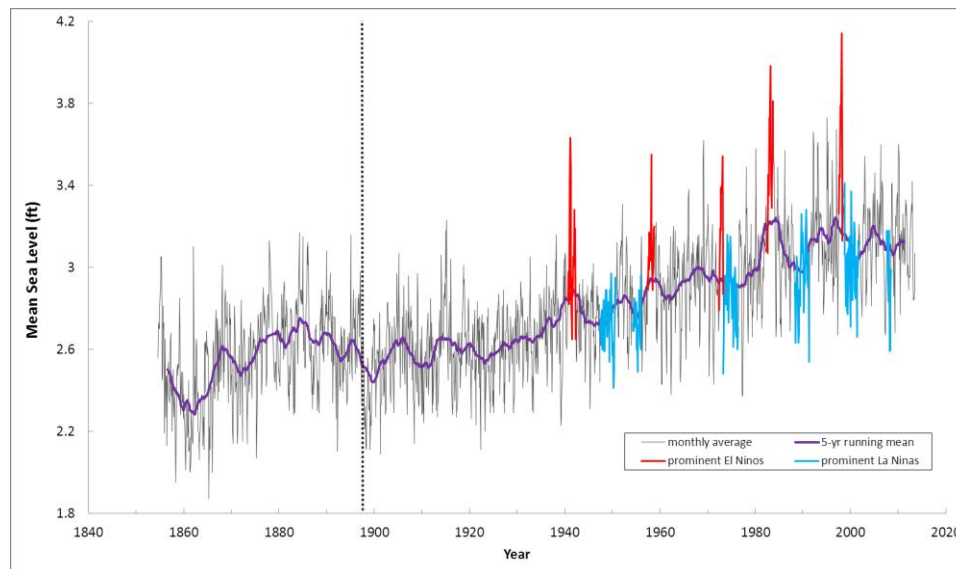
Nevertheless and at the outset, the Commission denied that it wanted to abolish property rights. Most of the local officials and some Commissioners are taking a lot of heat in their jurisdictions when they talk about managed retreat – prohibiting new construction on the coast, armoring the coast (sea walls, revetments, forcing people to move back from the coast, etc.).

Throughout the discussion the Commission seemed to be soft peddling the issue. Remember, however, and as we pointed out last week, the 255-page staff report stated unequivocally:

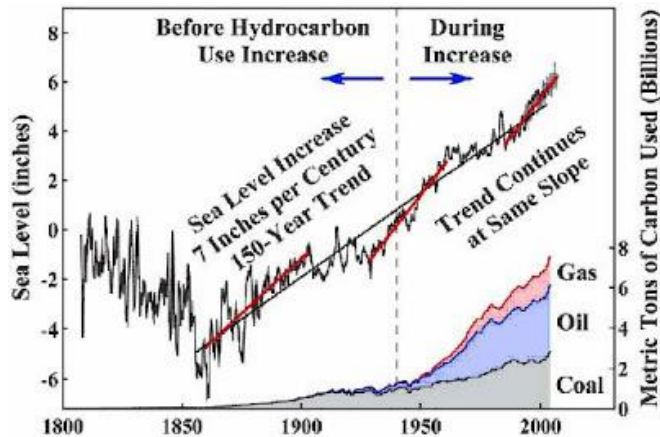
*Climate change is happening now. Rapidly melting ice caps, rising sea levels, floods, extreme heat waves, droughts, and fires are just a few of the effects of climate change. These effects are having profound impacts on our coast and are changing coastal management planning and decision making at global, national, state, regional, local, and individual scales.*

*Given current trends in greenhouse gas emissions, sea levels are expected to rise at an accelerating rate in the future, and scientists project an increase in California's sea level in coming decades. Until mid-century, the most damaging events for the California coast will likely be dominated by large El Niño-driven storm events in combination with high tides and large waves. Eventually, sea level will rise enough that even small storms will cause significant damage, and large events will have unprecedented consequences.*

Yet their own data shows that observed sea level rise is about 7 inches per century:



Note that their trend line (the purple line is the 5-year running mean) indicates that sea level has been rising at about 7 inches per century. We actually agree with that number. Why is that so bad? Avoiding this fact, the Commission predicts that it will accelerate faster, but per the graphic below it has not accelerated faster since CO<sub>2</sub> generation has increased. This actual data is omitted from the Commission's graph. Why?



As far as we could tell virtually all the Commissioners and all the local officials absolutely embrace impending sea level rise as a developing catastrophe. At least Supervisor Gibson described it as a “slow moving crisis.” But given its slow velocity, Gibson’s main concern is that voters will be reluctant to support massive new taxes to deal with it.

**Please Die Soon:** Indeed Gibson and the other participants voiced concern that the general public is not “educated on this issue” and “thus does not perceive it as a problem.” They believe that it will take “massive resources” to move significant parts of the coastal population. It was pretty clear from the comments that some of the Commissioners are willing to wait out the current older generation of Californians until they die off in order to achieve their full menu of policy initiatives. They want the Silent Generation and any conservative Boomer voters to die off fast. The Millennials and Gen X’ers have been indoctrinated at CSU and UC to support the program.

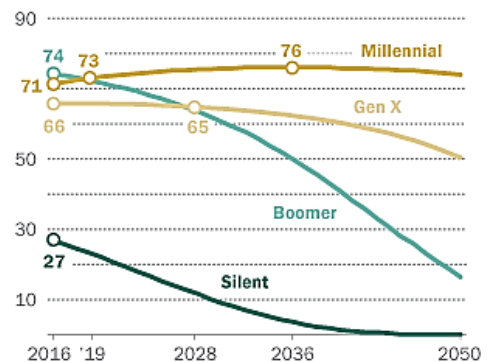
## BACKGROUND

**Summary:** The Coastal Commission is trying to figure out how to abolish private property rights on the coast in the name of human generated global warming sea level rise. The Commission has imposed requirements on cities and counties to revise their land use development codes in coastal areas. In order to have valid coastal land use ordinances a city or county must develop a graduated plan to accommodate sea level rise of up to 80 ft. over the next 100 years. This is part of the Commission’s long term scheme to socialize all private property in the coastal zone. During the hearing the Commissioners and staff stated that these were guidelines and efforts to help the local cities and counties address the problem.

**Key provisions include:**

### Projected population by generation

*In millions*



Note: Millennials refer to the population ages 20 to 35 as of 2016.

Source: Pew Research Center tabulations of U.S. Census Bureau population projections released December 2014 and 2016 population estimates.

PEW RESEARCH CENTER

- Prohibiting new development on property which would experience flooding as the sea rises progressively per the Coastal Commission models.
- Prohibiting maintenance activities on properties which would experience flooding as the sea rises progressively per Coastal Commission models.

The Coastal Commission agenda write-up encourages the cities and counties with ominous advice:

*Local governments could also downzone areas vulnerable to sea level rise to reduce densities and limit development expectations, and they could manage nonconforming structures in order to bring them into conformance with LCP policies within a reasonable period of time. The long-term effectiveness of such a redevelopment-based adaptation strategy depends on at least two factors. First, policies should include clear measures that define the threshold of improvements that constitute “redevelopment.” This is critical because, with “redeveloped” properties, the entire structure must be brought up to current LCP standards. In contrast, if the improvements qualify as “repair and maintenance,” a landowner could maintain the structure for its remaining life and make minor improvements that meet current standards, but the whole structure need not meet current standards so long as the improvements do not increase the degree of non-conformity of a structure in a hazardous area. Additionally, in some cases, development that qualifies as repair and maintenance may be exempt from permitting requirements. Second, an adaptation strategy should include downzoning of hazardous areas so that buildings destroyed by disasters are not allowed to be rebuilt in place. Instituting rebuilding restrictions in advance of damage will give property owners time to adjust their investment backed expectations and help local governments avoid takings challenges.*

*If an agency is contemplating requiring property owners to dedicate open space easements or other property interests, or requiring the payment of fees to mitigate project impacts, the agency should be careful to adopt findings explaining how requiring the property interest or payment is relevant.*

The complete text can be accessed at the link:

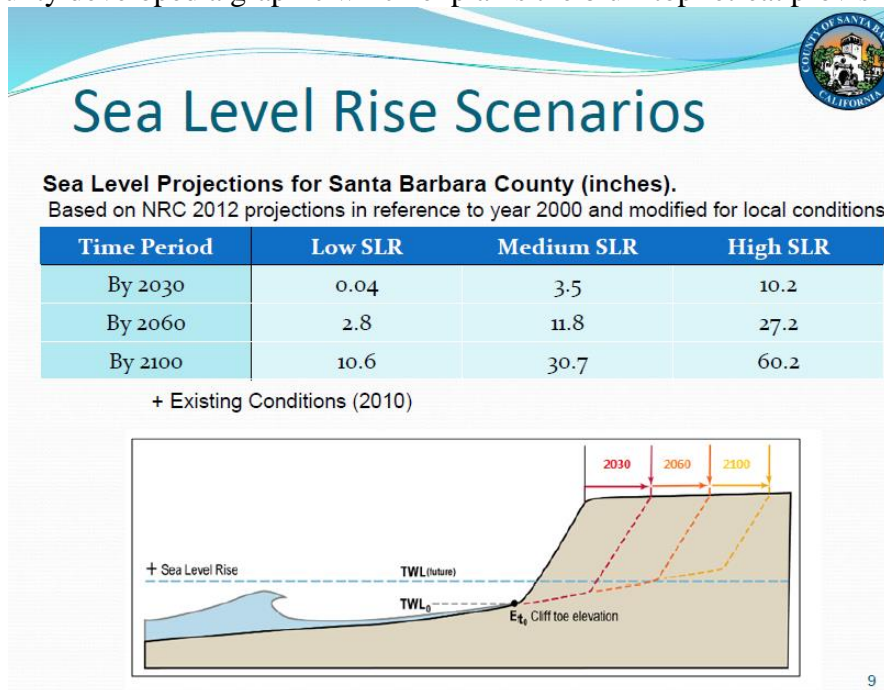
<https://documents.coastal.ca.gov/reports/2017/8/w6h/w6h-8-2017-exhibits.pdf#page=2>

As an example, Santa Barbara County has already defined the areas where the revised ordinances would be imposed.

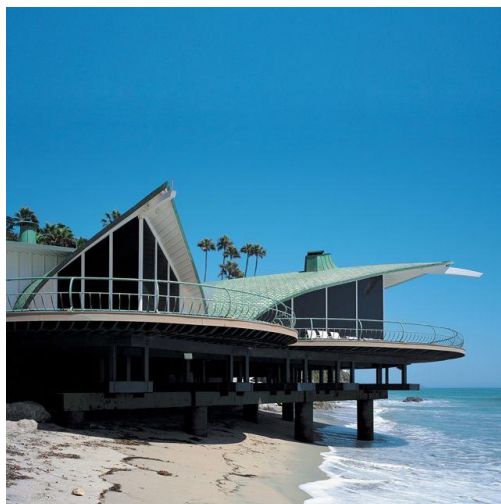
- Prohibiting new development on oceanfront bluff tops, which would experience undercutting as a result of progressive sea level rises per Coastal Commission models.
- Prohibiting maintenance of properties on bluff tops which would experience undercutting as a result of progressive sea level rise per Coastal Commission models.
- Requiring “managed retreat” of existing development.



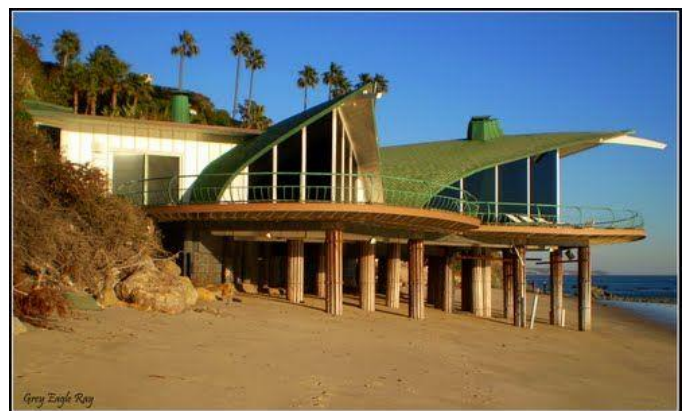
Santa Barbara County developed a graphic which explains the bluff top retreat provisions.



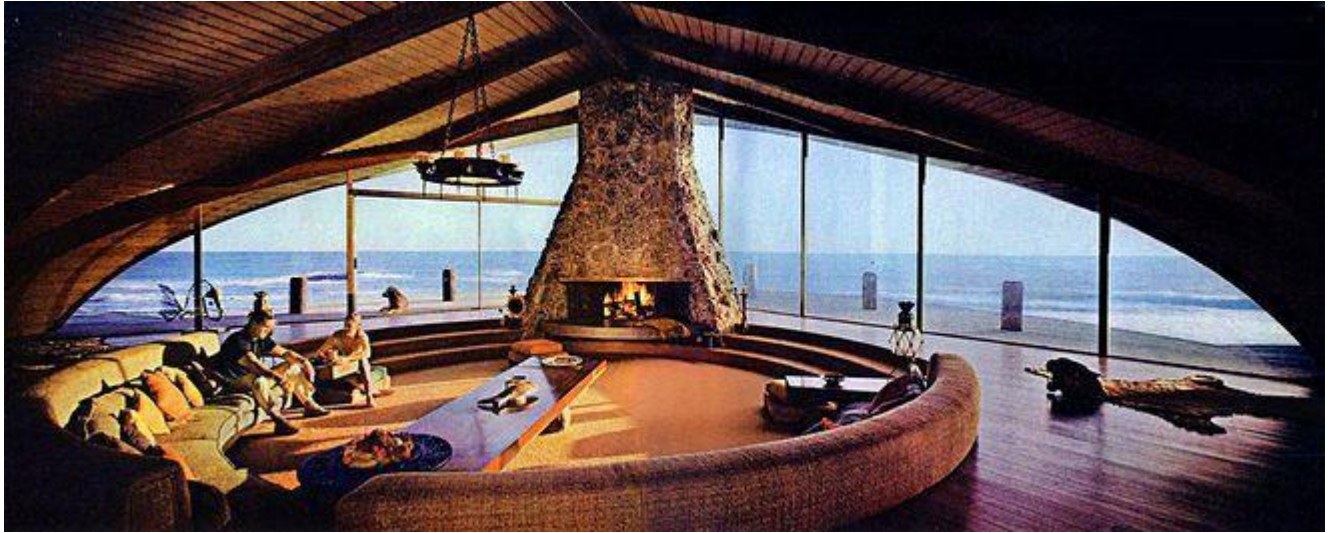
**Observed Sea Level Conditions:** The Cooper Wave House north of Trancas in Malibu is one of California’s most exquisite and famous beachfront homes. It was built in 1957 by lumberman Bill Cooper and his wife Glenn. Bill, a Korea Marine, had a lumberyard on Pico in LA. The house is all wood. They did a lot of the work themselves. It obviously could never be built today under Coastal Commission rules which began to take effect after 1973.



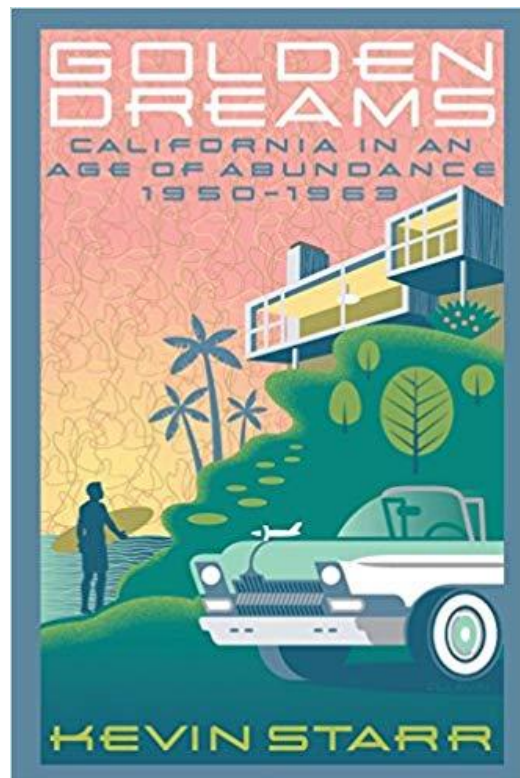
Current Day at High Tide.



Note that way back, the water came all the way up to the bluff - THE SAND IS WET FROM HIGH TIDE. The sand ebbs and flows over the seasons and years.



Bill and Glenn Cooper back in the day in the living room. Note: Archie the dog out on the deck to the left. They drove jeeps and motorcycles on the beach, set off fireworks, fired rifles and pistols, and surfed. They had 5 little kids. People would ask, aren't you afraid that they will drown? Bill would often reply "have you ever seen a kid fall in the ocean?" They kept a freezer full of New York steaks and you could just drop by. They saw the handwriting on the wall early and moved to Idaho in 1970. The house might have sold for \$300,000. This is part of our heritage which one Coastal Commissioner said "needs to go away." No doubt the Coastal Commission will require the City of Malibu to let the house rot away under the no maintenance "coastal managed retreat" provisions.



Now it's Betrayed Dreams: California In An Age of Dystopia.

# 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

## MASTERS?

*Hundreds of California government workers earn more than \$500,000 a year — and that’s just the tip of the public-employee compensation iceberg.*

BY STEVEN GREENHUT

California’s cities, counties, and public agencies have secured a record tax windfall in recent years, as property tax collections soar, yet they continue to cry poor-mouth. There’s not enough money, they say, to provide adequate public services. Government officials and public-sector unions already have hatched a plan for the 2020 ballot that would dramatically raise property tax on commercial property owners by undermining Proposition 13’s tax protections.

But a new report from the *Orange County Register*’s Teri Sforza hints at why these agencies never have enough money to do their jobs. Based on data from the state controller’s office, she found that “More than 100 city and county workers earned total compensation exceeding a half-million dollars in Los Angeles, San Bernardino, Riverside and Orange counties last year.” One need only look at the Transparent California database to see that this is no aberration.

One Orange County city, Placentia, decided recently to exit its contract with the Orange County Fire Authority and start its own fire department as a way to gain control of spiraling compensation costs. No wonder. We see page after page of OCFA employees earning total compensation of hundreds of thousands of dollars a year. The top earner received \$534,000 in total pay and benefits — nearly five times the base salary of \$117,000 a year. This is no aberration. Pull the data from any agency and you’ll be shocked by the pay levels.

The average California firefighter at the county and city level earns nearly \$200,000 a year in total compensation for a minimal work week (and they’re paid while sleeping). State-level firefighters earn close to \$150,000. Police sergeants, city managers, you name it — they often earn \$300,000 or more in pay and benefit packages. Those numbers include only the funded portion of

the equation. California has hundreds of billions of dollars in unfunded pension and retiree-medical costs — shortfalls that ultimately must be paid for by hard-pressed taxpayers.

Some employees have compensation levels soaring over \$1 million in one year, costs that typically reflect those ridiculous DROP programs (Defined Retirement Option Plans). Compensation packages are so generous and retirement ages so low (age 50 for public-safety employees; 55 for most others) that these employees have no incentive to keep working once they hit retirement age. But many want to keep working, and their agencies need their labor. So employees double-dip by receiving their retirement and their full pay, which they get in a lump sum when they really do retire.

In the private sector, sick time is just that. You get a certain amount of time off if you're sick. In the public sector, it's yet another benefit scheme. Public employees bank the sick time and then get large payouts when they leave the agency. There was a time when public employees earned somewhat less pay, but had somewhat higher pension benefits and more job security than private workers. Now, they receive higher pay and dramatically higher pension benefits than those in the private sector — plus they basically can't be fired and work short weeks. Who's working for whom now?

Meanwhile, the new governor has increased pay for some government employees. I guess he knows who helped him get elected. Local governments have been on a pay-hiking spree, as well. And when the money runs out, guess what? The government concocts plans to raise taxes. Cities are crying poor-mouth now, but I don't recall any city officials objecting when they granted retroactive pension increases to their employees. There's no punishment for alleged bad behavior, either, as public employees receive big payouts even if they are accused of bad behavior.

No matter how much new tax revenue state officials find, it will never be enough. A report this year from the California Policy Center estimates that "California's total state and local government debt as of June 30, 2017 totaled just over \$1.5 trillion. That total includes all outstanding bonds, loans, and other long-term liabilities, along with the officially reported unfunded liability for other post-employment benefits (primarily retiree healthcare), as well as unfunded pension liabilities." Pretty soon we're talking about real money.

Then there's something known as service "crowd-out." Money is fungible, so when agencies squander it on outsized pay for their employees, there's less money to provide the public services that are supposedly the reason for the agencies' existence. We know how the game is played. The public employees come first, and the public gets whatever scraps are left over. Every major California agency — from the Department of Motor Vehicles to its major school systems — is a dysfunctional mess, immune from reform but always in dire need of more cash.

A 2017 Stanford Economic Policy Research Institute study found “contentious debate about what is driving these cost increases — significant retroactive benefit increases, unrealistic assumptions about investment earnings, policies that mask or delay recognition of true costs, poor governance, to name the most commonly cited — but there is agreement on one fact: rising pension costs are making it harder to provide services traditionally considered part of government’s core mission.” The problem has only gotten worse since then, despite record-high investment returns. If there’s ever a major economic downturn, California municipalities will be in a world of hurt.

What are California’s leaders doing about it? Nada. Pension reform has not been on the legislative agenda since a minor reform in 2013. Gov. Gavin Newsom is earmarking more general-fund money to pay down some pension debt but is doing nothing to reform the broken system. The state’s high court recently punted on an effort to reform the so-called “California Rule,” which forbids agencies from reducing benefits for current workers (even going forward) unless they are given something of equal value in return. State agencies and other courts have struck down every major local pension-reform effort. There’s no conceivable legal way now to fix the problem.

California is on track for an endless sea of tax increases and service cutbacks, mainly because the public-employee unions control the government and have assured that their pay and benefit packages must always rise. No one is suggesting that the state deny a fair wage to its employees, but a simple scan of the state controller’s database and Transparent California shows that there’s nothing fair about a system that turns every government worker into the equivalent of a lottery winner. *Steven Greenhut is Western region director for the R Street Institute. Write to him at [sgreenhut@rstreet.org](mailto:sgreenhut@rstreet.org). The article was first published on July 11, 2019.*

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