

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

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

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 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 typicall 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 the 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 1/2 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 NCS D

Next Land Use Committee meeting will be 3/10.

2. Traffic and Circulation Committee (Dan Woodson) - Next meeting Thursday, March 8th, 10 AM at NCS D **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 NCS D Chambers

Meeting adjourned at 8:36 PM