



## WEEKLY UPDATE NOVEMBER 17 - 23, 2019

### **ALERT** **THIS MONDAY NOVEMBER 18, 2019** **APCD HEARING BOARD**

**THE HEARING BOARD HEREBY GIVES NOTICE** that it will conduct a public hearing on **MONDAY, NOVEMBER 18, 2019, at 9:00 a.m.** The location of the hearing will be the South County Regional Center, 800 West Branch Street, Arroyo Grande, California. Interested persons may appear at this hearing and give testimony.

**DUNES DUST PLAN VIOLATIONS**

COLAB  
San Luis Obispo County



## **DINNER & FUNDRAISER**

*11th Anniversary*

**SAVE THE DATE!**

**Thursday March 26, 2020**

**Alex Madonna Expo Center**

*details coming soon...*

*United We Stand, Supporting  
a Vision of Liberty & Prosperity*

COLAB San Luis Obispo County  
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## **THIS WEEK**

**NOOSE TIGHTENS FURTHER ON DUNES RIDING  
APCD HEARING BOARD MONDAY  
WILL THEY GUT THE RIDING AREA?  
OR EVEN SHUT IT DOWN?  
IS THE SLO TRIBUNE SERIES A COINCIDENCE?**



**PERMITTING FEE INCREASE HEARING**

**COMMUNITY POWER SOCIALIZATION STUDY LAUNCH**

**AMENDMENTS TO LEGISLATIVE PROGRAM RELATIVE TO  
PG&E BUT NO SUPPORT FOR ACA 18 THAT COULD HELP  
DIABLO STAY OPEN**

**AMENDMENTS TO BUILDING & FIRE CODES HEARING –  
WILL THEY PUNISH YOU BECAUSE YOU HAVE AN OLD  
UNPERMITTED STRUCTURE?**

**CHANGES TO PASO GROUNDWATER MANAGEMENT AREA**

**MORE OPT OUTS FROM NORTH COUNTY WATER DISTRICTS  
AT LAFCO**

**CANNABIS TO GET WILLIAMSON ACT PROTECTIONS  
(AG PRESERVES)**

**LAST WEEK**

**APCD APPOINTS HEARING BOARD MEMBERS  
THEY GO INTO ACTION ON MONDAY NOV. 18<sup>TH</sup>  
THEY COULD SHUT DOWN THE DUNES**

**NO BOARD OF SUPERVISORS MEETING**

**CONTROVERSIAL POMAR AREA CANNABIS  
OPERATION CONTINUED INDEFINITELY**

**AG WORKER HOUSING APPROVED AT PC**

**SLO COLAB IN DEPTH  
SEE PAGE 22**

**LONG-TERM SOLUTIONS FOR CALIFORNIA  
WILDFIRE PREVENTION  
BY EDWARD RING**

**THIS WEEK'S HIGHLIGHTS**

**APCD Hearing Board Meeting of Monday, November 18, 2019, 9 AM, South County  
Regional Center, 800 West Branch St., Arroyo Grande (Scheduled)**

**Agenda Item to Hearing on Abatement Order 17-01 – Modification of Order 17-01 or Issuance of a New Abatement Order:** The actual agenda for the meeting was not posted as of this writing. However, the related notice and proposed abatement order have been posted. The full order recommended by the staff can be seen under Addendum I on page 26 at the back of this Weekly Update.

During last week's APCD Board meeting it was alleged that the State Parks Department has agreed to stipulate to the proposed revised abatement order. Since it contains additional tasks and shorter deadlines, it is not known if State Parks believes it can actually comply. There is nothing in the record so far to demonstrate this. Thus we go into the Monday hearing without knowing this essential fact. Even if Parks agrees, will Parks actually be able to complete the steps on the stipulated schedule. If not, its failure could become the final cause to shut the Park down.

We confirmed during last week's APCD meeting that the Hearing Board can actually take whatever action it deems appropriate. For example, it could reject the staff recommendation, which is essentially a very strict set of deadlines for the State Parks Department. Or it could adopt the staff recommendation in its entirety or with modifications. Troublingly, it could impose much more severe sanctions, including reduction in riding area from that which is now proposed by the APCO, limiting hours of operation of the Dunes Park, or even shutting it down.

There are at least 12 letters in the record recommending stricter enforcement, including several requests to shut the entire area down or to shut down the County-owned La Grande tract. There are no letters of support to State Parks in the record as of Friday, November 15, 2019.

**Coordinated Effort To Shut Down the Dunes:** It is not coincidental that the SLO Tribune Newspaper is running a full front page series of articles on the dunes issues leading up to Mondays' hearing. Moreover, and per a recent Tribune editorial on the subject, Tribune staff has urged its Sacramento Bee sister staff to alert the Governor to its point of view and to pressure him into some sort of action. Is the Tribune an objective newspaper or a propaganda arm for the progressive left?

These forces are likely to converge this Monday as a multi-pronged attempt to influence the Hearing Board to take more severe action than recommended by the staff. What pressure might the Governor put on the State Parks Director prior to the meeting?

### *Notice of Hearing of the APCD Hearing Board 11/1/2019*

*THE HEARING BOARD HEREBY GIVES NOTICE that it will conduct a public hearing on MONDAY, NOVEMBER 18, 2019, at 9:00 a.m. The location of the hearing will be the South County Regional Center, 800 West Branch Street, Arroyo Grande, California. Interested persons may appear at this hearing and give testimony.*

*THE HEARING BOARD WILL GIVE CONSIDERATION to the following:*

*Petition Related to the Existing Stipulated Order of Abatement 17-01: Petition by the San Luis Obispo County Air Pollution Control District (SLOAPCD) for a modification of the existing Stipulated Order of Abatement 17-01 or issuance of an Order of Abatement to the California Department of Parks and Recreation Off-Highway Motor Vehicle Division to address violation of the existing Stipulated Order of Abatement (17-01) and continued violations of California Health and Safety Code Section 41700 and SLOAPCD Rule 402 – Public Nuisance and continued violation of SLOAPCD Rule 1001 – Coastal Dunes Dust Control Requirements with respect to particulate matter and dust resulting from riding activities at the Oceano Dunes State Vehicular Recreation Area, operated by the California Department of Parks and Recreation Off-Highway Motor Vehicle Division*

*Interested persons may examine the petition at the SLOAPCD District Office located at 3433 Roberto Court, San Luis Obispo, CA 93401 by contacting Ms. Alyssa R. Roslan, at [aroslan@co.slo.ca.us](mailto:aroslan@co.slo.ca.us) to facilitate review of the petition or to be notified of any changes related to the scheduling of the hearing. You may also review the Petition and Proposed Order by [clicking here](#), listed under "Upcoming Hearing Board Actions."*

Supporters of dunes recreation, the economy, and the intergenerational family traditions of the dunes need to show up for this one.



**Board of Supervisors Meeting of Tuesday, November 19, 2019 (Scheduled)**

**Item 3 - Submittal of the proposed project framework and scope of services for a study analyzing Monterey Bay Community Power.** Several months ago, the Board directed staff to conduct a further study of the feasibility of joining the Monterey Bay Community Power Authority. The staff, before consultant proposals, is prudently checking in the Board on items which should be covered in the future study.

**The proposed project schedule is displayed below:**

Project: Monterey Bay Community Power Additional Analysis Framework	
<b>BOS Direction:</b>	
<ul style="list-style-type: none"> <li>• Prepare a framework for additional analysis of Monterey Bay Community Power</li> <li>• Prepare an RFP Scope of Services and return to the BOS for approval</li> </ul>	
Task	Deadline
1) BOS, framework and scope of services (consent)	November 19, 2019
2) RFP distributed to public (3 weeks)	November 26, 2019
3) RFP submittals due	December 13, 2019
4) Vendor selected	January 3, 2020
5) BOS, approval of contract and financial allocation	January 28, 2020
6) Consultant analysis	January 28 - May 31, 2020
7) Consultant submittal to staff for consideration	May 15, 2020
8) Consultant final deliverables due to County	May 31, 2020
9) BOS, staff and consultant to return with findings <i>If action is requested, possible resolution and introduction of first reading of the ordinance</i>	June 16, 2020
10) <i>Pending on actions on June 16, possible second reading of the ordinance</i>	July 7, 2020
11) <i>Pending on actions on June 16, Monterey Bay Community Power deadline to join JPA</i>	August 1, 2020

**The scope of work would be as follows:**

**Legislative and Regulatory Landscape**

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- What legislation and regulation governs MBCP and its operations today?
- What pending legislation and regulation may affect MBCP and its future operations?
- If adopted, how will pending legislation and regulation affect the future operations of MBCP and how is MBCP addressing and/or mitigating any pending legislation or regulatory changes?

**Pro Forma Analysis**

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- What is MBCP’s current and forecasted operational budget, debt, reserves, and existing non-cancellable commitments?
- What is MBCP’s approach to rate setting?
- What is MBCP’s current opt-out rate for the service territory?
- How will MBCP’s consideration of a new business model affect customers in terms of rates, rebates, and energy programs and the organization’s operations in terms of operations, debt, and reserves as compared to their current business model.
- What are the opportunity costs to county residents and businesses of this potential new model?

**Power Procurement and Service**

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- What is MBCP’s current and forecasted power portfolio?
- What is MBCP’s strategy for power procurement?
- What are the risks and benefits to MBCP and its customers of a changing energy market in terms of future supply, pricing, etc.?

- How do MBCP's current and forecasted rates compare to PG&E's and how much money will residents and businesses save by being MBCP customers?"
- How has MBCP planned for or contracted for sufficient renewable power during the afternoon ramp period when solar power declines and wind power may not be available?
- How will MBCP's strategy for projected power procurement affect or contribute to the County's General Plan adopted greenhouse gas reduction goals?
- How will MBCP address the reliability issues which are part of the draft CPUC Rulemaking 16-02-007?
- How and to what extent has MBCP analyzed the future load when electric vehicles replace internal combustion engine vehicles and substantial charging will occur overnight?
- How has MBCP analyzed the production offshore wind and whether it is a good fit for its projected load needs?
- How has MBCP planned for or contracted for sufficient battery storage to meet needs when neither solar nor wind are available?

### **Energy Programs**

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- What is MBCP's current and forecasted customer energy program portfolio?
- How much of MBCP's current and forecasted budget is dedicated to customer energy programs?
- What are the benefits of current and future energy programs to MBCP customers?
- How are MBCP's energy programs different than PG&E energy programs?

### **Governance**

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- What is MBCP's current governance structure?
- What is MBCP's approach to governance as it transitions a three-county organization to a five-county organization, and what does that mean for County of San Luis Obispo representation?
- How can residents influence decision making and participate in energy democracy given a large organization?

### **PG&E's State of Affairs**

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- How will PG&E's bankruptcy and potential re-organization affect customers in terms of power supply, rates, service, etc.?
- What are the opportunity costs for maintaining the current relationship with PG&E for our residents and businesses?

### **County of San Luis Obispo Risks**

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- What are the long-term risks, probability and financial obligations are posed to the County by joining MBCP?
- How can the County best manage these risks?

Especially if the State or some State corporation has taken over PG&E or might take it over.

The Board is prudent to undertake this study. It may wish to add a review of the status of operations and finances of the Marin Clean Power Authority and the Sonoma County version as well. Are there any other useful pieces of information from around the State relative to the other CCA's which would have bearing on San Luis Obispo County?

**Item 37 - An update on State Legislative activities by Paul Yoder and Karen Lange, Shaw/Yoder/Antwih/Schmelzer and Lange, and request to update the 2019 legislative platform.**

The write-up succinctly sums up the reason for reviewing the Legislative Program now:

*The purpose of this report is to provide an update on the County's State Legislative lobbyist activities on behalf of the County, in addition to beginning the process of developing the 2020 County Legislative Platform. The proposed amendment to the 2019 Legislative Platform will allow the County to quickly respond to activities occurring in Sacramento, as it relates to PG&E and PSPS.*

The staff recommends that the following provision be added to the Leg. Program immediately:

**Amendment to 2019 Legislative Platform**

Page 1 of 1

*R. Problem: Pacific Gas and Electric (PG&E) filed for Chapter 11 bankruptcy protection on January 29, 2019 after coming under significant financial pressure due to claims tied to significant and deadly wildfires. For example, initial settlement agreements for the 2017 Northern California wildfires and the 2018 Camp Fire are over \$11 billion. As part of its response to existing liabilities and in an attempt to prevent future liabilities, PG&E has pursued an aggressive Public Safety Power Shutoff (PSPS) program. The PSPS program turns off electricity when high winds, dry conditions, and a high fire risk are predicted. While San Luis Obispo County has, so far, been spared from a PSPS event, dozens of counties throughout the State have experienced days without power. Given PG&E's difficulties in managing PSPS events, many are beginning to call for governmental take-overs of PG&E assets.*

*Resolution: Support legislative or administrative action, and budget actions which would aid in the preparation, response, and recovery of local government and citizens due to the PSPS program and PSPS events. Support legislative or administrative action that ensures the county is protected from negative impacts due to PG&E bankruptcy proceedings or governmental take-overs of PG&E assets.*

**NUCLEAR ENERGY AS CARBON FREE AND RENEWABLE**

What about Assemblyman Cunningham's bill, ACA 18? (see below), which could make Diablo more viable? The Board should include this one in its amended program and then support it vigorously.

**ACA 18**

*The California Constitution establishes the Public Utilities Commission with jurisdiction over all public utilities, subject to control by the Legislature. Existing statutory law establishes various programs to encourage the deployment of renewable energy and zero-carbon resources, as*



*defined. One of these programs, the California Renewables Portfolio Standard Program, requires most retail sellers of electricity to procure a minimum quantity of their electricity products from eligible renewable energy resources, as defined. This measure would require that the state's programs relating to renewable energy and climate change include nuclear energy as a renewable energy resource and zero-carbon resource. The measure would require that the state's programs relating to renewable energy and climate change include electrical generating facilities that use nuclear energy as renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources. The measure would require renewable electrical generation facilities, eligible renewable energy resources, and zero-carbon resources to include, for licensing and certification purposes, electrical generating facilities that use nuclear energy. The measure would also prohibit the Legislature from enacting any law related to energy unless the law is technology neutral, as specified.*

**Item 37 - A request to 1) receive and file an update on the state of recruitment and retention with the County and 2) direct staff to return by June 30, 2020 with specific recommendations on key priorities identified in the update.** This is an important report on the increasing difficulty in recruiting and retaining qualified employees. There is not room to go into it in this Weekly Update. Take a look at the link:

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/meeting/Details/1173>

Scroll down to item 38 and open the report.

**Item 39 - Hearing to consider an ordinance implementing the County Fee Schedule "A" for Calendar Year 2020 and Fee Schedule "B" for FY 2020-21. All Districts. During this hearing, the public and impacted businesses will have an opportunity to comment.** It should be noted that these are not the large exaction fees imposed on development to mitigate its impact. These are the fees for staff processing of applications or for providing specific services.

Most of the increases are attributed to increased staff salary and benefit costs.

Note that in the past some Board members have challenged any resistance to fees on the basis that, "I receive no complaints and no one ever shows up at Board meetings to complain."

Two weeks ago we provided a detailed schedule of the fee changes for Planning and Development, Public Works, AG Commissioner, and Public Health. These are the main ones that directly impact COLAB members and friends. Rather than reposting them here and taking up space you can see them at the link:

[http://www.colabslo.org/prior\\_actions/2019/Weekly%20Update\\_Nov-3\\_Nov-9\\_2019.pdf](http://www.colabslo.org/prior_actions/2019/Weekly%20Update_Nov-3_Nov-9_2019.pdf)

When it opens, scroll down to page 5 and see the COLAB presentation from 2 weeks ago. Why Are the Fees So High In the Frist Place? Let's examine both the lack of zoned land availability and the permitting process for a subdivision of 70 homes.

**1. County Land Rationing:** Housing subdivisions are prohibited in most of the unincorporated county. National and state lands, Ag preserves, steep bush covered land prone to huge fires, lack

of water, coastal zoning, and other barriers severely limit the amount of land zoned where a 70-unit subdivision is legal.

It turns out that there were only 163 acres in the unincorporated county zoned for market rate housing four years ago when the current Housing Element of the General Plan was approved. Keep in mind that the total county contains 3,616 sq. miles. The biggest parcel was 16.4 acres in Shandon. A 70-unit subdivision on 16.4 acres would theoretically allow 4.27 homes per acre. But once area for roads, drainage structures, utilities, and open space dedication is subtracted, it would be substantially less. It is hard to understand why someone would move out to Shandon for the privilege of living on less than a quarter of an acre.

As presented in the County’s own table below, there are no existing parcels which would provide even half acre lots, let alone one acre lots.

**Table 3.8: Vacant Parcels for Above Moderate Households**

APN	Community	General Plan Designation	Acres
021-241-021	San Miguel	RSF	3.9
021-361-003	San Miguel	RSF	37
021-355-001	San Miguel	RSF	11.8
021-241-015	San Miguel	RSF	11.8
040-289-028	Templeton	RSF	7.5
041-181-017	Templeton	RSF	1.0
041-181-021	Templeton	RSF	0.5
040-289-012	Templeton	RSF	1.4
041-031-006	Templeton	RSF	1.5
041-031-013	Templeton	RSF	2.1
040-292-033	Templeton	RSF	3.0
017-311-006	Shandon	RSF	3.0
017-311-005	Shandon	RSF	2.9
017-192-053	Shandon	RSF	16.4
017-164-012	Shandon	RSF	5.0
092-570-044	Nipomo	RSF	1.3
092-572-013	Nipomo	RSF	3.4
092-572-014	Nipomo	RSF	5.0
092-572-053	Nipomo	RSF	3.0
074-431-001	Los Osos	RSF	7.8
074-431-017	Los Osos	RSF	1.8
074-026-007	Los Osos	RSF	1.7
074-026-008	Los Osos	RSF	2.3
074-026-009	Los Osos	RSF	3.0
074-026-010	Los Osos	RSF	2.7
074-052-049*	Los Osos	RSF	5.6
074-052-032*	Los Osos	RSF	0.7
074-052-033*	Los Osos	RSF	2.0
074-052-025*	Los Osos	RSF	1.3
074-052-024*	Los Osos	RSF	1.2
074-052-036*	Los Osos	RSF	4.7
062-069-009	Oceano	RSF	1.1
062-321-040	Oceano	RSF	2.7
075-032-014	Oceano	RSF	2.9
		Total	163 acres of RSF 1,140 potential housing units

\*Housing unit estimate adjusted for minimum parcel size of 10,000 square feet per planning area standard.

To concentrate 1,140 homes on 163 acres would require an average density of 7 dwelling units per acre. Again space used for roads, drainage structures, utilities, open space donations, and so forth would require increased densities.

**2. Lack of Land For Scalability:** Large parcels of land that permit economies of scale, particularly for the development of garden type family apartments with amenities, are not available. This is a fundamental Achilles Heel in any real effort to increase the supply of plentiful work force housing. Again the entire state and local scheme of land use regulation is based on a doctrine of rationing rather than creating abundance. This is a fundamentally a cruel anti-American, anti-family, and anti-child class war on the middle class, which has been marketed in the name of the environment. The real underlying purpose is to cram everyone into urban areas and regulate their lives while the plutocratic elites fly around in private jets, live in mansions in gated communities, and endlessly raise taxes and fees. Is it socialism or neo-feudalism?



**Former President Obama’s Martha’s Vineyard Home**

**Ronald Reagan’s Home was less grand.**



**Vladimir Putin’s Black Sea Home**

**3. The Byzantine**

**Process:** Once a developer finds a parcel actually zoned for housing (if ever), the permitting process (an expensive a role of

the dice) clicks in. As an example, open the link below, which summarizes the documents and analyses required to obtain a permit for a condominium project. The document indicates that it was adopted in 2004, 15 years ago.

<https://www.slocounty.ca.gov/getattachment/31c797f3-2dd5-47be-a166-e36352c8017c/Condominium-Planned-Unit-Development-Application-Package.aspx>

A great deal of information must be presented to the County to demonstrate that the proposed project conforms with a multitude of zoning, environmental, engineering, and utility requirements, which are embedded in numerous County ordinances and State laws. There are so many offices and departments involved that the applicant must submit 15 copies of everything.

Weeks, months, or even years are required for these various offices to analyze the project. Each Department charges its own set of fees on top of the planning Department fees. The fees are to cover the cost of all the staffers who are involved in analyzing the project. These comprise the subject of this agenda item.

The project applicant must employ land surveyors, planners, architects, engineers, attorneys, environmental experts, utility experts, transportation experts, etc., ad nauseum. Many of these experts must seal their documents, guaranteeing that they conform to all the rules and that they are accurate. Meanwhile the County has planners who are not professional experts with technical degrees in these fields to conduct the reviews. In other words, someone with a degree from Cal Poly or UCSB in Environmental Studies decides whether or not the project meets the requirements.

What if instead, the County gave applicants a choice? They could go through the current process or the County would accept the development plan if it met the zoning requirements in general. The difference would be that the applicant would have to post a bond equivalent to the estimated assessed value of the completed project, including a 10% cash proportion which would be called if it later turned out the project contained violations or omissions.

This would mean less staff, less time, less cost for the developer, less cost for the home buyer or renter, and perhaps better projects designed by experts without having former liberal arts or social science majors substituting their judgment.

The objection will probably be that the state might not allow this for some reason. The County could (a) test the system with some specimen projects, and (b) seek legislative remedies if necessary.



When we Googled “land planner professional seal California,” we got this guy (pictured below). Actually give him a tweed sports jacket with padded elbows and a pipe and he might make a pretty good planning director, SLOCOG director, or APCD director. He doesn’t seem worried about global warming and seems to prefer basking in the sun.

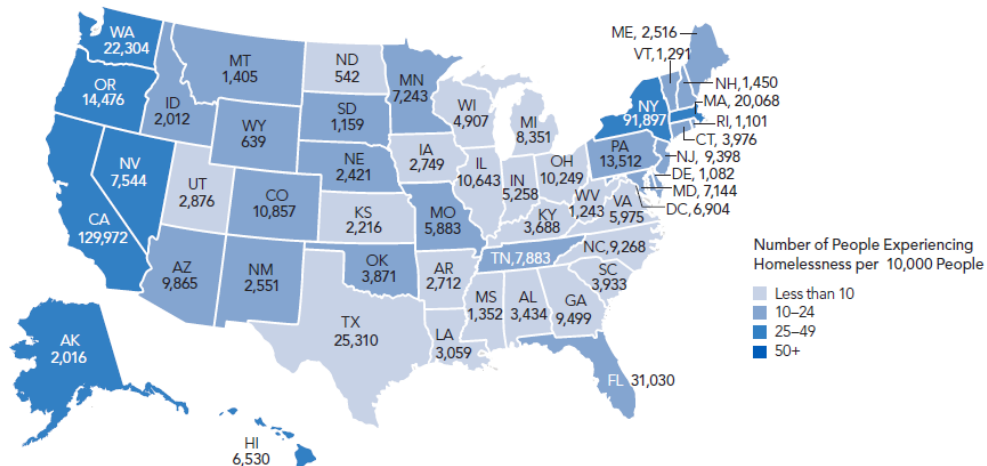


**Background:** The County has almost 2,000 different fees, most of which are not increasing. Some are actually decreasing. Staff did a nice job of isolating and presenting in the tables above, summarizing some of the important ones which are increasing for next year. The ability to hold the line to a great extent is appreciated.

**An Aside on Homelessness:** Those at the bottom of the housing ladder suffer the most. The people who are constantly wringing their hands about homelessness and the cost of housing should want to reform the system of permitting.

**Chart Below From US Department of Housing and Development Homeless Report:**

EXHIBIT 1.6: Estimates of Homeless People  
By State, 2018



With an estimated 1600 homeless people and a population of 283,000, SLO County has about 35.4 homeless people per 10,000 people.

**EXHIBIT 1.13: CoCs with the Highest Percentages of People Experiencing Homelessness Who Are Unsheltered in each CoC Category**  
2018

CoC Name	Total homeless people, 2018	Percent of all homeless people that are unsheltered, 2018	CoC Name	Total homeless people, 2018	Percent of all homeless people that are unsheltered, 2018
<b>Major City CoCs</b>			<b>Other Largely Urban CoCs</b>		
Fresno City & County/ Madera County, CA	2,144	78.4%	Vallejo/Solano County, CA	1,129	81.2%
Los Angeles City & County, CA	49,955	75.2%	Eugene, Springfield/ Lane County, OR	1,641	69.1%
San Jose/Santa Clara City & County, CA	7,254	75.1%	Pasadena, CA	677	68.2%
Oakland, Berkeley/Alameda County, CA	5,496	70.3%	Visalia/Kings, Tulare Counties, CA	967	67.4%
Long Beach, CA	1,873	64.5%	Oxnard, San Buenaventura/ Ventura County, CA	1,308	63.5%

Except for Lane County, Oregon, all the worst areas in the entire nation are in California. It is strange that San Francisco is not included. Perhaps Marin and San Mateo Counties dilute its status. Or is San Francisco sheltering more of its homeless people?

**Item 40 - Hearing to consider 1) amendments to the Building and Construction Ordinance, Title 19 of the San Luis Obispo County Code, to be consistent with the most recently adopted State codes and to implement other non-substantive changes and 2) the determination that this project is exempt from environmental review under CEQA based on the common sense exemption, CEQA Guidelines § 15061(b)(3).** There are numerous changes in the Definitions section of the ordinance, which should be of interest to builders, contractors, developers, and agriculturists. The general theme is to add detail and specificity.

The Board letter summarizes some of the major changes in the list below. However, we believe that it is more extensive.

*Adoption of Appendix Q of the California Residential Code, Tiny Homes. This will complement the land use requirements for tiny homes and provides relaxed building code requirements.*

- Updated Chapter 3 – Building Codes by restructuring Tables 903.1 and 903.2 for easier understanding and two methods of calculating fire sprinkler requirements for revisions and alterations. This will provide flexibility and options.*
- Updated Chapter 7 – Plumbing Code to reflect onsite wastewater (septic) permit requirement authority.*
- Updated Chapter 11 – Stormwater Management to be consistent with state permit language.*

For example, if you have an old chicken coop, tank tower, shed, or other structure, you may be required to obtain a separate retroactive permit prior to building your barn, putting an extension

on your home, or other development. This is another way for the Planning Department to generate revenue.

- c. Refusal to Issue Permits. The Building official may refuse to issue a permit, or refuse to extend, or renew any permit to any person who has a structure or structures without the benefit of permit on the property. Permits will be issued and receive final inspection in a manner and sequence determined by the building official.

There was considerable discussion on this new requirement. The staff did not know if the State had required it or if someone in the County had inserted it gratuitously. They will be back to report.

There are changes to the requirements for fire sprinklers in existing construction per the tables below:

There is an extensive section pertaining to septic systems, which includes parcel size, distance from structures, rainfall, and density.

There are also new requirements for calculation of foundation structures on slopes.

See the link below. When it opens, click on the tab Amendments to Title 19 (Showing Changes) <https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/10955>

**Item 41 - Hearing to consider an ordinance amending Chapters 16.04, 16.08, and 16.10 of the County Code by adopting and amending the 2019 Edition of the California Fire Code and an ordinance amending Title 16 of the County Code, Fire Prevention, to provide for abatement of fire hazardous weeds and rubbish in County Service Area No. 10 – Cayucos.** The Board hearing will be conducted on November 19<sup>th</sup> to consider revisions and various changes to the County Fire Code and the Cayucos Hazard Abatement area. The Fire Code changes pertain to expanded requirements for rural roads and driveways. Increased widths and load bearing capacities constitute the key changes. There are also increased vegetation distance requirements for areas around water tanks and other structures. These changes could result in increased costs for farmers, ranchers, and rural residents. The changes for the Cayucos area mainly pertain to upgraded brush clearance requirements.

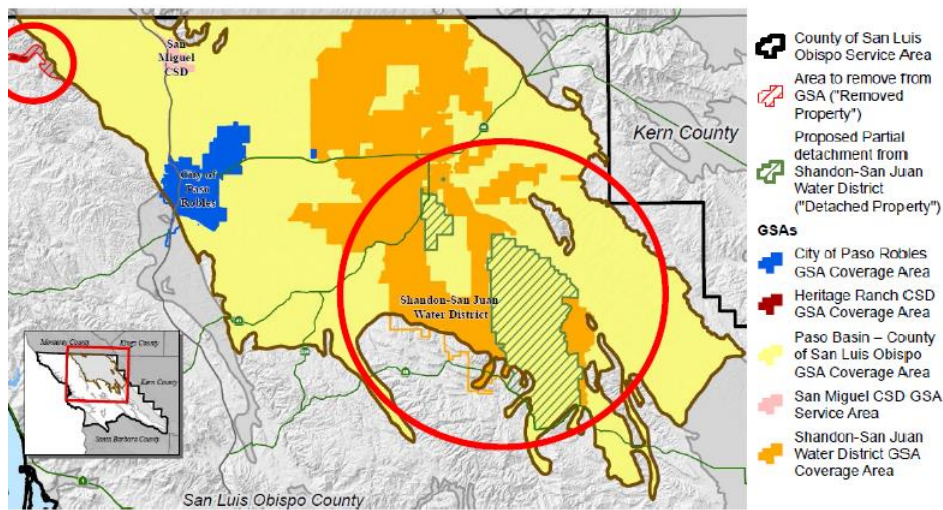
All these can be seen at the link below. Click on the various attachment tabs to see the details. You have to guess which ones pertain to which issues and documents, as they are unlabeled as to specific subject.

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/11077>

**MATTERS AFTER 1:30 PM**

**Item 43 - Hearing to consider adoption of a resolution: 1) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised State Department of Water Resources basin boundary; 2) modifying the service area boundaries of the Paso Basin – County of San Luis Obispo Groundwater Sustainability Agency to align with the revised Shandon-San Juan Water District boundary as identified in San Luis Obispo Local Agency Formation Commission Resolution 2019-05 and subject to satisfaction of conditions contained therein; 3) authorizing the Director of Public Works to take actions to effectuate said modifications.** The detachment of several properties from the Shandon – San Juan Water District requires the County to update the boundaries for its County GSA coverage area.

### **Paso Basin Groundwater Sustainability Agency (GSA) Boundaries - if modified**



Note that in the LAFCO item further down in this Weekly Update, there are several other properties requesting detachment from the Estrella-El Pomar-Creston Water district.

**Item 44 - Hearing to consider submittal of a resolution approving a request by the County of San Luis Obispo to amend The Williamson Act Rules of Procedure to Implement the Land Conservation Act of 1965 (LRP2019-00003) to 1) add "Cannabis Activities" as allowed uses under Table 2 "Agricultural and Compatible Uses for Lands Subject to Land Conservation Contracts and Farmland Security Zone Contracts" in the Coastal Zone and 2) amend references to Inland "Cannabis Activities" to reflect adopted Phase 2 Cannabis Amendments.** The staff and the Agricultural Advisory Committee are recommending including cannabis cultivation and related activities in the Williamson Act preserves program.



## APRC Recommendations

- Cultivation and nurseries
  - Generally compatible (allowed)
  - Non-soil dependent (allowed with APRC review)
- Manufacturing
  - Allowed but limited to processing of raw materials
  - Infusion or compounding (not allowed)
- Dispensaries
  - Allowed
- Distribution & Testing Facilities
  - Not Allowed

## Some Questions:

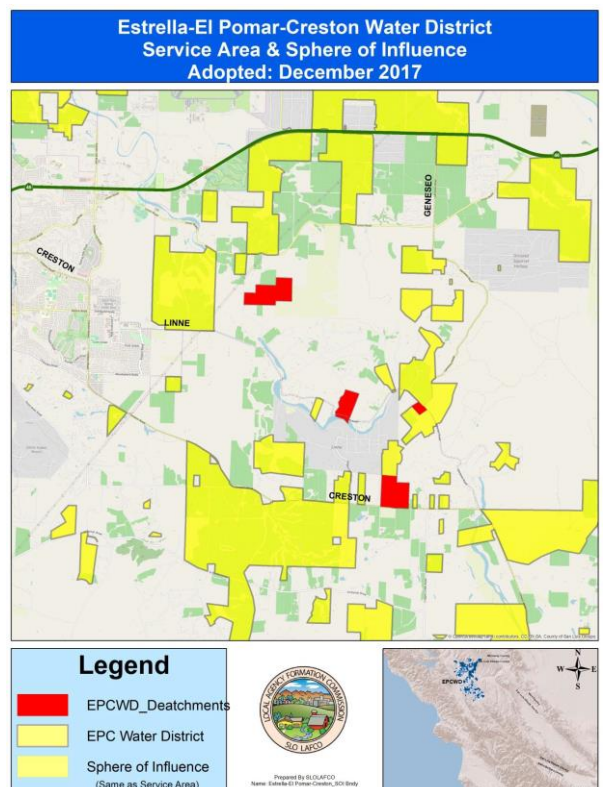
1. Will this allow a property tax reduction on the subject parcels?
2. Could owners argue that they are also due some sort of exemption from the cannabis taxes?
3. At some point could it be argued that since cannabis is entitled to ag preserve status, it is an ag crop?

## Local Agency Formation Commission (LAFCO) Meeting of Thursday, November 21, 2019 (Scheduled)

### Item B-1-1: DETACHMENT #1 AND SPHERE OF INFLUENCE REVISION FROM THE ESTRELLA-EL POMAR-CRESTON WATER DISTRICT AVA/MORRISON/BLACKWELL). Several landowners have petitioned

LAFCO to be detached from the district. The LAFCO Director recommends approval. The parcels total 365 acres in area. The write-up states in part:

*The application is to detach approximately 365 acres from the Estrella-El Pomar-Creston Water District. The District was formed as an opt-in water district and the landowners would now prefer to opt out of the District and be regulated under the County at no cost or a reduced cost. This boundary change would allow the detachment area to be solely under the jurisdiction of the County for services, instead of the District and County. The Sphere of Influence revision maintains a coterminous boundary for the District service area after the detachment is complete.*



## LAST WEEK'S HIGHLIGHTS

**No Board of Supervisors Meeting on Tuesday, November 11, 2019 (Not Scheduled – Day after Veterans Day, a national holiday)**

**San Luis Obispo County Air Pollution Control District (APCD) Meeting of Wednesday, November 13, 2019 (Completed)**

**Item B-2: Consideration of Appointment of Air Pollution Control District Hearing Board Members.** The Board made the required appointments. There were several on which they disagreed, with the division generally between the more conservative versus the more progressively oriented members. In the end it appears that the progressives got their way. It will be of critical consequence next Monday, when the Hearing Board meets on the proposed abatement order imposing stricter schedules and requirements on the State Parks Department relative to the Ocean Dunes Dust reduction plan. See the APCD Hearing Board item at the beginning of this Weekly Update for further details.

There was substantial opposition to the appointment of Attorney Stuart Jenkins by some of the strongest progressives, including Supervisor Hill and SLO Mayor Heidi Harmon.

**Background:** These are important appointments because the Board hears appeals by both businesses and agriculture. Critically, and in a few weeks, the Hearing Board will hear the complaint by the APCD against State Parks, asserting that it is failing to make progress on the so-called Dunes Dust Public Works Plan (PWP). The PWP is a 5-year plan to progressively reduce the blowing dust and sand that is alleged to be stirred up beyond the ambient level by off road riding and camping. The write-up summarizes the function of the Hearing Board:

*The Hearing Board is a five member quasi-judicial panel authorized under the California Health and Safety Code to provide relief from air district regulations under certain circumstances. As defined in state law, the Hearing Board is the sole entity in the District authorized to hear and act on:*

- Petitions by companies for variances from permit conditions or regulations;*
- Petitions by the District for abatement orders (an abatement order requires a company operating out of compliance to take specific actions or shut down its operation; this is a severe remedy reserved for serious violators or immediate threats to public health and safety);*
- Appeals by companies and third parties from the granting of permits, permit conditions, permit denials or suspensions, denials of emission reduction credits and denials of pollution control plans.*

*• Petitions by companies for variances from permit conditions or regulations;*

*• Petitions by the District for abatement orders (an abatement order requires a company operating out of compliance to take specific actions or shut down its operation; this is a severe remedy reserved for serious violators or immediate threats to public health and safety); (This is the action requested in this case)*

• Appeals by companies and third parties from the granting of permits, permit conditions, permit denials or suspensions, denials of emission reduction credits and denials of pollution control plans.

**Applicants include:**

**Public Member**

Robert Campbell  
James Fitzgerald  
Stuart Jenkins \*  
William Johnson \*\*  
Lyndi Love-Haning  
Lauren Miller  
Benjamin Parker  
Brad Snook

**Attorney Alternate**

Joseph Irwin Stuart Jenkins \*  
Cynthia Replogle  
Kara Woodruff \*

**Medical/Health Member**

Robert Campbell \*  
Robert Lapidus

**Medical/Health Member Alternate**

Robert Campbell \*

In the end Dr. Campbell was reappointed as the Medical/Health member and Dr. Lapidus was appointed as the Alternate. Both doctors appear to be very critical of the dunes dust and PM<sub>10</sub> particulate.

\* Indicates applicant that applied for more than one vacancy on the Hearing Board

\*\* Indicates Incumbent Public Member with term expiring on 9/28/2019

Those who were ultimately appointed are highlighted in yellow.

The applications of the candidates can be reviewed at the link:

[https://slocounty.granicus.com/MetaViewer.php?meta\\_id=385370](https://slocounty.granicus.com/MetaViewer.php?meta_id=385370)



**When it opens:** Scroll down to page B-2-4. The info starts at that point. Within 5 days of their appointment, they will make a decision on the APCD's complaint and proposed sanctions against the State Parks Department relative to the implementation of the stipulated agreement for dust reduction.

**Planning Commission Meeting of Thursday, November 14, 2019 (Completed)**

Note that **Item 6** below has been scheduled and then continued several times in the past at the request of the applicant.

**Item 6 - Hearing to consider a request by City Boy Farms for a Conditional Use Permit (DRC2017-00123) to establish outdoor and indoor cannabis cultivations, outdoor and indoor commercial cannabis nurseries, cannabis manufacturing, non-storefront dispensary, and ancillary processing and transport activities. The project includes construction of a 37,350-square-foot greenhouse, and 8,000-square-foot metal building and would result in approximately 10-acres of site disturbance on an approximately 25-acre parcel. A modification from the setback standards is requested to reduce the required setback to the eastern property line from 300 feet to 100 feet. A modification from the parking standards is also requested to reduce the required number of parking spaces onsite from 67 to 36. The proposed project is within the Agriculture land use category and is located at 4225 South El Pomar Road, approximately 4 miles northeast of the community of Atascadero.** The application was continued indefinitely off calendar at the request of the applicant and recommendation of the staff. Opposition to the project has increased exponentially, and it now appears that the level of appropriate CEQA review will have to be reassessed.

The staff report stated in part:

*Based on substantial correspondence received, particularly on the prepared Mitigated Negative Declaration, staff will need additional time and information from the applicant in order to respond to the issues raised. Staff recommends continuing this item off calendar to address these comments and any received during public comment at the Planning Commission meeting on November 14, 2019. Recirculation of the CEQA analysis may be required. If the item is continued off calendar, the proposed project will be re-noticed to all property owners within 1000 feet of the project and interested parties.*

**Background:** There are strong letters in the file from neighbors pleading for the project not to be approved. The Templeton Community Advisory Group Committee has prepared an extensive and detailed critique. A group named Californians for Sustainable Communities is challenging the adequacy of the CEQA review and is demanding a full environmental impact report (EIR). They have retained the San Francisco Law firm Adams Broadwell Joseph & Cardozo (ABJC). The firm specializes in land use, zoning codes, CEQA, natural resources, and related matters. The firm has filed a number of letters, one of which presents extensive assertions with citations about how the County failed to follow CEQA properly in evaluating the proposed project. ABJC's main complaint letter describes Californians for Sustainable Communities as:

*Californians for Sustainable Communities is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes International Brotherhood of Electrical Workers Local 639, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live, recreate and work in the County.*

It is puzzling that a group of private sector labor unions would be bringing in heavy artillery to attempt to stop this application. One might think that it would be the wine industry, which often objects to odors, which can bother visitors and disturb winery events such as weddings. Unions usually become involved when jobs and/or an industry are at risk in cases such as the City of SLO gas appliance ban ordinance or the Phillips 66 rail spur application. Is there a connection we don't understand between the El Pomar area and the unions? They may certainly be a force when the County is considering the CEQA aspects of Diablo property reuse. It would be very helpful if they engaged in advocacy for housing and abolishing the whole "smart growth panacea."

**Item 8 - Agricultural Worker Housing.** The Commission examined the recommendation in detail and made a few recommendations to the Board of Supervisors. Overall they unanimously recommend approval by the Board. This is a positive step and should be supported.

**PROJECT SUMMARY**

*The proposed ordinance amendments would incentivize and remove barriers for developing agricultural worker housing. Agricultural worker housing is generally defined as residential dwellings, including mobile homes, or group quarters, such as dormitories or bunk houses and mess halls, occupied by employees of agricultural or ranching operations and the spouses and children of those employees. The County has an existing ordinance that governs agricultural worker housing (currently called "farm support quarters") for both inland and coastal areas. These ordinances generally regulate allowance of agricultural worker housing based on the land use category, size of parcel, and amount of agricultural operation that existing on the subject property or within a five-mile radius. The number of workers or residential units allowed is determined through the existing agricultural use.*

<b>Direction</b>	<b>Proposed Ordinance Amendment</b>
Reduce minimum lot size	<ul style="list-style-type: none"> <li>Reduce minimum lot size for group quarters from 20 acres to 5 acres.</li> <li>Retain no minimum lot size for single-family or mobile home dwellings</li> </ul>
Expand the distance to agriculture for calculating density	<ul style="list-style-type: none"> <li>Eliminate the requirement that the agricultural use used to calculate density be located within 5 miles of a group quarters</li> </ul>
Expand land use categories where agricultural worker housing is allowed	<ul style="list-style-type: none"> <li>Enhance and incentivize agricultural worker housing in the Agriculture and Rural Lands land use categories</li> <li>Retain existing limitations in other land use categories, recognizing that a caretaker dwelling is allowed in the Residential Rural land use category</li> </ul>
Combine single-family agricultural worker dwellings and group quarters into a new Agricultural Worker Housing section	<ul style="list-style-type: none"> <li>Maintain the distinction between single-family agricultural worker dwellings and group quarters while combining the density tables for consistency</li> </ul>
Increase the number of agricultural worker dwellings that may be approved without a discretionary land use permit	<ul style="list-style-type: none"> <li>Increase the allowance for a ministerial permit to 12 single-family dwellings or 36 beds in group quarters to comply with the State Employee Housing Act</li> </ul>

# 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

## LONG-TERM SOLUTIONS FOR CALIFORNIA WILDFIRE PREVENTION

BY EDWARD RING

*Nobody knew how the fire started. It took hold in the dry chaparral and grasslands and quickly spread up the sides of the canyon. Propelled by winds gusting over 40 miles per hour and extremely dry air (humidity below 25 percent), the fire spread over the ridge and into the town below. Overwhelmed firefighters could not contain the blaze as it swept through the streets, immolating homes by the hundreds. Even brick homes with slate roofs were not spared. Before it finally was brought under control, 640 structures including 584 homes had been reduced to ashes. Over 4,000 people were left homeless.*

Does this sound like the “new normal?” Maybe so, but this description is of the **Berkeley fire of 1923**. In its time, with barely 4 million people living in California, the Berkeley fire was a catastrophe on par with the fires we see today.

When evaluating what happened in nearly a century since this fire, two stories emerge. The story coming from California’s politicians emphasizes climate change. Former Governor Jerry Brown once stated that “In less than five years, even the worst skeptics will be believers.” Today, Governor Gavin Newsom, speaking on the threat of wildfires in the state, says that “If anyone is wondering if climate change is real, come to California.”

The other story, which comes from professional foresters, emphasizes how different forest management practices might have made many of the recent fires far less severe, if not avoided entirely. Specifically, California’s misguided forest management practices included several decades of successful fire suppression, combined with a failure to remove all the undergrowth that results when natural fires aren’t allowed to burn.

Back in 1923, forest fire suppression was in its infancy. But techniques and technologies improved apace with firefighting budgets, until by the second half of the 20th century, an army of firefighters coped, overall, very effectively with California’s wildfires. The result is excessive undergrowth which not only creates fuel for catastrophic and unmanageable super fires, but these excessive trees and

shrubs compete with mature trees. This is the real reason why California's forests are not only tinderboxes, but also filled with dying trees. Now Californians confront nearly 20 million acres of overgrown forests. Behind the climate change rhetoric and political posturing, a consensus has quietly formed that California's forests need to be thinned.

In order to rapidly address the challenge of thinning California's forests, there are several steps that may be taken simultaneously. For starters, many environmental regulations need to be rewritten. The state is already beginning to grant CEQA exemptions to property owners that want to engage in thinning operations. But half of California's forests are on federal land. At the federal level, the EPA's "no action" restrictions, usually based on the "single species management" practice, have led to more than half of California's national forests being off limits to tree thinning, brush removal, or any other sort of active management.

Another required change is the U.S. Forest Service guidelines which only permit active forest management, even in the areas that are not off limits, for as little as six weeks per year. While restrictions on when and where forests can be thinned may have sound ecological justifications in some ways, they are making it impossible to thin the forests. The ecological cost/benefits need to be reassessed. To be effective, thinning operations need to be allowed to run for several months each year, instead of several weeks each year.

The EPA needs to streamline the NEPA (National Environmental Policy Act) application process so it is less expensive and time consuming for qualified companies to get permits to extract timber from federal lands. They can also grant waivers to allow thinning projects to bypass NEPA, or at the least, broaden the allowable exemptions.

The federal government can accelerate granting of long term stewardship contracts whereby qualified companies acquire a minimum 20 year right to extract wood products from federal lands. This will guarantee a steady supply of wood products which, in turn, will make new investment viable in logging equipment, mills, and biomass energy facilities.

Rules and conditions governing timber exports need revision. The export of raw logs from federal lands in the Western United States is currently prohibited. Lifting this prohibition would help, because sawmill capacity is not capable of handling the increase in volume. Just with the new thinning programs already in place, logs and undergrowth are being burned or put in landfills.

As it is, California imports around 80 percent of the cut lumber used in its construction industry or sold through retailers to consumers. If there was an assurance of wood supply, which the national forests can certainly offer, investment would be made in expanding mill capacity. Suddenly the money that is being sent to Oregon, Washington and British Columbia to purchase their cut timber would stay here in California, employing thousands of workers in the mills.

The state or federal government can set up revolving loan funds for investors to build sawmills, as well as biomass energy facilities, as well as chippers and other equipment, that would allow the industry to quickly ramp up operations and capacity.

As California's forests are thinned, and kept that way, and the annual supply of wood is permanently increased, in-state demand would become increasingly unable to absorb in-state supply, and the surplus could be exported, earning additional profits and supporting additional jobs. Biomass plants, burning carbon neutral wood chips, could profitably generate safe, affordable, distributed electricity to rural markets, employing additional thousands and delivering returns to private investors.

Finally, California has an opportunity to rehabilitate able-bodied homeless substance abusers by putting them to work thinning the forests. With only modest reforms to California's criminal code, or perhaps via a state or federal state of emergency, homeless people convicted of drug or minor property crimes could serve their time working on labor crews thinning the forests.

Cal Fire, the California Dept. of Corrections, and the California Conservation Corps are all equipped to train and house people to do this work. It might be the best thing that ever happened to thousands of young homeless Californians who, once they are freed from substance abuse, are sane, able bodied people. Thousands might recover their dignity and their future in this manner, at the same time as they help restore health to California's forests.

### **The Right and Wrong Responses to California Wildfires**

While many of the recommendations here are already in progress, others should be considered. To carry them out more quickly and effectively, California's state officials should be working with the Trump administration behind the scenes, even if they savage each other in the public square. But there are other steps California's policymakers are taking which are harmful to working Californians.

For example, there is the growing conventional wisdom that people should not be living in the "Urban Wildland Interface" (UWI). While common sense indicates people living in the UWI cannot have the same expectations regarding fire risk as people living in the urban core, it would be a tragic mistake to deny people the ability to escape urban areas and find affordable options in rural areas.

California's insurance commissioner, Ricardo Lara, could with a stroke of his pen, allow private insurance companies to pass on the escalating costs of reinsurance for fire prone areas to the customers who live in those areas. Because they can't do that, private insurers are cancelling policies. California's state run insurance, which remains available to people in fire prone areas, is far more expensive and is driving people out of their homes.

There are three layers of protection against fires for people living in the UWI. The first, forest thinning, needs to involve multiple agencies cooperating based on community needs and land



topography, rather than stopping at arbitrary jurisdictional boundaries. The second layer of protection requires removing combustible material along access roads, ensuring safe evacuation routes. Roads need to be wide enough to allow cars to evacuate one way at the same time as oncoming firefighting vehicles pass in the other direction. Third, homes themselves need to be hardened against embers, with brush and other combustible materials cleared away from the structures. With these conditions met, insurance against fires can be affordable, even if it still costs more than fire insurance outside of the UWI.

The threat of wildfires is not only being used to amplify panic over climate change, it is being used to justify and accelerate policies designed to combat climate change. Many of these policies are misguided and extreme. The example of prohibiting new construction in rural areas based on the wildfire threat is one of them. Another is the fast tracking of legislation aimed at achieving the 2030 targets for California's aggregate greenhouse gas emissions.

One of the latest bits of pending legislation pursuant to California hitting its 2030 greenhouse gas emissions target is the intention to charge automobile owners based in their "vehicle miles traveled." If one reflects on who will be impacted by a law of this sort, it is revealed as one of the most misanthropic, regressive laws ever proposed in California. The people who live on the outskirts of cities and have super-commutes, the people who are gone from 7 a.m. till 8 p.m. every day so they can keep their family under a roof, will now have to pay extra for the privilege of enduring that super-commute.

The equally misanthropic alternative that California's climate activist legislators propose is to construct high density condominiums and apartments located by light rail stations and bus stops. These residences will have their parking requirements waived. Imagine, if you will, a parent of three, still barely able to pay rent, living without a car in one of these "transit villages." Without a car, exactly how will they pick up their children from school, deposit them at soccer practice, do the dinner shopping, go home and drop off groceries, then pick them up from soccer practice, all while riding various buses? It's *impossible*.

Ultimately, perhaps California's wildfires, and the two very different responses they generate, are emblematic of the entire climate change debate. On one side you have the righteous climate activists, determined to save the planet at all costs. On the other you have working practitioners with expertise earned in the real world, with empathy for real people.

\* \* \*

*Edward Ring is a co-founder of the California Policy Center and served as its first president. This article originally appeared in the California Globe.*

## **ADDENDUM I**

**BEFORE THE HEARING BOARD OF THE SAN LUIS OBISPO COUNTY  
AIR POLLUTION CONTROL DISTRICT  
STATE OF CALIFORNIA**

**In the Matter of**

**SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT,**

**Petitioner,**

**CALIFORNIA DEPARTMENT OF PARKS AND RECREATION OFF-HIGHWAY  
MOTOR VEHICLE RECREATION DIVISION,**

**Respondent.**

**Case No. 17-01**

**[PROPOSED] ORDER TO MODIFY EXISTING STIPULATED ORDER OF  
ABATEMENT AND/OR ISSUE A NEW ORDER OF ABATEMENT**

Hearing Date: November 18, 2019

Time: 9:00 am

Location: South County Regional Center 800 West Branch St., Arroyo Grande, California 93420  
The Petition to Modify the Existing Stipulated Order of Abatement and/or Issue a New Order of Abatement came on for hearing on November 18, 2019 at South County Regional Center, 800 West Branch Street, Arroyo Grande, California 93420.

On proof made to the satisfaction of the Hearing Board that Good Cause exists to modify the existing Stipulated Order of Abatement (“Original Stipulated Order”) in Case 17-01, between San Luis Obispo County Air Pollution Control District (“District”, “APCD”, or “Petitioner”) and the California Department of Parks and Recreation Off-Highway Motor Vehicle Recreation Division (“Parks”, “OHMVR”, or “Respondent”), the Hearing Board issues following modification of the Original Stipulated Order of Abatement requiring Respondent to:

1. Complete installation of perimeter fencing for the 48-acre vegetated foredune project described in Section 3.1.6 of the Third Draft Work Plan, and shown in its Exhibit 9, by January 1, 2020, with the planting of native vegetation begun by April 1, 2020. Table 5-5 of the Third Draft Work Plan shall be updated to reflect these deadlines. With regard to the CEQA and Coastal Commission approvals discussed in Section 3.1.6 and Table 5-5 of the Third Draft Work Plan, Respondent shall work as expeditiously as possible to obtain those approvals. Until the foredune project is approved by the California Coastal Commission and mitigation measures are fully implemented, non-motorized public access to the vegetated foredune proposed project area may be permitted as long as plantings are protected, but off highway vehicle activity and camping is prohibited after January 1, 2020.
2. Complete all other elements of the Third Draft Work Plan dated October 15, 2019, and submitted by Respondent to the APCO, by the timelines proposed in that document,

except as noted below and in compliance with any conditional approval of the Work Plan by the District. A true and correct copy of the Third Draft Work Plan is attached hereto as Exhibit A and incorporated herein by this reference.

3. Implement the 40 acres of season dust controls as discussed in Section 3.1.5 of the Third Draft Work Plan, with the following modifications:

i. The dust controls must be undertaken within areas of the ODSVRA where off-highway vehicular activity is currently allowed.

ii. By January 1, 2020, Respondent shall submit a proposal that shall include the specific season dust control measures that will be utilized, and proposed locations of the specific measures, to the APCO and Advisory Group. This proposal shall include an implementation plan schedule, including, but not limited to, an increment of progress schedule and a final completion date

iii. Within 10 business days of receipt of Respondent's proposal, the Advisory Group shall evaluate the proposed measures and locations and recommend to the APCO whether to approve the proposals. If requested by the Advisory Group, the APCO may extend the 10-day business day deadline by up to an additional 10 business days.

iv. Within 5 business days of receipt of the Advisory Group's evaluation the APCO shall either approve the measures and locations or provide Respondent with comments explaining why the proposal is not approvable.

v. If the initial proposal is not approved, Respondent shall submit a new proposal by February 1, 2020, which addresses the deficiencies identified by Advisory Group and the District.

vi. Within 10 business days of receipt of Respondent's proposal, the Advisory Group shall evaluate the proposal and recommend to the APCO whether to approve the measures and locations. If requested by the Advisory Group, the APCO may extend the 10-day business day deadline by up to an additional 10 business days.

vii. Within 5 business days of receipt of the Advisory Group's evaluation, the APCO shall either approve the measures and locations or impose a 40-acre season dust control measures project for the Respondent to implement.

viii. By March 15, 2020, Respondent shall begin implementation of the approved plan, or imposed 40-acre project, and Respondent shall comply with the implementation plan schedule, including, but not limited to, an increment of progress schedule and a final completion date, as approved, or imposed, by the APCO.

ix. Respondent must fully fence the 40 acres of season dust controls project perimeter to exclude off-highway vehicular activity by March 15, 2020, and the Respondent shall complete the project by April 1, 2020.

x. This project shall be maintained until at least October 31, 2020.

4. Complete an additional 4.2 acres of permanent dust controls within the high emissions area just south of the western edge of the “Pavilion Hill” vegetation island shown in Attachment 1 of the Original Stipulated Order. The Original Stipulated Order specified this as one of the areas to be fenced off and revegetated or implement an alternate mitigation measure as approved the APCO, as part of the Initial Particulate Matter Reduction Actions. Alternatively, Respondent may establish this additional acreage in a different location within the ODSVRA upon approval by the Advisory Group and APCO. The Respondent must comply with the following mitigations:

i. The Respondent shall establish a perimeter fence around the additional 4.2 acres of permanent dust control area by March 15, 2020. Off-highway vehicular activity and camping is prohibited within the fenced area.

ii. The Respondent shall complete internal controls by June 1, 2020. Internal controls may be fence arrays, strawbales, or revegetation.

iii. The Respondent shall maintain the area as specified in Section 1.b of the Original Stipulated Order.

iv. If Respondent chooses to seek Advisory Group approval for a different location, the selection and approval process shall follow the same timeline as that established above for the selection and approval of the 40-acres of season dust control measures, paragraphs 1.c.ii thru 1.c.x, above.

5. Conduct the field calibration of MetOne Particulate Profiler Equipment, which is described in Section 3.1.19 and Attachment 4 of the Third Draft Work Plan, using equipment other than the “APCD Portable BAM station.” In discussions between the District and Respondent, it has now been determined that the District’s equipment is not suitable for this purpose.

6. Complete conditions 2 through 5 of Advisory Group’s October 23rd response to Respondent’s Third Draft Work Plan (Exhibit B):

2. The 2019 [Work Plan] "Implementation Schedule" (Sec. 5) shall include a table specifying a detailed process for [Advisory Group] consultation and evaluation, including submission of interim reports and work plans [“Interim Work Plans”] as follow-on updates to the 2019 [Work Plan]. This table shall include the following tasks and schedules for completion:

a. Determine processes for obtaining values for all evaluation metrics contained in Attachment 8 of the [Particulate Matter Reduction Plan] (Oct 2019 - Nov 2019).

b. Obtain and report final values for all evaluation metrics for the 2019 [Work Plan] reporting period (Dec 2019).

c. Prepare and submit [Interim Work Plans] ([First Interim Work Plan]: Dec 2019, [Second Interim Work Plan]: Mar 2020).

d. [Advisory Group] reviews [Interim Work Plans], including evaluation metrics, to determine progress toward the [Particulate Matter Reduction Plan] goals. Based on its review [Advisory Group] submits adaptive management recommendations to inform creation of subsequent [Interim Work Plans] and [Work Plans] ([First Interim Work Plan]: Jan 2020, [Second Interim Work Plan]: Apr 2020).

e. [Respondent] prepares an outline 2020 [Work Plan] for consideration by [Advisory Group]. This outline [Work Plan] shall include tables specifying proposed implementation schedules for the 2020 [Work Plan] (May 2020).

f. [Advisory Group] reviews outline 2020 [Work Plan] and provides initial feedback to [Respondent] on elements to be included in the full 2020 [Work Plan] (June 2020).

g. [Respondent] prepares the full 2020 [Work Plan], which shall include values for all evaluation metrics for the associated reporting period (July 2020).

3. The 2019 [Work Plan] “Implementation Schedule” (Sec. 5) shall provide a more detailed planting schedule, either through amendments to Tables 5-1, 5-3, and 5-5, or through inclusion of a new table. In Appendix A to this letter, [Advisory Group] offers recommendations for elements to be included in this detailed planting schedule.

4. Each task listed above shall be completed by the last day of the final month for performance of the task. Thus, the first and second [Interim Work Plans] shall be submitted no later than December 31, 2019, and March 30, 2020, respectively, and the outline 2020 [Work Plan] shall be submitted by May 31, 2020. To ensure timely completion of these and all other tasks included in the 2019 [Work Plan], we encourage [Respondent] to consult early and often with [Advisory Group].

5. As indicated in the above schedule of tasks, going forward [Advisory Group] shall be given a minimum of 30 days to review and comment on all [Interim Work Plans] and [Work Plans]. Exceptions to this 30-day review period shall be granted only by written consent of [Advisory Group] and APCO. For all other tasks requiring [Advisory Group] consultation and review, [Advisory Group] requests at least 10 business days for completion of [Advisory Group] reviews. It is expected that [Respondent] will adhere to these review periods to maintain effective communication and due process toward the requirements of the [Order for Abatement] and [Particulate Matter Reduction Plan].

This Hearing Board further orders the following additional modifications to the Original Stipulated Order:

7. For each year from 2020 through 2022, the approval process for the Work Plans, specified in Section 5 of the Original Stipulated Order, shall be modified as follows:

- i. The Respondent shall submit a draft Work Plan to the Advisory Group for their review and recommendations by July 1 of each year. The deadline for submittal of the draft Work Plan to the APCO shall remain August 1 of each year, but Respondent is encouraged to submit earlier. The draft Work Plan submitted to the APCO shall have incorporated the Advisory Group's recommendations.
- ii. Notwithstanding the deadlines in the previous sections, the Advisory Group's review and recommendations of the draft Work Plan shall be completed within 10 business days after the draft Work Plan is submitted. If requested by the Advisory Group, the APCO may extend the 10 business day deadline by up to an additional 10 business days.
- iii. Upon receipt of the Advisory Group recommendations, the APCO shall have 7 days to either return the Work Plan to Respondent with an itemization of deficiencies for correction; or, if the draft Work Plan appears provisionally approvable, the APCO shall schedule a public workshop subject to the conditions described below.
- iv. If the APCO deems the draft Work Plan deficient and returns it to Respondent with an itemized list of deficiencies of correction, Respondent shall have up to 21 days to submit a corrected Work Plan to the Advisory Group for further review.
- v. Subsequent reviews by the Advisory Group and the APCO will follow the same timeline as noted in sections ii and iii, above, with Advisory Group review and submittal of recommendations due 14 business days after receipt of Respondent's next corrected Work Plan. APCO review and comments are due 7 business days after receipt of the Advisory Group's recommendations.
- vi. The iterative submit—review—revise process may repeat until October 1, after which Respondent may submit no further drafts. If approval of the draft Work Plan has not occurred prior to October 1 of each year, the Advisory Group and APCO shall complete their reviews of the most recently submitted draft by the timelines specified above if they have not already done so. If the APCO determines that the draft Work Plan is provisionally approvable, the APCO shall schedule a public workshop, as described below. If the APCO determines the draft Work Plan is not approvable, the APCO shall impose conditions on the draft Work Plan prior to approval. Respondent must comply with the implementation of the additional conditions imposed by the APCO and the schedule of increments of progress associated with those conditions.
- vii. Regardless of the number of revisions, a public workshop shall be held on the draft Work Plan prior to APCO approval. The APCO shall publish a 15-day notice of public workshop within 7 days of receipt of a provisionally

approvable plan. The notice shall announce the availability of the draft Work Plan and Advisory Group recommendations, solicit public comments, and solicit public participation at the workshop to review the draft Work Plan and Advisory Group recommendations.

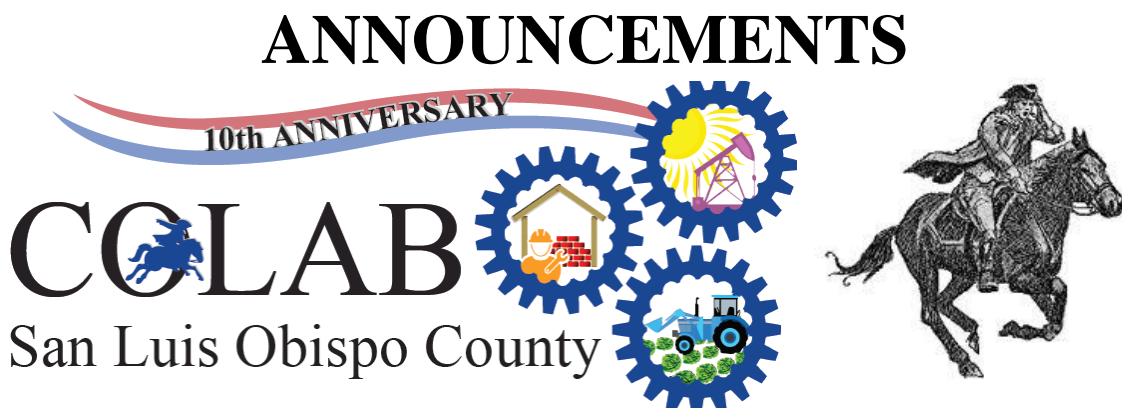
viii. Within 7 days of conclusion of the public workshop, the APCO shall either approve the draft Work Plan or return the draft Work Plan to Respondent with an itemization of deficiencies for correction. Respondent shall have 21 days to submit a revised Work Plan to the Advisory Group. The Advisory Group shall have 14 days to review the revised Work Plan and issue its recommendations, and the APCO shall have 7 days to schedule a subsequent public workshop (subject to the same 15-day notice as above) or return the revised Work Plan to Respondent for another revision, at which point the revise-review cycle continues, subject to the previously enumerated deadlines.

8. Section 5.e. of the Original Stipulated Order is modified to read: “If a disagreement arises between Respondent and APCO regarding the approval of the [Work Plan], either Party may request a hearing before the Hearing Board to resolve the disagreement.”

9. Unless specifically modified by this Order, all other provisions of the Original Stipulated Order shall remain in full force and effect.

Dated this \_\_\_ day of November, 2019

Dr. Yarrow Nelson,  
Vice-Chair  
San Luis Obispo County  
APCD Hearing Board



**COLAB**  
San Luis Obispo County



# DINNER & FUNDRAISER

*11th Anniversary*

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Thursday March 26, 2020

**Alex Madonna Expo Center**

details coming soon...

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DAN WALTERS EXPLAINS SACTO MACHINATIONS AT A COLAB FORUM

See the presentation at the link: <https://youtu.be/eEdP4cvf-zA>



AUTHOR & NATIONALLY SYNDICATED COMMENTATOR BEN SHAPIRO APPEARED AT A COLAB ANNUAL DINNER



NATIONAL RADIO AND TV COMMENTATOR HIGH HEWITT AT COLAB DINNER

Coalition of Labor, Agriculture and Business  
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"Your Property - Your Taxes - Our Future"  
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## MEMBERSHIP APPLICATION

### MEMBERSHIP OPTIONS:

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*(Sustaining Membership includes a table of 10 at the Annual Fundraiser Dinner)*

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Company: \_\_\_\_\_

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(Revised 2/2017)