

# SCAC - AGENDA

Meeting held at NCSD Chambers 148 South Wilson, Nipomo, CA 93444

Monday, February 26th, 2018 – 6:30 PM

**Meeting called to order at 6:30**

## QUORUM MET

Area 1 - Vince McCarthy **A**

Area 4 - Open

Area 1 - Open

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

Area 2 - Dan Woodson **P**

Area 5 - Open

Area 2 - Harry Walls **P**

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

Area 3 - Elaine Thomas **P**

Area 6 - Kevin Beauchamp **P**

Area 3 - Open

Area 7 - Ron Smith **P**

Area 4 - Cody King **P**

Area 7 - Open

Agriculture - Pat Duron **P**

Public Safety - Richard Wright, **P**

Correspondence Secretary Cody King **P**

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

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

**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. SLO Co. 4% to 10% Cannabis Sales Tax on June ballot. [www.slocounty.ca.gov/Departments/Auditor-Controller-Treasurer-Tax-Collector/News/Board-Moves-Forward-with-Cannabis-Business-Tax.aspx](http://www.slocounty.ca.gov/Departments/Auditor-Controller-Treasurer-Tax-Collector/News/Board-Moves-Forward-with-Cannabis-Business-Tax.aspx)

2. APCD Hearing Board - review Petition 17-01 to consider an Order of abatement. Next Meeting Date to be

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

3. Home-2-Suites by Hilton - Nipomo hotel project (DRC2014-00131) returns to Planning Commission on April

26th. PC expressed concerns regarding design features at last meeting.

[http://archive.slocounty.ca.gov/Assets/PL/referrals/south+county/DRC2014-00131\\_MARINAI\\_CUP.pdf](http://archive.slocounty.ca.gov/Assets/PL/referrals/south+county/DRC2014-00131_MARINAI_CUP.pdf)

**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 **P**

- County is interviewing for the head of public works.
- Cannabis taxation upcoming at BOS
- Trillogy Phase 2B appeal brought by Dr. Merrill will be heard at the BOS on 3/6
- Clearwater nursery will need to reduce grow operation to ½ acre.
- Traffic studies will be part of cannabis permitting process.
- Needs assessment for parks went to bid.

• CALFIRE - Battalion Chief Eric Shalhoob **A**

• SLO Sheriff - Commander Stuart MacDonald **A**

• CHP - Lieutenant Greg Klingenberg **P** Will look into whether or not citations can be issues inside Trillogy.

• NCSD - Dan Woodson **P** NCSD is in 5th year of financial excellence in reporting. There is an upcoming initiative to exert control over ground water in the county which would prevent water exports.

• Nipomo Chamber – Rudy Stowell **Ron Smith** Upcoming ‘Old town Nipomo Cruz’ from Dwights to the Dana Adobe

• LMU School District - Vern Dahl **A**

• SLO County Planning - Stephanie Fuhs **A**

**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). **No Public Comment.**

**CONSENT AGENDA** - Council may pull items from ‘Consent’ to permit discussion after the Consent vote: **Motion to approve items 1 and 2 by Dan Woodson. Second by Gary Spelbring**

**Passes unanimously.**

1. November 27, 2017 SCAC Minutes (King). Motion – Approve Minutes.

2. February Treasurer’s Report (Spelbring). Motion – Approve.

3. SUB2017-00028 VANPETTEN: 2 lot subdivision. The proposed map and topographic details have been

updated to reflect the demolition of all previously-existing structures and to include the new residence currently under construction. Location is 916 Mesa View Drive, Arroyo Grande.

<http://www.slocounty.ca.gov/getattachment/ce507121-10c2-4f28-b697-bdeaedf6c04c/SUB2017-00028-VANPETTEN-C017-0091-Referral-Package.aspx>

3.1. SCAC previously objected application due to inaccuracies on the application. Motion: Recommend approval of request as long as known inaccuracies in the application are corrected.

**Kevin Beauchamp shared that the applicant corrected their application and the Land Use Committee voted to move the project to the county.**

**Motion to approve Item 3 by Kevin Beauchamp. Second by Dan Woodson**

**Passes unanimously.**

## **OLD BUSINESS**

1. Viva Farms Status –At January’s SCAC meeting, Code Enforcement Officer Dan Delrio accepted an invitation to meet with resident Mike Berry to obtain a better understanding of SLO County’s responses to complaints regarding Viva Farms during the past 8-10 years. What is the status of this meeting?

- **Issue is in code enforcement and Viva Farms has due process rights. SCAC is tasked with recommendations to county boards and code enforcement advocacy is outside the SCAC’s scope.**
- **Lynn Compton reads letter from SCAC drafted by Dick Wright.**
- **Lynn Compton reads letter from anonymous community member demanding a meeting with county officials.**
- **Lynn Compton reads response from county council**
  - **Cases typically take time to resolve**
  - **County prefers to let applicants voluntarily come into compliance.**
  - **Owner inherited code violations and has moved toward compliance.**

## **County Code Enforcement Supervisor Art Trinidad**

- **Has been on the case since 2013**
- **Traffic study revealed that there is 10X more traffic on Mesa Rd**
- **In the past found that Viva Farms and Plant Source used the location as a truck dispatch yard. This aspect of the operation was a land use violation.**
- **Engineer has been on site to bring structures up to code.**
- **Lot line setbacks are not met on some structures.**
- **Viva Farms alerted county of their intention to leave the county within 6-9 months then changed their plan at the end of 2017.**
- **Submitted plan appears to be a conditional use permit.**

Dan Delrio and Legislative Assistant District 4 Caleb Mott also offered to obtain answers to the following questions raised at the meeting:

1.1. Will Viva Farms be assessed bill/fees for its time operating out of compliance? **Fees are only for services rendered. There will not be fines.**

1.2. Is there an illegal occupancy on site? **County has observed no evidence of on site occupancy.**

1.3. What is County Counsel's opinion on Viva Farm and the permitting process? **Conditional Use Permit is subject to public hearing and appeal to BOS.**

**Administrative permit does not require a public hearing.**

1.4. What is County Counsel's opinion on the current status of Viva Farms?

**Viva Farms is actively working to come into compliance.**

1.5. Will County Counsel meet with SCAC Members about Viva Farms?

**County Council is only for the BOS. Council will not meet with SCAC**

1.6. Can road fees be assessed for the years that the business operated without permitted structures?

**A traffic study can find the need for road improvements as part of the permitting process.**

1.7. Is Viva Farms in compliance as a distribution site and allowable on RR?

**Yes. Plants come in but are not in ground or propagated. Only ½ acre is used for hardening. This is typical use for the industry.**

1.8. Are the setbacks on the property correct?

**Setbacks are insufficient.**

1.9. Why were the owners given both demolition and permitting options?

**Dues process in the building code gives owner the right to come into compliance.**

1.10. Can Art Trinidad attend a future SCAC meeting?

**Yes**

## **Comments**

**Dan Woodson- Permit process can assess fees**

**Lynn Compton- Viva Farms has volunteered to limit truck traffic but has the right to a 24 hour operation as a result of the current zoning.**

**Art Trinidad- Distribution is legal, the only illegal issues are building issues. Truck transit was illegal, there can not be a truck depot at the site. The business is not illegal. The size of the operation (<.5 Acre) makes the operation fall under a conditional use permit. 45 day review starts with new permits. The process will take about an additional 30 days.**

**Mike Berry-**

- **Property has changed hands 4 times**
- **Operation structure has changed through these ownership changes.**
- **Office on site has been used as a residence for 8 years.**
- **Steven Pile has built 4 green houses without permits.**

- Art Trinidad clarifies that these are hoop houses and do not need permits.
- Plant Source is operating out of Viva Farms again

## **NEW BUSINESS**

### **1. SUB2017-00061 CO17-0131 RH NEWDOLL CONSTRUCTION PROJECT DESCRIPTION:**

Proposed Parcel Map to subdivide property into four parcels; Parcel 1 = 0.3 ac; Parcel 2 = 0.3 ac; Parcel 3 = 0.3 ac; Parcel 4 = 0.2 ac. Location is 233 Frank Court in Nipomo. APN(S): 092-573-022.

<http://www.slocounty.ca.gov/getattachment/80df4113-d84b-49c5-8726-1c52b7c6d68d/SUB2017-00061-CO17-0131-NEWDOLL-CONSTRUCTION-Referral-Package.aspx>

1.1. SCAC recommended approval of this subdivision in 2004 and it is being resubmitted. Land Use Committee recommends approval.

**Discussion on size of adjacent lots.**

**Motion to approve Item 1 made by Harry Walls, Second by Gary Spelbring**

**Motion passes unanimously.**

## **SCAC COMMITTEE REPORTS**

1. Land Use Committee (Kevin Beauchamp) – Next meeting is Monday, March 12th, 9 AM at NCSD

**Next Land Use Committee meeting will be 3/10.**

2. Traffic and Circulation Committee (Dan Woodson) - Next meeting Thursday, March 8th, 10 AM at NCSD **Searching for a permanent driver feedback camera for Mesa Rd. Timing at Pomeroy and Tefft has been corrected. Committee is waiting results from a speed survey between Mesa Road and Viva Way. Plans for a demo traffic circle and additional bike lanes were presented.**

3. Election Committee – Pat Duron, Barbara Verlengiere **No seats for the SCAC were contested and there will be no election. Candidates will be sworn in at the next meeting.**

Next SCAC Meeting – Monday, March 26, 2018, 6:30 PM at NCSD Chambers

**Meeting adjourned at 8:36 PM**