

# **Welcome to the 21<sup>st</sup> Annual Community Advisory Council Orientation**



**COUNTY OF SAN LUIS OBISPO**

[www.slocounty.ca.gov](http://www.slocounty.ca.gov)

# CAC Member Orientation:

## Board of Supervisors

Overview of Community  
Advisory Councils

## County Counsel

Discussion of Community  
Advisory Councils' Legal  
Requirements

## Planning Commissioners

Overview of Community  
Advisory Councils'  
Project Reviews

## County Staff

Discussion of Land Use  
Planning Process and  
Referrals



# Planning and Zoning Law

Derived by the police power established in the State Constitution:

“A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Cal. Const. at. XI, section 7.

“The police power is not confined to elimination of filth, stench and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.”

*Village of Belle Terre v. Boraas*, (1974) 416 U.S. 1



## ...not in conflict with general laws?

A conflict exists between a local ordinance and state law if the ordinance “duplicates, contradicts or enters an area fully occupied by general law, either expressly or by legislative implication.” *Viacom Outdoor Inc. v. City of Arcata*, (2006)140 Cal. App. 4th 230, 236.

Examples?





**Code Search**

Text Search

[Expand all](#)



Government Code - GOV

GENERAL PROVISIONS

TITLE 1. GENERAL [100 - 7931.000]

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]

TITLE 3. GOVERNMENT OF COUNTIES [23000 - 33205]

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345]

TITLE 5. LOCAL AGENCIES [50001 - 57607]

TITLE 6. DISTRICTS [58000 - 62312]

TITLE 6.7. INFRASTRUCTURE FINANCE [63000 - 64132]

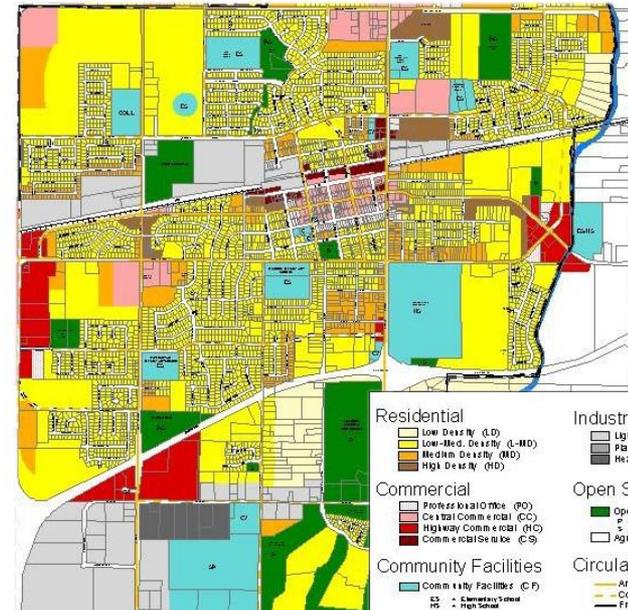
TITLE 6.8. San Francisco Bay Area Regional Housing Finance [64500 - 64652]

TITLE 6.9. Los Angeles County Affordable Housing Solutions Agency [64700 - 64832]

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

# Planning and Zoning Law (Gov. Code 65000-66035)

- Creates the State Office of Planning and Research
- Establishes rules regarding planning by local agencies
- Requires the establishment of the General Plan with 7 mandatory elements
- Establishes rules regarding Specific Plans
- Establishes rules government zoning regulations and the requirement to have a planning commission.



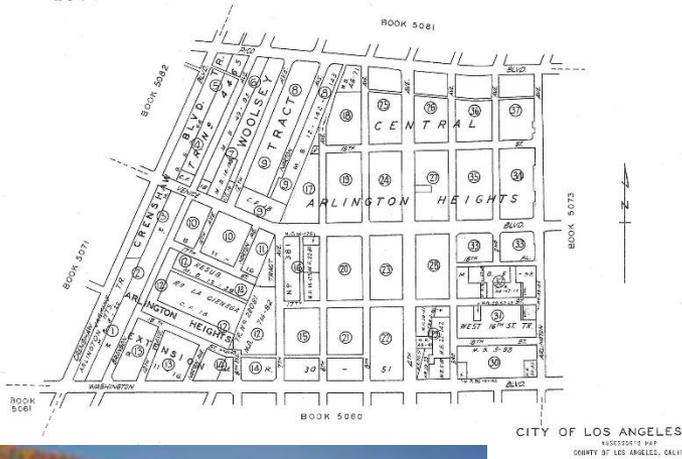
# Other Laws:

5072  
SCALE 1" = 400'

INDEX - 5072  
SCALE 1 1/2" = 400 FT.

2011

REVISED  
10-24-01  
11-20-02  
1-3-04  
1-17-04  
3-19-04  
4-28-04



- **Subdivision Map Act** (Gov Code 66410-66499.58)
- **California Environmental Quality Act** (Pub. Res. Code 21000-21189.3) and CEQA Guidelines (14 CCR 15000-15387)
- **Ralph M. Brown Act**, Government Code sections 54950 – 54963



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# Quasi-Legislative v. Quasi-Judicial Decision Making

Are we making law (legislative)?; or

- *Judicial review of quasi-legislative acts is usually limited to determining whether the act was arbitrary or capricious; the act was entirely lacking in evidentiary support; or the agency failed to follow the procedures required by law.*

Are we applying facts (a development project) to a set of laws?

- *“Abuse of discretion” is established when: the agency has not proceeded in the manner required by law; the order or decision is not supported by the findings; or the findings are not supported by the evidence.*



# Vested Rights



If a property owner **has received a permit** from a public agency to do something, such as a building permit or use permit, and **then incurs substantial costs in reliance of that permit**, then the property owner has **the right to rely on that permit** regardless of changes in the public agency's land use regulations. *Avco Community Developers, Inc. v South Coast Reg'l Comm'n* (1976) 17 C3d 785, 793.



# Community Advisory Council Map

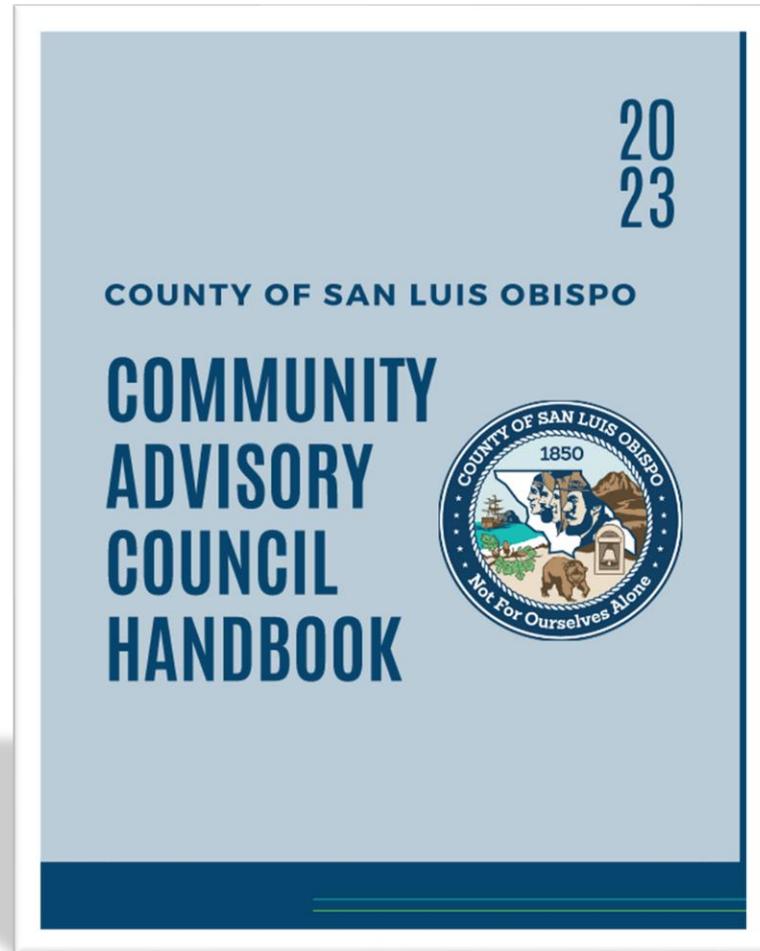


# CAC Liaisons

- **Avila Valley Advisory Council**  
Nicole Ellis
- **Cayucos Citizens Advisory Council**  
Andy Knighton
- **Creston Advisory Body**  
Lane Sutherland
- **Los Osos Community Advisory Council**  
Claire Momberger
- **North Coast Advisory Council**  
Kip Morais / Jeremy Freund
- **San Miguel Advisory Council**  
Jessica Macrae
- **Santa Margarita Area Advisory Council**  
Mason Denning
- **Shandon Advisory Council**  
Blake Maule
- **South County Advisory Council**  
Shawn Monk
- **Templeton Area Advisory Group**  
Eric Tolle
- **Vitality Advisory Council of Oceano**  
Dane Mueller



# CAC Handbook:



# CAC By-Laws Guidelines:



Mission Statement



Membership



Meetings



Voting & Decision-Making

# Overview of Roles

## ADVISORY COUNCIL

Receive referral package from Planning and Building Department and complete recommendation form, if applicable. **Add project discussion to the next advisory council meeting agenda.**



Expected to make a recommendation within the required **60-day timeframe**, upon receipt of the first iteration of a project. If re-referred, council has 45-days to review and submit additional comments.



## SLO COUNTY

Receive agenda and recommendation form from advisory council. Add advisory council as interested party and **attach comments to project packet.**

If the project is substantially modified after the advisory council's review, the Planning and Building Department may **re-refer a project to the council for additional comments.**



# Overview of Roles (cont'd.)

Send advisory council meeting agenda and any project questions to the Planning Liaison **one week prior to the meeting**. For projects requiring other County departments, council will coordinate with District Legislative Assistant.\*



Planning Liaison will attend the meeting with prepared responses and additional staff as needed. Planning Liaison **will attend one meeting per month**, if requested by the advisory council.

It is recommended that planning items be placed toward the beginning of the agenda. Staff presence at advisory council meetings is always subject to staff availability.



When possible, the Planning Liaison will provide updates from the department on other items relevant to their community (i.e. ordinance updates, general plan updates, etc.).

# The General Plan

## “Blueprint”

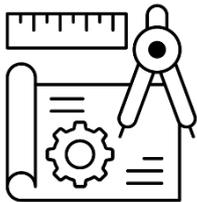
A policy-level visioning plan that guides decision making from a long-range perspective

### Mandatory Elements

- Land Use
- Circulation
- Housing
- Safety
- Noise
- Conservation & Open-Space

### Optional Elements

- Parks & Recreation
- Agriculture
- Offshore Energy
- Economic



### Consistency

- All elements must be consistent with one another
- All Elements of the General Plan have equal legal status



# General Plan Amendments



# Land Use and Circulation Elements (Inland)



✓ Framework for Planning (Part 1)



✓ The Area Plans (Part 2)



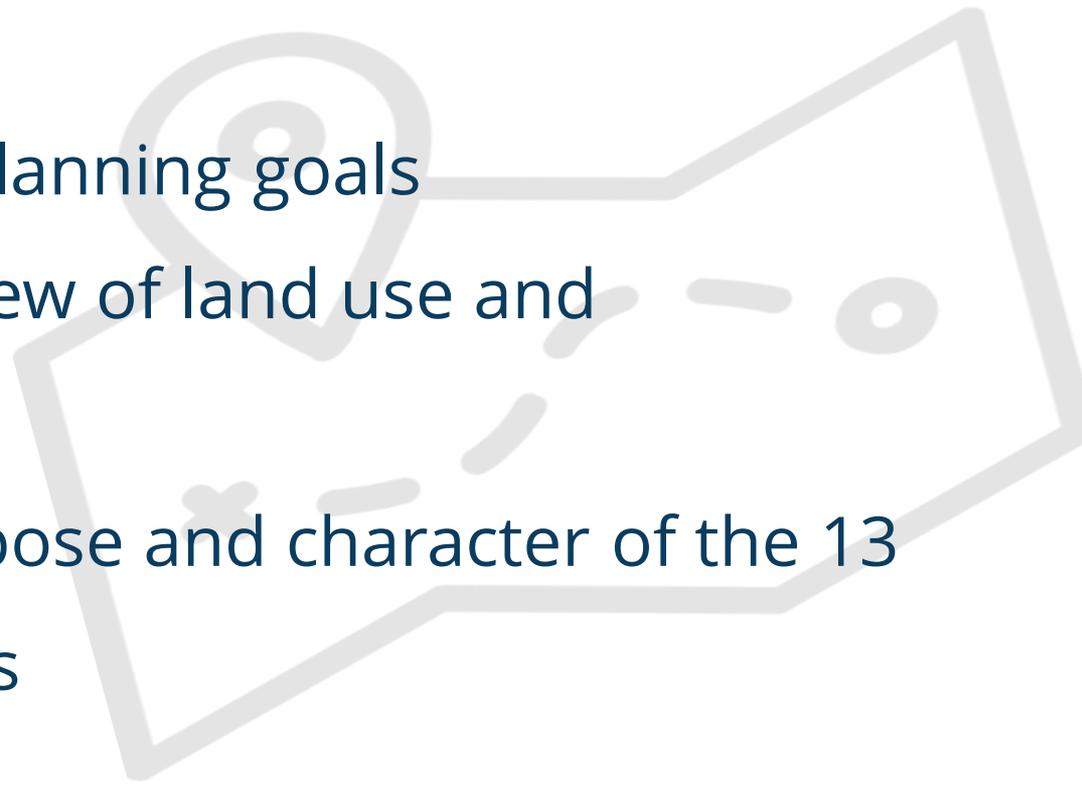
✓ The Community/Village Plans (Part 3)



✓ Official Maps (Part 4)

# Framework for Planning

1. Lists countywide planning goals
2. Provides an overview of land use and circulation process
3. Describes the purpose and character of the 13 land use categories

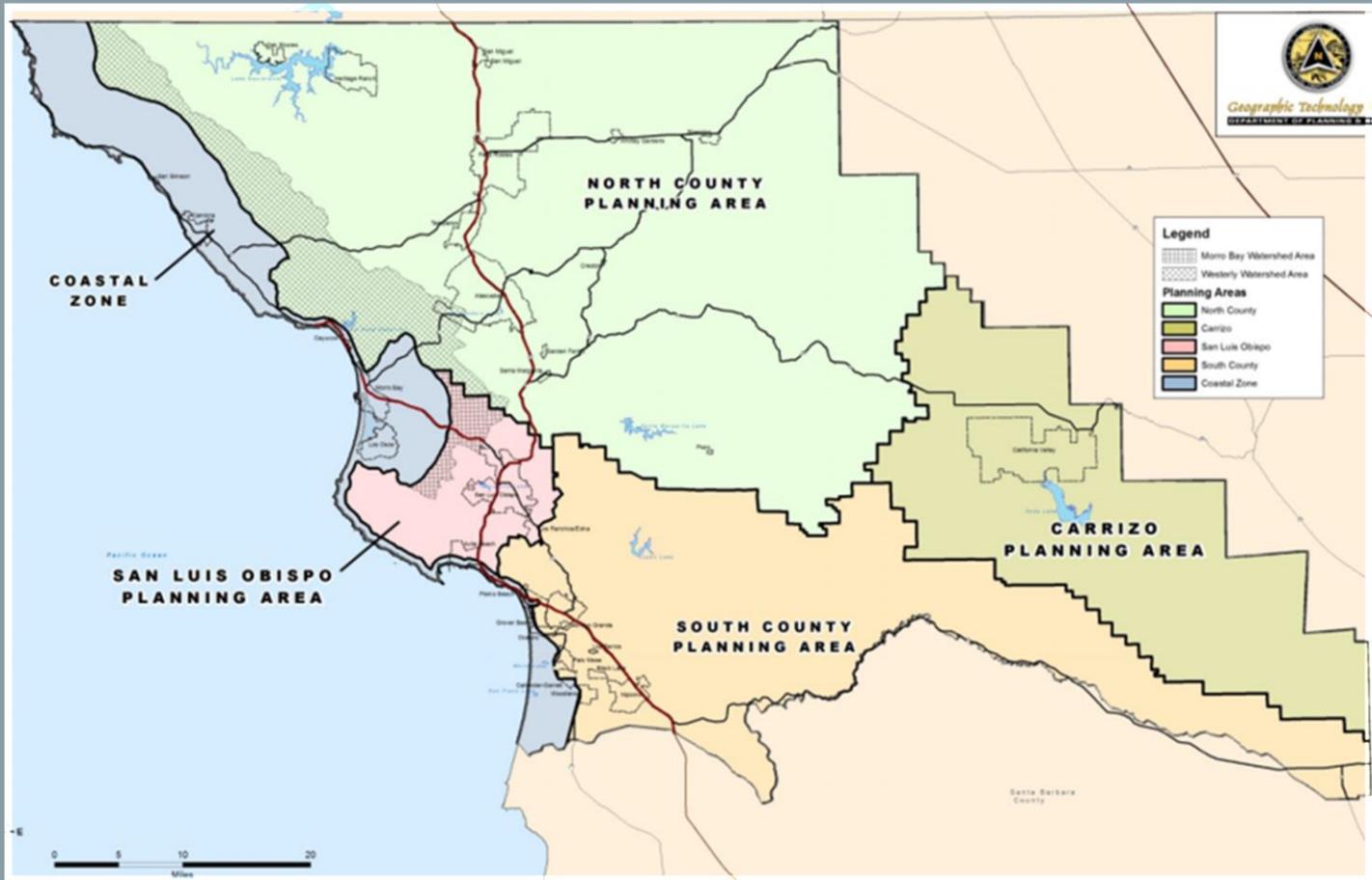


# Land Use and Circulation Elements (Inland)

	<b>The Area Plan w/ Sub-Areas Part 2</b>	 <b>Community / Village Plans Part 3</b>
I. Carrizo Area	N/A	California Valley
II. North County Area	Adelaida El Pomar-Estrella Las Pilitas Los Padres (North) Nacimiento Salinas River	San Miguel Santa Margarita Shandon Templeton North County Villages
III. San Luis Obispo Area	San Luis Obispo (North) San Luis Bay Inland (North)	Los Ranchos/Edna
IV. South County Area	Huasna-Lopez Los Padres (South) San Luis Obispo (South) San Luis Bay Inland (South) Shando-Carrizo (South) South County	Nipomo Oceano South County Villages



# Regional Planning Areas Map



# Coastal Zone Area Plan



## Urban and Rural Combined

1. Estero
2. North Coast
3. San Luis Bay (Coastal)
4. South County (Coastal)



# Land Use Ordinance

Inland (Title 22) and Coastal Zone (Title 23)

- Examples: Noises, Air quality, and vibration

## Operational Standards



- Requirements for the approval of proposed development and new land uses

## Allowable Uses



- Examples: Height, Setbacks, and Parking

## Design Standards



- Definitions, Purpose and Characteristics

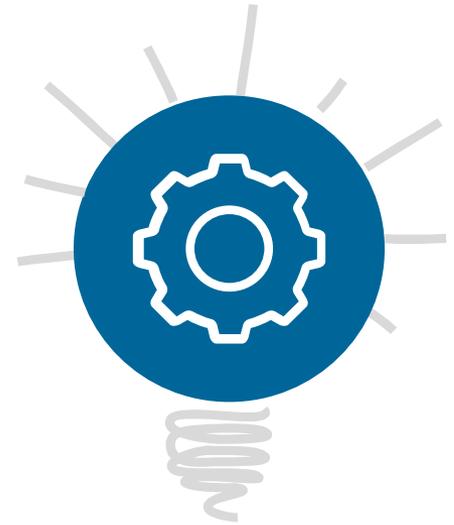
## Definitions



# Your Role in the Planning Process

## Current Planning Process

- 1 Planning Process Overview
- 2 Project Referrals
- 3 Ministerial vs. Discretionary
- 4 Providing Input and Recommendations



# 1 Planning Process Overview



## Pre-application

Internal meeting between County Departments and applicant to discuss project scope and entitlement requirements and process



1



## File Application

Applicant submits complete application to Front County staff



2



## Referrals

Referral Package sent to referring County Departments, referral agencies, and Community Advisory Groups



3



## Staff Review

Staff reviews complete application, considers and includes referral comments, environmental review



4



## Public Hearing

Public notice, public hearing and action, appeal period, appeal hearing and final action



5



## 2 Project Referrals

Engaging and Incorporating information

**Community Advisory Councils**  
11 advisory bodies throughout the County

**Inter-Department**  
Public Works, Building, Environmental Health, Ag Commissioners



**State and Federal**  
CA Department of Fish and Wildlife, US Department of Fish and Wildlife, Army Corps

**Coastal**  
California Coastal Commission

**Agency**  
Cal Fire, Cal Trans



### 3 Ministerial vs. Discretionary

	Ministerial	Discretionary
Review for compliance with land use and building regulations	YES	YES
CEQA Environmental review	N/A	YES
Referred to Community Advisory Group	N/A	YES
Decision made by Public Hearing Body	N/A	YES
Typical Project Types	Building Permit, Site Plan, Zoning Clearance, Business License	Land Use Permits, Conditional Use Permit, Minor Use Permit, General Plan Amendment, Land Divisions



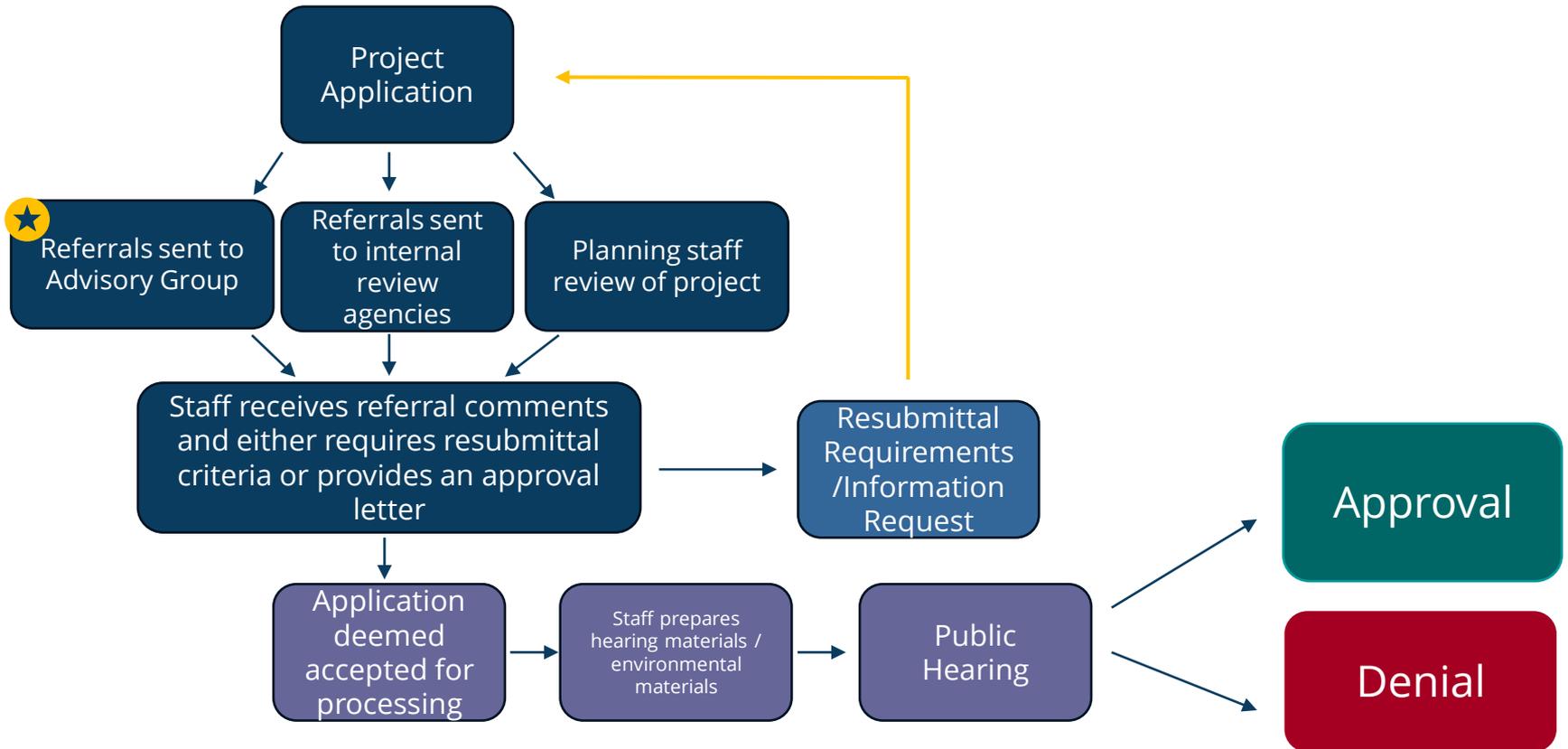
### 3 Ministerial Flow Chart



Advisory Council Review – N/A  
Public Hearing – N/A  
CEQA – N/A



### 3 Discretionary Flow Chart



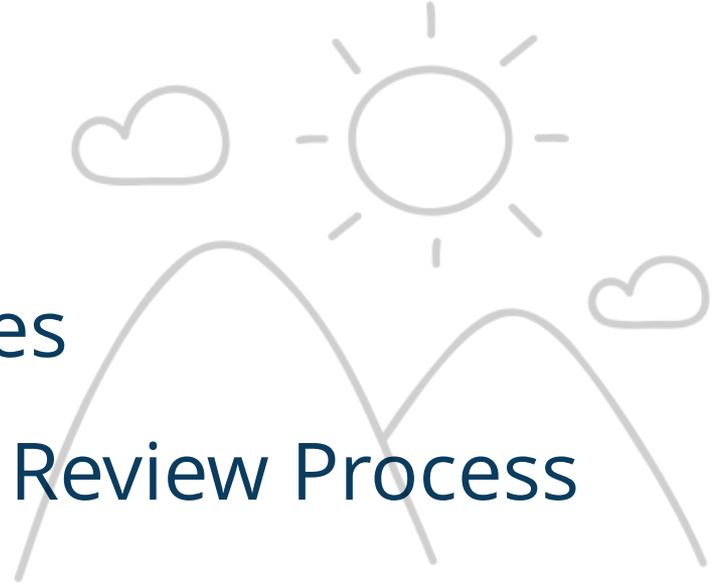
## 4 Providing Input & Recommendations

- Input should be provided **within 60 days of initial referral packet and 45 days for re-referrals** when a project has been significantly altered.
- Planning and Building has created a standard comment form for Advisory Groups to utilize.
- It is the responsibility of the Advisory Council to communicate with project applicants and staff to provide advanced notice before they review a project so that they may attend respective meetings.
- The Advisory Council should request to be notified of future public hearings on projects as an interested party.



# California Environmental Quality Act

1. Purpose of CEQA
2. County CEQA Guidelines
3. County Environmental Review Process
4. Environmental Issues



# Basic Purpose of CEQA

-  Disclose Information
-  Identify ways to avoid the impacts
-  Consider Mitigation and Alternatives
-  Enhance Public Participation
-  Foster Interagency Cooperation



# County CEQA Guidelines

Definitions, procedures, criteria and objectives for implementing CEQA

## Purpose and Authority

Facilitate County compliance with CEQA, standardize procedures for the evaluation of projects, and preparation of environmental documents when the County is the Lead, Responsible, or Reviewing agency under CEQA.



**Adopted by the  
Board of  
Supervisors**



**Assure compliance  
with State Law**



**Implement CEQA  
(e.g. defn,  
procedures)**



**Standardize  
CEQA procedures**



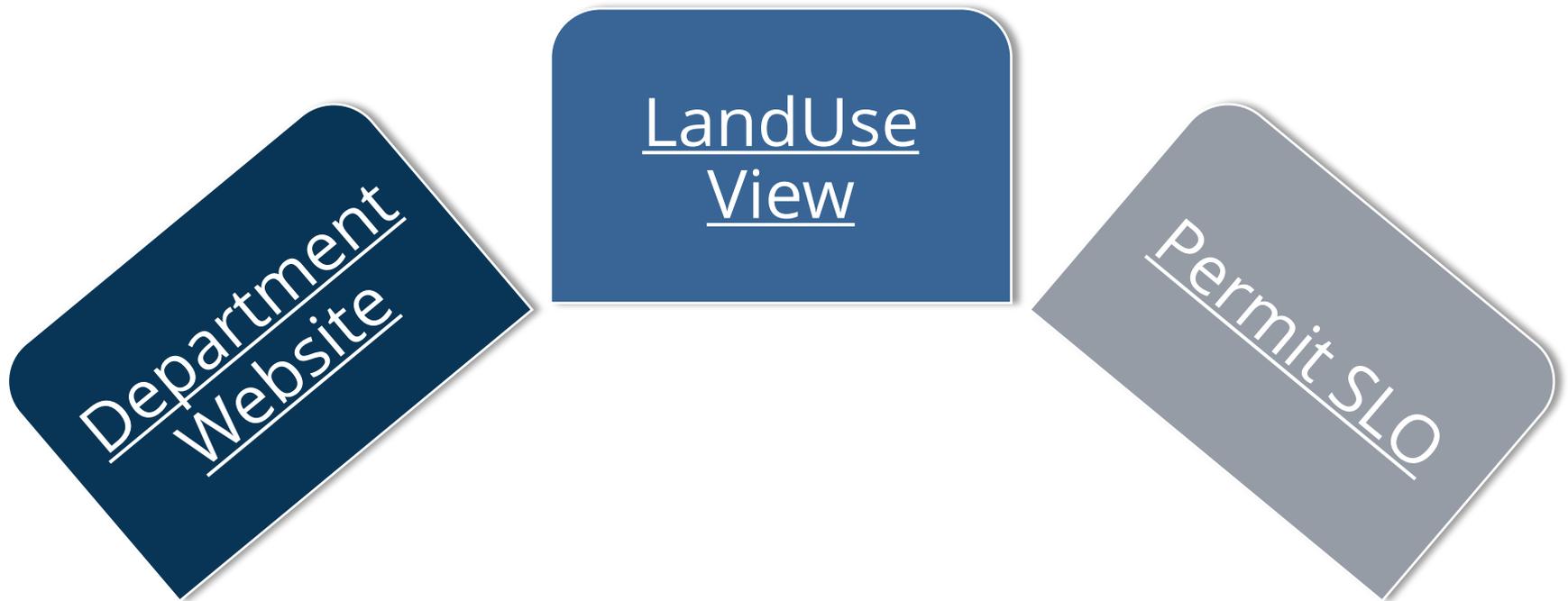
**Ensure public  
participation**



# County Environmental Review Process



# Resources at your Fingertips



# Group Project Scenario Activity

## Examples of Project Component Considerations:

- 
- Noise
  - Traffic
  - Parking
  - Bio/Cultural Resources
  - Water Usage
  - Drainage
  - Site Disturbance
  - Trash
  - Access
  - Fire Safety
  - Visual/Aesthetics
  - Historic Relevance
  - Recommended Reports and/or Studies
  - Additional Info Requested
  - Neighborhood Compatibility

# CAC Standard Comment Form



## Community Advisory Council (CAC) Standard Comment Form

Please confer with your County Planning liaison for any issues or concerns regarding the submission of this form.

\* Required

1. Name and Title \*

2. Project Number \*

3. Project Consideration Meeting Date \*

4. Email Address. \*

5. Choose Community Advisory Council \*

- AWAC - Avila
- CCAC - Cayucos
- CAB - Creston
- LOCAC - Los Osos
- NCAC - North Coast
- SMAC - San Miguel
- SMACC - Santa Margarita
- SAC - Shandon
- SCAC - South County

7. Please describe the impacts along with any recommendations to address the impacts in your response. \*

8. If your community has an established "vision" in the Community Area Plan, is the proposed project consistent with that vision? \*

If not, please describe:

9. What strengths or weaknesses were identified by community members about the project or policy? \*

10. Is the project compatible with surrounding neighborhoods or land uses? \*

If not, are there changes in the project that would make it fit in better?

11. Are there any access, traffic, or circulation impacts or issues that should be addressed? \*

If so, please describe the impacts or issues along with any recommendations.

12. If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify or establish intense uses that would not otherwise occur? \*

13. Other

Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

