



WEEKLY UPDATE SEPTEMBER 15 - 21, 2019

THIS WEEK

**LAFCO TO CONSIDER REQUESTS FOR 33,000
ACRE DETACHMENT FROM SHANDON/SAN
JUAN WATER DISTRICT
BIG TIME BAKERSFIELD WATER LAWYER FILES OBJECTIONS ON
BEHALF OF DISTRICT**

**FY 2018-19 YEAR END FINANCIAL REPORT
THEY FEEL FLUSH SHORT TERM**

**SHERIFF PROPOSES SOLUTION TO CHRONIC
POSITION VACANCY PROBLEM
IT'S WORKED WELL IN OTHER JURISDICTIONS**

**ASSESSOR SEEKS FLEXIBILITY IN APPOINTING
HIS DEPUTY
HILL IS OBJECTING**

LAST WEEK

SUPERVISORS ALLOCATE SURPLUS FROM PRIOR FISCAL YEAR

**UNDERSPENT BUDGETS PROVIDE CRITICAL FUNDING FOR NEW
FISCAL YEAR – A DANGEROUS PRACTICE USING ONE TIME FUNDS
TO FINANCE RECURRING EXPENDITURES**

MAJOR POLICY AT PLANNING COMMISSION

PASO BASIN WATER OFFSETS EXTENDED FOR FIVE YEARS

**COUNTY WILL BREAK ITS PROMISE TO END BASIN OFFSET
REQUIREMENT WHEN SGMA PLAN IS SUBMITTED**

**SECONDARY RESIDENTIAL UNITS ORDINANCE APPROVED
MORE CANNABIS IN NIPOMO APPROVED**

SLO COLAB IN DEPTH SEE PAGE 14

THE ENEMIES OF AMERICAN INFRASTRUCTURE

BY EDWARD RING

THIS WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, September 17, 2019 (Scheduled)

Items 4 and 5 - Requests for the Board of Supervisors to Reappoint Board Members to Water District Boards. The deadline for filing for election for the districts has passed. The districts include the Shandon San Juan Water District, the Estrella-El Pomar Water District, and the Templeton Community Service District in the Paso Basin. Because the number of positions is equal to the number of candidates, no election is required.

Item 18 - FY 2018-19 Year End Financial Report. The County ended the fiscal year with slightly more fund balance than had been projected. A number of departments under ran their approved budgets, contributing to the overall surplus, much of which was used to balance the current budget. Key summary comments from the report are displayed below:

The Auditor-Controller-Treasurer-Tax Collector’s Office reported that the actual year-end Fund Balance Available (FBA) for the General Fund was \$32.62 million. This was \$2.03 million higher than the \$30.59 million projected in March 2019 and included as a funding source in the FY 2019-20 budget. The variables that drive FBA are actual revenues and expenditures compared to budgeted amounts, and are comprised of unused contingencies, higher-than-estimated non-departmental revenue, and departmental expenditure savings.

FY 2018-19 non-departmental revenues ended the year \$8.8 million over projected levels. The additional non-departmental revenue received represents mostly tax-related revenue sources such as property, sales, transient occupancy, and unitary taxes. All County operating departments except for Emergency Services ended the year at or below their adjusted level of General Fund support. This contributed approximately \$11.7 million in savings to the General Fund. Fourteen County departments finished the year \$200,000 or more below their budgeted level of General Fund support.

Position Allocation Changes

Summary of FY 2018-19 Changes

FY 2018-2019	Q1	Q2	Q3	Q4
Quarter Start	2,790.75	2,794.00	2,790.25	2,788.50
FTE Additions	20.00	37.75	25.50	8.50
FTE Deletions	16.75	41.50	27.25	8.00
Quarter End	2,794.00	2,790.25	2,788.50	2,789.00
Net Change	+3.25	-3.75	-1.75	0.50
% Change	+.12%	-.13%	-.06%	0.02%

Reclassification requests

- **2 positions**
- **Net impact = 0.00 FTE**

The fact that the County was able to hold the line on positions is primarily due to contracting out jail medical services to an outside for-profit provider. This action eliminated a number of former County positions.

Item 19 - County Annual Report. This seems to be a digital report organized by function and department. The report contains a list of links that allow the user to select the ones they wish to view.

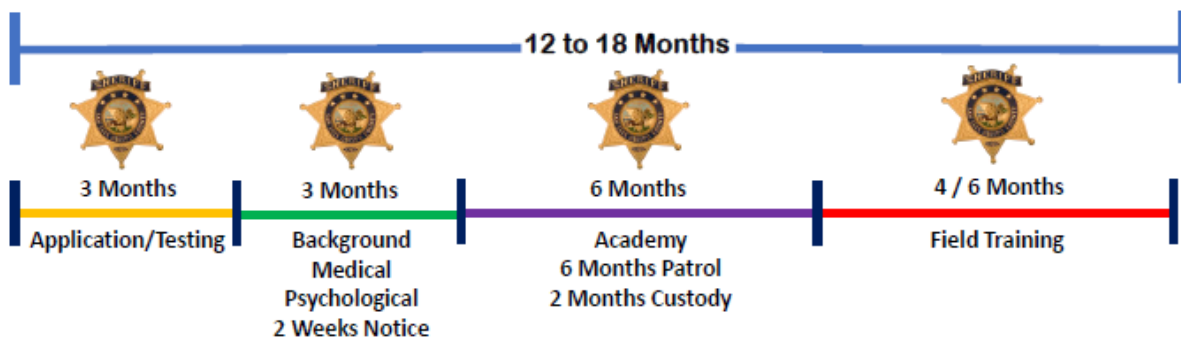
www.slocountyannualreport.com

The report is pretty typical of most jurisdictions and portrays the County as doing a great job. It also seems to be a collection of department reports without any unifying theme or analytical effort.

Item 20 - Sheriff’s staffing. Staff vacancies continue to plague the Sheriff’s Office in both policing and jail functions. This results in mandatory overtime at premium pay costs. The Sheriff is proposing front ending the overfilling of vacancies and projected vacancies to reduce the problem.

This is a smart plan and should be approved by the Board of Supervisors. Many larger cities use it in 2- or 3-year cycles. Vacancies are estimated, recruitment and training time is projected (including class attrition), and a group overfill is hired. The idea is to reach an optimum point at which most positions stay filled rather than waiting until they are vacant to start filling them. Waiting to fill them until they become vacant results in critical unfilled slots for months or years on end.

The Advantage of Backfill Positions



1 Patrol Vacancy for 18 Months = 3,120 Hours of overtime = \$260,894
1 Custody Vacancy for 12 Months = 2,080 Hours of overtime = \$146,661
The hourly rate was based on time and half plus overhead costs of 16.53%
6 Vacancies in Patrol = 18,720 Hours or \$1,565,554
6 Vacancies in Custody = 12,480 Hours or \$879,965 Total: \$2,445,518

See the great PowerPoint at the link for the details and calculations:

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/10875>

Item 21 – Deputy Assessor Position Reclassification. The Assessor is requesting that the existing position be reclassified from the civil service to an at-will exempt position. This is a good idea, as there are already too many high-ranking executive and management positions in the civil service. Back when civil service was first created at the beginning of the 20th Century, it was a great reform. At that time cities, counties, states, and the Federal government were filled with political patronage appointments based on party affiliation and their efforts to get their appointer elected.

Gradually, over the past 60 years the system has been turned on its head and has fostered a culture (in most agencies – not just SLO County) of complacency, empire building, compensation and benefit building, and lack of urgency.

As the upper level technical experts and managers in another county said “CEO’s and Elected Supervisors come and go but we are still here – the County Family.”

The Assessor should at least have a deputy who is his person.

What’s Good for the Goose? Last week Supervisor Gibson complained about this request. Why aren’t the Board’s Legislative Aides in Civil Service?

San Luis Obispo County Local Agency Formation Commission (LAFCO) Meeting of Thursday, September 19, 2019 (Scheduled)

Item B-1: Detachment #1 And Sphere Of Influence Revision From The Shandon San Juan Water District (Morrison/Kuhnle). The Shandon/San Juan Water District is about to lose 24% (33,000) acres of its current total area of 135,000 acres. Two large landowners have requested that LAFCO detach their properties from the district. The reason given is that they have determined to have the County provide their water management under the State Groundwater Management Act (SGMA). The LAFCO Board letter states in part:

***Purpose:** The application is to detach approximately 33,000 acres from the Shandon/San Juan Water District. The District was formed as an opt-in water district and the landowners would now prefer to obtain their Sustainable Groundwater Management Act compliance services from the County. This boundary change would allow the detachment area to be under the jurisdiction of the County for SGMA services, instead of the District. The Sphere of Influence revision maintains a coterminous boundary for the District service area after the detachment is complete.*

You Can Check Out Any Time You Want, But You Can Never Leave? ¹

There is concern by the District that since a discontinuity of the boundaries will be created, the entire viability of the District is legally in jeopardy. When the neighboring El Pomar Water District was created, there was concern that gaps between properties that are members of the District violated the Cortese Knox Act rules. LAFCO determined that the District could form because none of the gaps were more than 2 miles of separation.

In this case and per the map below on page 7, the gap of more than 2 miles is created when the properties to the east become an island.

To this end, the San Juan District's attorney, Alfred Doud of Bakersfield Law Firm, Young and Woodbridge wrote to LAFCO on September 9, 2019 requesting special language to attempt to avoid the problem:

In short, we think the two-mile reference is a limiting factor and that LAFCO should give the statutory terms further consideration. If, notwithstanding the history we have provided in this letter, LAFCO maintains its interpretation that section 34153(b) pertains only to formation, we request that LAFCO include in its order for detachment and any future detachments of similar effect an express finding as follows:

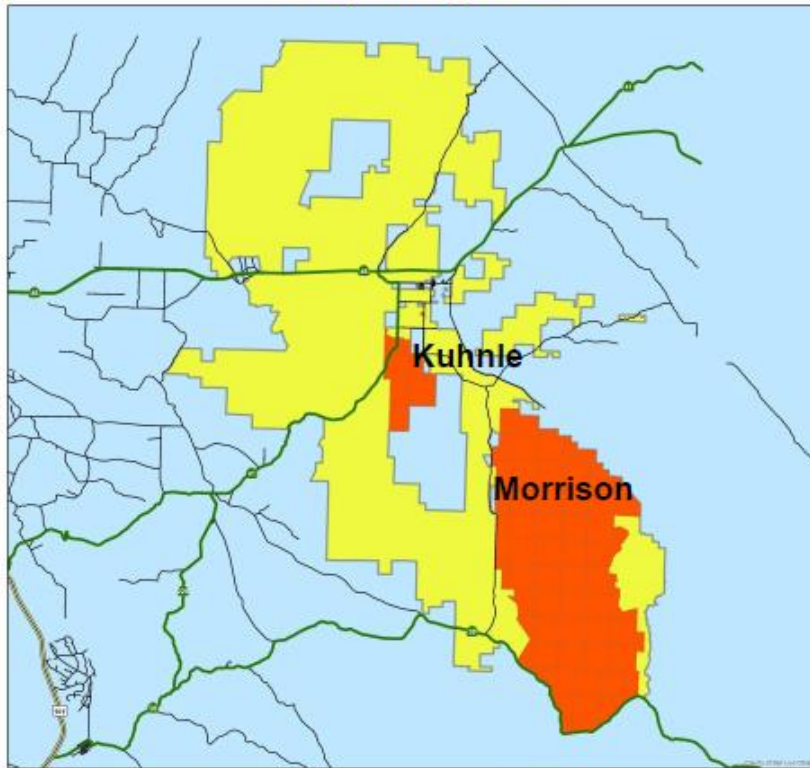
This detachment is made on the condition that the detachment does not invalidate the order approving formation of the Shandon-San Juan Water District dated May 22, 2017, and further that any lands remaining within the District that are greater than two miles of the boundary of another portion of the approved district are confirmed to be included within the District boundaries.

Additionally, the San Juan District is seeking delays in processing the detachment application for some of the following reasons:

- LAFCO never timely and properly notified the District of the request.
- The San Juan District found out about the request from a memo submitted by the applicants which did not contain the requisite information required by law.
- LAFCO began processing the request prior to proper notification being given to the District. Also certain time requirements were not met.
- The detachment will create boundary changes which (because of SGMA) will require approval by the state.
- The detachment will require changes to the PASO Basin SGMA Plan, which is almost finished and is due no later than January 31, 2020.

¹ From the Eagle's hit song *Hotel California*.

Shandon-San Juan Water District
Service Area & Sphere of Influence
Adopted: May 2017



Presented by the LAFCO
Staff: Shandon-San Juan, June 2019 (Rev.)
Date: 9/10/2019



LAST WEEK'S HIGHLIGHTS

Board of Supervisors Meeting of Tuesday, September 10, 2019 (Completed)

Item 13 - Final Actions Related to the FY 2019-20 Budget Adoption. The report was received on the consent agenda without comment. The final results of the 2018-19 budget are slightly more positive than were projected in June.

Background: The purpose of this item was to inform the Board and to allocate the additional surplus to reserves. The term non-departmental refers to revenues which are not restricted as to purpose.

Non-Departmental Revenue

	Estimated	Actual	Difference
Property Taxes - Secured	\$118,832,714	\$119,082,798	\$250,084
Property Taxes - Unitary	7,890,355	7,901,274	10,919
Supplemental Current Secured	2,169,000	3,245,480	1,076,480
Other Current Property Tax	1,399,650	2,046,360	646,710
Sales and Use Tax	11,740,000	11,833,604	93,604
Property Transfer Tax	2,890,000	2,860,128	(29,872)
Transient Occupancy Tax	11,160,161	11,664,348	504,187
Property Taxes in lieu of Sales Tax and VLF	36,555,197	36,555,197	-
Other Taxes	2,288,902	1,701,495	(587,407)
Interest Revenue	2,781,000	4,268,990	1,487,990
Franchise Fees	3,151,100	3,233,952	82,852
Supplemental Roll 5% Admin	664,000	890,226	226,226
Federal Aid - In-Lieu BLM	1,200,000	1,199,860	(140)
Settlements	285,000	265,602	(19,398)
SB 1090 - Diablo Closure	-	400,000	400,000
Others	2,371,195	2,354,037	(17,158)
Total Non-Departmental Revenue	\$205,378,274	\$209,503,351	\$4,125,077

The items highlighted by the red arrows are indicators of positive property tax growth in the future.

Between general fund contingencies (\$26.9 million) and its unrestricted/undesignated general reserve (\$13.0 million) the County maintains an operating reserve that is sufficient in normal economic times.

Use of Fund Balance Available: The County uses savings from the prior fiscal year to help fund the new fiscal year. The Board letter states in part:

General Fund: Fund Balance Available (FBA)

General Fund Estimated Fund Balance Available (FBA) of \$30.6 million was used to provide funding for the 2019-2020 fiscal year budget. However, final actual General Fund FBA exceeded estimates by a total of \$2.0 million. The net increase included \$10.0 million from operations, adjusting receivables by (\$1.9) million, advances to other funds by (\$5.6) million, and internal financing receivables by (\$0.5) million.

The better practice is to use onetime savings to fund onetime costs, such as facility construction, building roads, paying down debt, and adding to reserves. In an operating budget of \$600 million, \$30 million is a significant portion. What would happen in a year following a year in which there was no savings?

What is the plan to pay back the \$10 million transferred from the solar farm mitigation fund to pay off a Los Osos Sewer Plant contractor suit? When do the decreases in the property tax from

the Diablo Plant closure start hitting? Will the County be able to hold the line on labor costs? What if there is a large rate increase in the pension system?

Planning Commission Meeting of Thursday, September 12, 2019 (Completed)

Item 8 - A continued hearing (from July 25, 2019) to consider a request by Nipomo AG LLC for a Conditional Use Permit (DRC2019-00087) to establish 22,000 square feet of indoor mixed-light cannabis cultivation, 78,122 square feet of commercial and ancillary nursery, as well as 35,328 square feet of other ancillary processing activities to include drying, trimming and curing. Cannabis cultivation, nursery and processing activities will be conducted within two existing 70,000 square foot greenhouse buildings; the packing and storage of cannabis products will occur inside an existing 11,040 square foot metal building. A parking modification is requested as set forth in Land Use Ordinance Section 22.18.050 to reduce the required number of spaces from 256 to 30. The project site consists of 28.82 acres located at 662 Eucalyptus Road. The Commission approved the application with some minor clarifications. There was considerable discussion by opponents about odor. The Commissioners had visited the site and surrounding area at various times and under various conditions and could detect no odors. However there are other outdoor grows in the area which do produce odor.

There was a discussion of how to objectively monitor odor, and staff indicated that this is a problem.

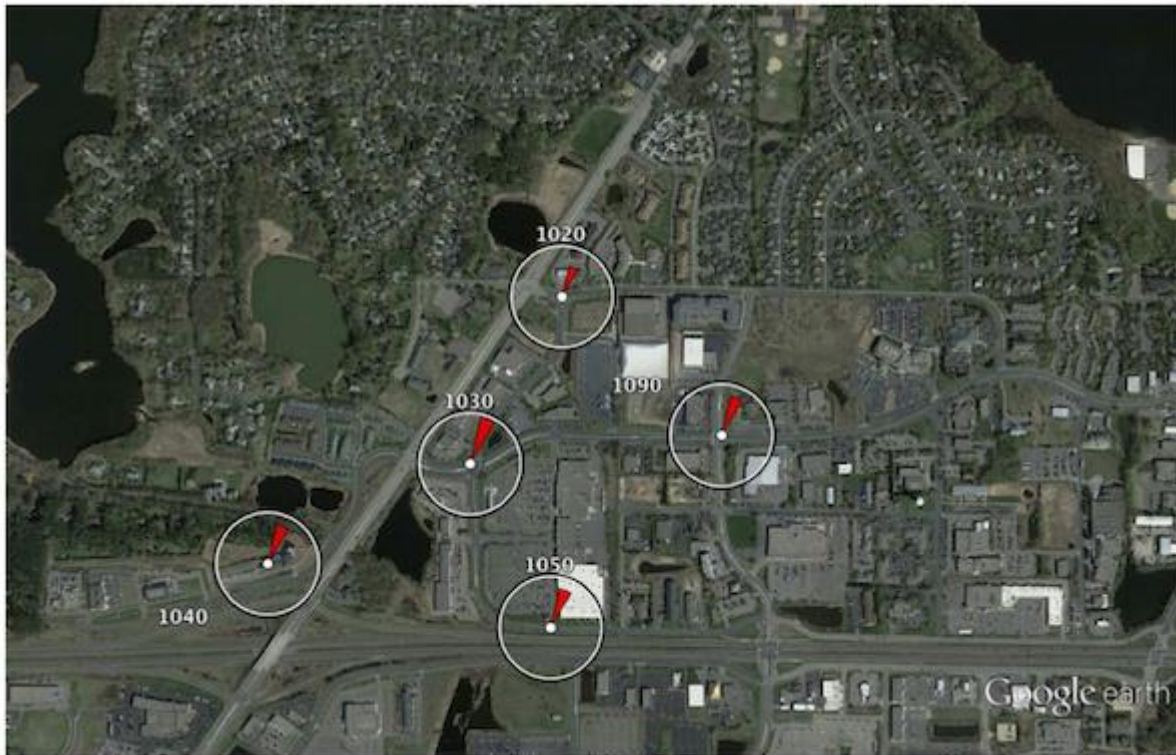
Is it not possible that the County could buy some odor detection devices such as the one illustrated below?

The Nasal Ranger, A Handheld Device For Measuring Odors

*The [Nasal Ranger](#) is a vaguely telescope-shaped device that is used to detect and measure smells, also known as a field olfactometer. The Nasal Ranger does not detect odors by itself. Instead, it allows an operator to compare an ambient odor to fresh air with the aid of a carbon filter. The smell is measured in a ratio called dilution-to-threshold. As [Vice reports](#), a Nasal Ranger has been purchased **by Denver***



environmental health officials to investigate odor complaints involving the city's marijuana businesses. The Nasal Ranger is produced by [St. Croix Sensory](#), a sensory testing and training firm in Minnesota. And for people who want to visualize their odor data, St. Croix Sensory has created a smell mapping system called [ODOR TRACK'R](#).



ODOR TRACK'R™ permanently stores your odor inspection and odor complaint data, such as Date/Time of each inspection; location code numbers, descriptions, and GPS data; odor strength as D/T from your Nasal Ranger, butanol odor intensity, or word scale intensity; odor descriptors; chemical concentration measurements; and meteorological data (temperature, humidity, barometric pressure, wind direction, wind speed, precipitation, and sky cover).

Item 9 - Hearing to consider a request by the County of San Luis Obispo for amendments to Title 22 and Title 19 to extend the Water Neutral New Development programs in the Paso Robles Groundwater Basin to January 1, 2025, formalize procedures for managing the Agricultural Offset Ordinance regarding application review and establishment of water duty factors, and remove Off-site Agricultural Offset Clearances. The Commission approved the item as recommended by the staff. As noted in the title, the ordinance, which began as an urgency ordinance, will be extended for 5 years. County officials have now realized that the State-mandated State Groundwater Management (SGMA) plan for the Paso Groundwater basin, even when submitted and approved, may have no actual impact during its early years. This is because administrative and operational features will have to be developed, owners will have to install meters, and the Districts will have to finance and construct various works to recharge or otherwise supplement water, and so forth.

The officials are worried that if the ordinance expires on its scheduled sunset date, which coincides with the submittal of the Plan, there will be a rush of new grape planting as the water offset requirements expire.

There are many new provisions in the revised extended ordinance. The most significant is that water offsets will no longer be permitted between separate parcels.

E. Eligible Sites for Participation.

For the purpose of an Agricultural Offset Clearance, a site is as defined in section 22.80.030 (Definitions of Land Use). Owners of sites that overlie the PRGWB (excluding the Atascadero Sub-basin) may be granted an Agricultural Offset Clearance types, as described below and referenced in Table 1:

1. On-site Offset Clearance means conversion of existing irrigated crop production on the same site. An expansion to the definition of a “site” under Section 22.80.030 may be granted where contiguous parcels are commonly owned or collectively operated.

Agricultural Offset Clearance Requirements
<ul style="list-style-type: none">• New crop production on site of crop being replaced• New crop production cannot exceed water demand of previous crop(s)• New crop production may exceed acreage of previous crop• Existing and proposed commodities of crop production must be declared• Site inspections• Well meter installation prior to final inspection



Table 3 – Existing Crop-Specific Applied Water by Crop Type

Crop Group	Applied Water (AF/Ac/Yr)
Alfalfa	4.5
Citrus	2.3
Deciduous	3.5
Strawberries	2.3 ⁽¹⁾
Nursery	2.5
Pasture	4.8
Vegetables	1.9
CBD Hemp	1.5 ⁽²⁾
Vineyard	1.25 ⁽¹⁾
Supplementally Irrigated Dry Cropland	0.1 ⁽³⁾
<p>1. Information obtained from RCD Program, UCCE, UC Davis (Strawberries 2011 data)</p> <p>2. Information obtained from UCCE, San Luis Obispo County Cooperative Extension, April 2019</p> <p>3. Supplementally irrigated Dry Cropland application requirements outlined per Section G.3.C above.</p> <p>Source: Table 9 of the Agricultural Water Offset Program, Paso Robles Groundwater Basin, October 2014.</p>	

When both the urgency ordinance and the permanent ordinance were approved, County officials promised that the permanent ordinance would expire when the SGMA Plan was submitted.

No one knows how long the State will take to review and approve or reject the Plan.

This item concerns review and recommendation to the Board of Supervisors for revisions to the Paso Basin Water Moratorium. Thus the item is prefatory to the Board of Supervisors' ultimate consideration.

The full text of the annotated ordinance, which compares the current and proposed, can be accessed at the link:

<https://agenda.slocounty.ca.gov/iip/sanluisobispo/agendaitem/details/10767>

Item 10 - Hearing to consider a request by the County of San Luis Obispo to approve amendments to the Land Use Ordinance, Title 22 of the County Code, the Coastal Zone Land Use Ordinance, Title 23 of the County Code, and the Coastal Framework for Planning Table “O” (LRP2017-00001) to amend and replace the Secondary Dwelling Ordinance with a new ordinance on Accessory Dwelling Units (ADUs). The Commission recommended that the ordinance allowing ADUs be forwarded to the Board of Supervisors for approval. The Commission made some adjustments, including recommending that ADUs be allowed in AG Zones and Rural Lands. They also approved the concept of allowing an ADU in the front of the primary dwelling unit if it still met the setback requirements. Key aspects of the proposed ordinance are displayed in the table below:

TABLE 1: SUMMARY OF ORDINANCE FRAMEWORK	
Direction	Proposed Ordinance Amendment
Explore elimination of ADU exclusion areas	<ul style="list-style-type: none"> Remove the following ADU exclusion areas: Atascadero, Nacimiento Area, and Specific Subdivisions Maintain Regional Water Quality Control Board exclusion Add subsection for tract conditions prohibiting accessory dwellings, in accordance with State ADU Law
Allow ADUs to be developed on sites with legal nonconforming primary dwellings	<ul style="list-style-type: none"> Add subsection to allow ADUs to be established on the same site as a lawfully established nonconforming primary dwelling provided that specific criteria are satisfied
Explore elimination of minimum site area for sites with community water and sewer	<ul style="list-style-type: none"> Reduce the minimum site area required to establish an accessory dwelling for sites served by community water and sewer facilities Existing required minimum site area: 6,000 square feet Proposed required minimum site area: 1,750 square feet The proposed required minimum site area reflects the minimum site area required for single-family dwellings (primary dwelling)
Allow larger ADUs to be developed on sites with less than two (2) acres of site area	<ul style="list-style-type: none"> Increase the maximum size for ADUs on sites with less than two (2) acres of site area Existing maximum size: 800 square feet Proposed maximum size: 1,000 square feet
Eliminate minimum parking requirements for ADUs	<ul style="list-style-type: none"> Remove minimum parking requirements for ADUs Existing minimum parking requirement: One (1) off-street parking space per bedroom, up to a maximum of two (2) off-street parking spaces Proposed minimum parking requirement: None
Eliminate standard for maximum distance between the primary dwelling and ADU	<ul style="list-style-type: none"> Remove the standard for maximum distance from primary unit to ADU Existing maximum distance: Two (2) acres or less site – 50 ft. Over two (2) acres site – 250 ft. Proposed maximum distance: None
Prohibit short-term rental of ADUs	<ul style="list-style-type: none"> Add subsection to prohibit rental of an entire accessory dwelling or portion of an accessory dwelling for less than 30 days
Allow ADUs to be developed in more land use categories	<ul style="list-style-type: none"> Revise table for allowable land uses to allow ADUs in all land use categories that allow single- and multi- family dwellings, in accordance with State ADU law

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

THE ENEMIES OF AMERICAN INFRASTRUCTURE

BY EDWARD RING

Between 2008 and 2019, China opened up 33 high speed rail routes, connecting 39 major cities along four north-south and four east-west main lines. The [18,000 mile network](#) runs trains at an average speed of around 200 miles per hour. By 2030, the Chinese expect to double the mileage of their high speed rail network by expanding to eight north-south and eight east-west main lines. In less than 20 years, the Chinese have completely transformed their rail transportation network.

This is typical for the Chinese. China is also building three new airports – *offshore*. [Dalian](#), along the north coast opposite the Korean peninsula, [Xiang'an](#), on the central coast facing Taiwan, and [Sanya](#), off the coast of Hainan Island in the strategic South China Sea. All three airports are to be built to the highest international levels, with 12,000 foot runways able to accommodate the Airbus A380, the world's largest passenger airliner. All three are built on “reclaimed land,” i.e., the Chinese intend to bulldoze a few mountains into the ocean and flatten them into runways. And all three, from start to finish, will be built in less than ten years.

China's ability to construct big infrastructure, fast, is beyond debate. The [Three Gorges Project](#), the largest dam in the world, created a deep water reservoir an astonishing 1,400 miles long. Its hydroelectric capacity of 22.5 gigawatts is the largest in the world. This massive construction project was done, from start to finish, in 12 years.

While China Builds, America Litigates

To argue that Americans don't need high speed rail, or massive new airports on ocean landfill, or yet another massive hydroelectric dam, is beside the point. Americans can't do *any* big projects. A perfect example is the Keystone Pipeline, which if it's ever completed, will be capable of transporting 830,000 barrels of oil per day south from the tar sands of Alberta to existing pipelines in Nebraska. This pipeline has been [tied up in permitting delays and litigation](#) since 2008. Eleven years later, not one mile of pipeline has been built.

Even with aggressive support from the Trump administration, will Keystone ever get built? Not if an army of environmentalist plaintiff attorneys have their way. According to a recent report by PBS, as soon as a judge dismissed the most recent lawsuit against Keystone, another lawsuit was filed. Another construction season has been lost, another year of delay. Quoting from the article: "Representatives of a half-dozen other environmental groups vowed to keep fighting in court and predicted the pipeline will never be built."

While Americans are divided over whether they support construction of the Keystone Pipeline, *everyone* supported quickly constructing towers to replace the World Trade Center towers lost in the attacks of 9/11/2001. One may assume that in the aftermath of the 9/11 attacks, designs, bids and permitting were fast-tracked, yet it took over five years before construction began. [Freedom Tower](#), the dazzling replacement to the twin towers, didn't open until 2014, over 13 years after the 9/11 tragedy.

By contrast, the [Empire State Building](#) was built in 14 months. And while Freedom Tower is undoubtedly constructed to higher modern standards, that should be offset by equally more advanced construction practices. A more current example would be the tallest building in the world, the [Burj Khalifa](#) in Dubai. This mega-structure, more than twice the height of Freedom Tower, was built in just under six years.

America's inability to build anything big has almost nothing to do with the quality of American engineering, or capabilities of America's construction industry. Blame lies exclusively with American politicians, judges, government bureaucrats, and plaintiff attorneys. Nobody wants to throw away all environmental protections, but the process now in place of permit delays and litigation has paralyzed the nation. It has become extreme. Americans are wearing out infrastructure that was built decades ago. Thanks to permit delays and litigation, the costs of replacements and upgrades are prohibitive.

President Trump, who made his billions in the construction business, has done as much as he possibly can to cut regulations on builders, but without support from Congress or the courts, change is incremental. In late 2017, when announcing regulations he was eliminating, Trump [stood in front of two piles](#) of paper. One set of stacks, barely reaching his knees, represented the federal regulations in

place in 1960. The other set of stacks, over seven feet in height, represented the totality of federal regulations in effect today. These regulations, upheld and expanded by courts and bureaucrats, serving as fodder for their delays and extortionate demands, are the reason America can no longer build anything big.

Unaffordable Homes? Thank Permitting Delays and Endless Litigation

Even housing starts are tied up in knots thanks to federal regulations, although differing regulatory environments in various states make a big difference. In California – which will be America if Democrats regain the White House in 2020 – it is nearly impossible to build homes.

A particularly egregious example of what California has in store for the rest of America is the proposed [Tejon Ranch](#) housing project that has been embroiled in permitting delays and lawsuits for over 25 years. This massive project, a planned community of over 19,000 badly needed new homes, would straddle Interstate 5 in the northwest corner of Los Angeles County. The developers have committed to set aside ninety percent of the land as a nature preserve, after which the NRDC, the Sierra Club, and the Nature Conservancy all withdrew their objections. But it only takes one: The “[Center for Biological Diversity](#)” has filed yet another lawsuit, and another year is lost.

Americans could build so much more, for less money, and in far less time, if balance were restored to the process of approving construction projects. The cost of permitting delays and litigation can literally double or triple the costs of construction, or worse. California’s Carlsbad desalination plant was [constructed at a capital cost](#) of \$17,000 per acre foot of annual capacity; modern desalination plants in Israel (that require less electricity) are being constructed at a capital cost of just over \$4,000 per acre foot of annual capacity, less than one fourth as much.

Everywhere on earth, nations are building big infrastructure and providing affordable housing for a fraction of what it costs in America.

If these environmentalists, bureaucrats, and plaintiff attorneys actually believe in saving a planet and a people desperately threatened by “climate change,” they’re being awfully impractical. How can Americans possibly build seawalls to protect them from the storm surges of a rising sea, or desalinate seawater to take pressure off the drought stricken rivers, if projects take decades instead of years, and cost many times what they might cost in other nations?

How, for that matter, since the environmentalists and the open-borders crowd are birds of a feather, can America add hundreds of millions to its population through a massive wave of immigration that

hasn't abated in over 30 years, yet make it nearly impossible to build homes or enabling infrastructure?

Competitive Abundance vs Rationed Scarcity

The prospects for abundance instead of rationed scarcity are good, if Congress and the courts were to support the president and enact meaningful reforms to a host of environmental regulations that have gone way too far. Nuclear power, clean fossil fuel, desalination plants, upgraded roads with high-speed "smart lanes," high-rise agriculture, flying cars and spaceports. Entire new cities with millions of beautiful homes on spacious lots – none of this is out of reach. But it requires the kind of freedom that developers enjoyed in the 1960s, tempered to modern sensibilities, but with balance.

The consequences of not reforming America's stultifying regulatory climate go beyond denying the American people a life of affordable abundance, delivered by competitive development of land, energy, and water resources. They spell the end of American preeminence, because while Americans spend trillions to pay unionized government bureaucrats and environmentalist attorneys, the Chinese are spending equivalent trillions on cost-effective infrastructure, with plenty left over to develop [hypersonic missiles](#), [brilliant pebbles](#), [particle beams](#), etc.

Joel Kotkin, editor of [NewGeography.com](#) and perhaps California's smartest Democrat, just published a column entitled "Will the Democrats End Up Saving California's Republican Party." He argues that "their [the Democrats] flawed, draconian positions on what to do about climate change have made things worse for ordinary Californians by raising housing and energy prices as well as chasing employers out of the state, but with only mediocre results." In his conclusion, he explains what's needed – in California and in the rest of America: "You need a positive program centered on reining in pensions, reform of schools, better attention to roads, promoting new houses in redundant commercial areas as well as the periphery and cuts in the cost of energy. Focus on these issues would expose Democrats as creatures of special interest — teachers unions, public employee groups, the renewable energy lobbies — whose power hurts middle-class homeowners, a group which has been drifting away from them for a generation."

Kotkin's analysis is accurate. "Public employee groups" and "the renewable energy lobbies" are special interests. If not one and the same, they are allied with the government bureaucrats and environmentalist attorneys who amass power and money every time they stop or delay another infrastructure project or housing development. They are sapping American wealth, oppressing the American people, and empowering hostile regimes around the world.

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Edward Ring is a co-founder of the California Policy Center and served as its first president. The views presented here are strictly his own. This article originally appeared on the website [American Greatness](#). 2019 California Policy Center on September 10, 2019.

ANNOUNCEMENTS



A rectangular advertisement for "THE ANDY CALDWELL SHOW". The title is in large, bold, yellow letters. Below the title, it lists two radio stations: "AM 1440 KUHL the information station" and "AM 1290 Santa Barbara News-Press Radio". At the bottom, it says "Listen to Andy Live Monday Thru Friday 3:00 PM to 5:00 PM". On the right side of the ad is a photograph of Andy Caldwell, a man with a mustache wearing a headset and smiling.

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AUTHOR & NATIONALLY SYNDICATED COMMENTATOR BEN SHAPIRO APPEARED
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