

## SCAC - AGENDA

Meeting held at NCSD Chambers 148 South Wilson, Nipomo, CA 93444 Monday, January 22nd, 2018 – 6:30 PM

Call to order 6:35 Quorum established

Area 1 - Vince McCarthy **A**

Area 6 - Art Herbon (Chairman) **P**

Area 1 - Open

Area 6 - Kevin Beauchamp **P**

Area 2 - Dan Woodson **P**

Area 7 - Ron Smith **P**

Area 2 - Harry Walls **P**

Area 7 - Open

Area 3 - Elaine Thomas **P**

Agriculture - Pat Duron **P**

Area 3 - Open

Public Safety -Richard Wright, Correspondence Secretary **P**

Area 4 - Cody King **P**

Lucia Mar Unified School District - Vern Dahl (Ex-Officio) **P**

Area 4 - Open

Area 5 - Gary Spelbring (Treasurer)**P**

Nipomo Community Services District - Dan Woodson (Ex-Officio)**P**

Area 5 - Open

CORRESPONDENCE FROM THE CHAIR - SCAC provides a forum for citizen involvement, and an advisory role to county government entities, on issues affecting unincorporated South SLO County.

1. SLOCOG 2019 Regional Transportation Plan EIR – To SCAC for review. <https://slocog.org/2019RTP>

**Due to the complexity and depth of the plan it was recommended that review of the plan happen in committee reports**

2. SLO Co. Local Agency Management Program for Onsite Wastewater Treatment Systems – to SCAC for review.

[http://www.slocounty.ca.gov/getattachment/80f62c5d-015d-4f35-b127-b5524a7b4a5e/SLO-County-PROPOSED-FINAL-LAMP\\_Web-Version\\_122817.aspx](http://www.slocounty.ca.gov/getattachment/80f62c5d-015d-4f35-b127-b5524a7b4a5e/SLO-County-PROPOSED-FINAL-LAMP_Web-Version_122817.aspx)

**Item moved to NCSD Community report.**

3. Cannabis Tax – Residents vote in June.

<http://www.sanluisobispo.com/news/local/article194534319.html>

**Proposed cannabis tax will be on the ballot in June.**

4. APCD Hearing Board - review Petition 17-01 to consider an Order of abatement. January 30th at 9AM.

<http://www.slocleanair.org/who/board/hearing-board.php>

**Notice given of upcoming APCD hearing, on 1-30-18**

5. California Coastal Commission Review State Park's Coastal Development Permit and 5-year dust control plan. Cambria, February 7, 8 and 9th.

<http://www.sanluisobispo.com/news/local/article126299959.html>

**Notice given of upcoming Coastal Commission meeting 2/7-2/9**

COMMUNITY PRESENTATIONS - The SCAC Council may ask questions at the conclusion of each presentation. The Chairman may invite questions from the public if time permits.

- SLO County - **Supervisor Lynn Compton not present, Caleb Mott reported that the proposed cannabis tax will go to the general fund. Will report next month on when cannabis enforcement officer is on duty.**

**Plans for the Willow/Pomeroy intersection are being discussed.**

- CALFIRE - **Battalion Chief Eric Shalhoob Reported on station activity and Cal Fire efforts in the Santa Barbara fire and mudslides.**

**Will report on the status of the CALFIRE Chipping Program next month.**

**Burn season is open. Permits are obtained at SLOAPCD**

- SLO Sheriff - **Commander Stuart MacDonald not present**

- CHP - **Lieutenant Greg Klingenberg reported on new officer training in drug recognition and SLO officers managing SB street closures. Dan Woodson asked for increased presence on Mesa Rd. between Tefft and Osage.**

- NCSO - **Dan Woodson reported on item to from Correspondence from the chair. New rules will have no impact on the NCSO. New development will be impacted as only lots greater than one acre can have a leach field. County will work with existing systems to ensure standards are met when they need to be replaced.**

- Nipomo Chamber – **Rudy Stowell not present.**

- LMUSD School District - **Vern Dahl reported that the school board is attempting to qualify for state matching funds for projects.**

**Cabinet members Chuck Fiorentino and Ron Walton will retire in June.**

- SLO County Planning - **Stephanie Fuhs reported that the LAMP program will be on the board agenda on 3/3. Only 3 cannabis permits have been issued by county in 2018. Permits will come before SCAC for approval.**

PUBLIC COMMENT - Public testimony on items not scheduled on today's old and new business. Speakers are allotted 3 minutes for comments (total time for public comment is 15 minutes).

**Nathan Eady (805-714-7932) from SCS Engineers introduced himself as a rep for SLO Cultivation and described their proposed cannabis project to convert existing greenhouses on Albert Way.**

CONSENT AGENDA - Council may pull items from 'Consent' to permit discussion after the Consent vote: **Item 2 is pulled from consent agenda by Dan Woodson. Item 2 (VANPETTEN) is now old business item 3**

**Amended Consent Agenda passed unanimously.**

1. November 27, 2017 SCAC Minutes (King). Motion – Approve Minutes.
2. SUB2017-00028 VANPETTEN: Revised map for a 2 lot subdivision at 916 Mesa View Drive, Arroyo Grande. Motion: Approve on Consent per Land Use Committee recommendation.  
<http://www.slocounty.ca.gov/getattachment/ce507121-10c2-4f28-b697-bdeaedf6c04c/SUB2017-00028-VANPETTEN-C017-0091-Referral-Package.aspx>

## **OLD BUSINESS**

### 1. Viva Farms Status

1.1. Review letter sent to Supervisor Lynn Compton on 5/24/17(<http://scac.ca.gov/documents/scac-recommendations-may-2017.pdf>).

**5/2017 letter to Supervisor Lynn Compton read.**

**6/2017 demolition deadline then pushed to 12/2017**

**Council supports firm accountability for Viva Farms**

1.2. Review email sent to Supervisor Compton, at Land Use Committee Request on 1/16/18:

*Yesterday the SCAC Land Use Committee discussed the latest turn of events at Viva Farms, namely, that Viva got another extension on demolishing their 9 non-permitted buildings. As you know, the County gave Viva Farms a year (12/31/17 deadline) to demolish the illegal buildings.*

*Attached is a letter that was sent to you, with copies to the county's Planning Department and Code Enforcement staff (dated 5/24/17), summarizing SCAC's action at it's May, 2017 meeting. SCAC expressed extreme dissatisfaction with the manner that the county is handling the Viva Farms situation. In later community presentations, you assured SCAC and community members that the county's demolition deadline was firmly set for 12/31/17.*

*Therefore, the SCAC Land Use Committee has requested that I place "Status of Viva Farms" on the January 22nd SCAC agenda.*

*As you know, this issue has been going on for many years. The community surrounding Viva*

*Farms (1091 Viva Way, Nipomo, CA 93444) has fought unsuccessfully to stop the excessive number of semi-trucks traveling to and from Viva Farms on the resident-owned road, Camino Caballo, and to eliminate trucking operations during pre-dawn hours, with engines running adjacent to residences. They've pointed out that the trucking operations are not part of the greenhouse operations that are allowed in this rural residential (RR) area. They've also complained that Viva Farm trucking operations are destroying the road that residents are responsible for maintaining. They have further alleged that Viva Farms has not paid county taxes and fees associated with their nine non-permitted structures. ....*

#### **Report form code enforcement officer Daniel Del Rio**

- **Property owner and architect contracted county two weeks before 12/31/17 deadline. Parties are pushing for buildings to be permitted and brought into compliance. Some cleanup has occurred on site.**
- **2/5/18 is the code enforcement permit package deadline.**
- **Three hoop houses have been removed, three greenhouses will be permitted. Office on site to be brought into compliance.**
- **There will be a requirement to review traffic to the site and access damage. Daniel will bring traffic issues to the proper department.**
- **Daniel will report back to the SCAC on fines accrued to date**
- **The option to permit structures is a due process right of all applicants**
- **Is not aware of any residence on site but will investigate**
- **Will investigate the recent grading operation**

#### **Public Comment on Viva Farms**

- **Istar Holiday- Viva Farm's deep pockets get them special favors from the county**
- **Robert Rice- Viva Farms has been grading and is still operating a large commercial distribution center on site.**
- **Mike Berry- Building #4 and #8 have been removed from site. Viva Farms lost a lease on two adjacent five acre parcels. Stephen Piles has been the owner since 2010 and was given options to come into compliance in 2015. Mike invited Daniel's boss to attend the next SCAC meeting.**
- **George Frisch- How long is the process for compliance? Is it currently in compliance? What actions has the county taken?**
- **Nancy Shiffly- Was not allowed to present to the planning commission in 12/2010**
- **Maryann McPhearson- concerned about the 1000 cars per day from Trilogy and the truck weight related to Viva Farms traffic.**
- **Dennis Delside- talked to county supervisors and planners but has seen no action**
- **Tom Nugent- wants to know the county legal council's position. Is legal action a**

**solution?**

**Discussion from SCAC**

**Art Herbon- Can Art Trinidad attend a future SCAC meeting? Caleb Mott agreed to bring a reaction from county legal council and arrange a meeting.**

**Dan Woodson- Contact the state attorney general? Is a grand jury appropriate? Caleb Mott will check with county council for advice regarding a grand jury.**

**Motion by Kevin Beauchamp that the SCAC draft a letter to county planning and the supervisors stating that the SCAC is shocked that compliance is an option for Viva Farms. The letter should highlight the history, past letters, past actions, and ask for a clear status update and plan for resolving the issue.**

**Motion seconded by Harry Walls**

**Motion passes unanimously**

**2. Treasurer's Reports (Spelbring)**

**Rabobank was charging an account fee and the SCAC switched to a money market account to avoid fees. Past fees will be refunded.**

**Motion by Dan Woodson to approve the treasurer's report**

**Second by Pat Duron**

**Motion passes unanimously**

**3. SUB2017-00028 VANPETTEN: Revised map for a 2 lot subdivision at 916 Mesa View Drive, ArroyoGrande. Motion: Approve on Consent per Land Use Committee recommendation.  
%09http://www.slocounty.ca.gov/getattachment/ce507121-10c2-4f28-b697-bdeaedf6c04c/SUB2017-00028- VANPETTEN-C017-0091-Referral-Package.aspx**

**Land Use Committee doesn't have any issues with the subdivision of the parcel.**

**Dan Woodson sites multiple errors including sewer information and nearby transit information**

**Motion by Elaine Thomas to approve the application pending corrections on application completed.**

**Stephanie Fuhs states that it is common to correct permit errors in the approval process.**

**Elaine Thomas withdraws motion**

**Motion to table the item for further Land Use review by Kevin Beauchamp**

**Second by Pat Duron**

**Motion passes unanimously**

## **NEW BUSINESS**

1. Nipomo Chamber of Commerce – SCAC Membership

**Ron Smith spoke on behalf of the chamber stating that they promote the SCAC and can increase the council's visibility and cooperate on community projects.**

**Istar Holiday spoke against the financial relationship of the SCAC membership in the chamber.**

**Motion by Dan Woodson to not renew membership in the Nipomo Chamber of Commerce when it expires.**

**Second by Pat Duran**

**Dan Woodson sees a conflict in the relationship because public money is going to an organization which endorses political candidates.**

**Richard Wright- Bylaws state that SCAC funds can only be used for services provided and no services can be documented from past membership.**

**Motion passes 10-2**

## **SCAC COMMITTEE REPORTS**

1. Land Use Committee (Kevin Beauchamp) –

**Next meeting is Monday, February 12th, 9 AM at NCSD**

2. Traffic and Circulation Committee (Dan Woodson) -

**Next meeting Thursday, February 8th, 10 AM at NCSD**

**Notice of a prep EIR to be sent in mail.**

3. Bylaws Review (Richard Wright) 4. Audit Committee –

**Committee disbanded 11/2017**

4. missing audit report

**Harry reprinted the lost audit with the wrong date. Harry will reprint and get the new document signed**

5. Election Committee – Pat Duron, Cody King

**Cody King is up for reelection and was removed from committee. Pat Duron, Elaine Thomas, and Art Herbon to work on committee.**

Next SCAC Meeting – Monday, February 26, 6:30 PM at NCSD Chambers

**Meeting adjourned at 9:30**

**Procedural Guidelines for items on Old and New Business**

1. Introduction and report on item by staff, committee and applicant 5. Invitation for motion from council 2. Initial questions from SCAC members 6. Clarification of motion 3. Public comments (3 minutes each) 7. Council discussion of motion 4. Follow-up questions from council 8. Vote on Motion & announce results