

2015-2016 San Luis Obispo County Grand Jury

FINAL REPORT



San Luis Obispo County Grand Jury



P.O. Box 4910
San Luis Obispo, California 93403
(805) 781-5188

www.slocourts.net/grand_jury





2015/16 San Luis Obispo County Grand Jury

Back Row, L-R: Barry T. LaBarbera, Presiding Judge; Ron Harben; Wiley Poole; Greg Schlitz, Foreperson; Theodore Gauldin; Bill Siegel, Grand Jury Secretary; Jeff Knapp
Front Row, L-R: Rodger Mastako; Leonard Gelfand; Gerry Finn; Paul Kemp; Reggie Rini, Admin Assistant
Not pictured: Maureen Forsberg; Deborah Kaperonis; Anne Marie Kirkpatrick; Ophelia Rabanal; Gary Lacy, Foreperson Pro Tem

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GRAND JURY APPROVAL

California Penal Code §933(a) states:

"Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year..."

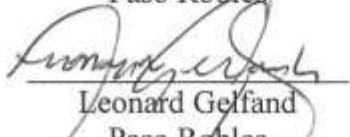
In conformance with the aforementioned Penal Code requirement, the 2015-2016 San Luis Obispo County Grand Jury approves and respectfully submits this report to the Honorable Barry T. LaBarbera, Presiding Judge, Superior Court of California, County of San Luis Obispo.



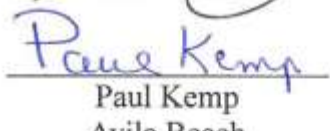
Greg Schlitz, Foreperson
Oceano



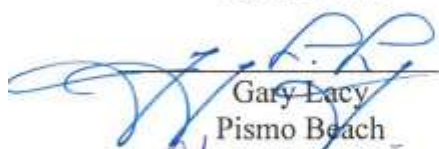
Gerry Finn
Paso Robles



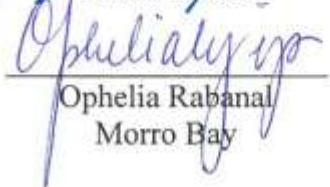
Leonard Gelfand
Paso Robles



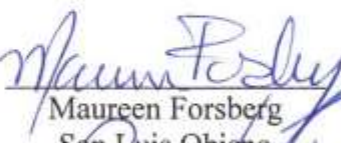
Paul Kemp
Avila Beach



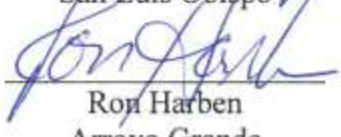
Gary Lacy
Pismo Beach



Ophelia Rabanal
Morro Bay



Maureen Forsberg
San Luis Obispo



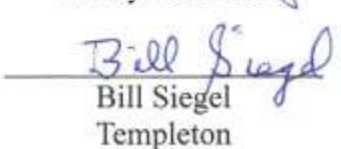
Ron Harben
Arroyo Grande



Anne Marie Kirkpatrick
Arroyo Grande



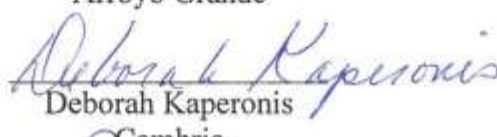
Rodger Mastako
Arroyo Grande



Bill Siegel
Templeton



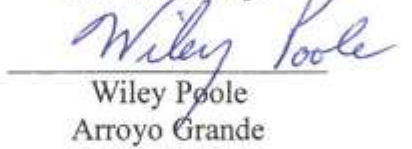
Ted Gauldin
Arroyo Grande



Deborah Kaperonis
Cambria



Jeff Knapp
San Luis Obispo



Wiley Poole
Arroyo Grande

FOREPERSON'S FORWARD

The San Luis Obispo County Grand Jury is comprised of 19 volunteers, selected after interviews with judges, by a random pool drawing. In addition, names are then drawn from the pool to serve as alternates. The jurors/alternates serve a one year term coinciding with the fiscal year of the county government. The presiding judge selects a foreperson from the 19 jurors. The jurors then select a pro-tem and secretary to serve in those capacities for the group.

Serving on a grand jury gives an ordinary citizen an extraordinary look at all government within the county. The charge for the grand jury is to act as the "watch dog" for the county's government agencies. The authority for the grand jury to accomplish this mission is sanctioned by various sections of the California Penal Code.

The grand jury (and alternates) begins its journey by attending a two day training session conducted by the California Grand Jury Association. This training provides a foundation of their responsibilities and procedures to follow. In addition, the first month includes presentations from officials within the county and the adoption of a handbook (rules of procedures) which continues to provide guidance for their activities.

The next step is to formulate committees (Law & Justice, County, Cities & Special Districts and Continuity) with each juror serving on two. Here is where the work of the grand jury starts. In committee meetings, members determine areas for investigations and look into all citizen complaints. Once selections are made, investigations begin and it is critical for them to be thorough and factual. Failure to have the all the facts can be detrimental.

Once a committee has finished with an investigation a report is written, edited, and facts confirmed. The report is then presented to the entire grand jury (called the plenary). Every report is reviewed in detail in the plenary and requires a super majority vote (twelve) to pass and be issued. Before the report is made public, it is reviewed by county counsel and the presiding judge. At the end of the term a final report is issued which has all the years reports combined into one document. All reports can be obtained on the grand jury website.

Of special note is the Grand Jury Administrative Assistant Reggie Rini. Without her hard work and dedication my job at the foreperson would have been daunting and unbearable. To her I owe a huge amount of gratitude and appreciation.

Serving as this year's foreperson has been a very rewarding experience. If you have ever thought about serving your community, consider the San Luis Obispo County Grand Jury. You can apply to serve as a Grand Juror by completing the application (http://slocourts.net/grand_jury/application_forms) found on the Grand Jury web site.



Greg Schlitz, Foreperson
2015-2016 San Luis Obispo County Grand Jury

AUTHORITIES FOR GRAND JURY INQUIRIES

The authority for our inquiries is sanctioned by one or more of the following sections of the California Penal Code:

§919(b): “The grand jury shall inquire into the condition and management of public prisons within the county.”

§925: “The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year, but the grand jury shall not duplicate any examination of financial statements which has been performed by or for the board of supervisors pursuant to Section 25250 of the Government Code; this provision shall not be construed to limit the power of the grand jury to investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county”.

§925(a): “The grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county. In addition to any other investigatory powers granted by this chapter, the grand jury may investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit. The grand jury may investigate and report upon the needs of all joint powers agencies in the county, including the abolition or creation of agencies and the equipment for, or the method or system of performing the duties of, the several agencies. It shall cause a copy of any such report to be transmitted to the governing body of any affected agency. As used in this section, “joint powers agency” means an agency described in Section 6506 of the Government Code whose jurisdiction encompasses all or part of a county.”

§928: “Every grand jury may investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices. Such investigation and report shall be conducted selectively each year. The grand jury shall cause a copy of such report to be transmitted to each member of the board of supervisors of the county.”

§933.5: “A grand jury may at any time examine the books and records of any special-purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such district or commission.”

§933.6: “A grand jury may at any time examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity the books and records of which it is authorized by law to examine, and, in addition to any other investigatory powers granted by this chapter, may investigate and report upon the method or system of performing the duties of such nonprofit corporation.”

AUTHORITIES FOR AGENCY RESPONSES

The following section of the California Penal Code is cited as the authority under which each agency must respond to the Superior Court:

§933.05 (a): For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

§933.05 (b): For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

§933.05 (c): However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand

jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

§933.05 (d): A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

§933.05 (e): During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

§933.05 (f): A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

REPORTS

MINOR USE PERMITS: AN OXYMORON¹

INTRODUCTION

The San Luis Obispo County Department of Planning & Building (Planning Department), following a complex and outdated framework, issues Land Use Permits to allow certain types of development. Land Use Permits, not to be confused with Building Permits, can be required for a number of reasons including the proposed use of the site. The site's zoning is an aspect of the review but not something that is approved as part of the use permit.

One type of a Land Use Permit is a Minor Use Permit² (MUP). This is a discretionary permit, acted on by a Planning Department hearing officer, allowing specific land uses. The title of Minor Use Permit can be an oxymoron. Major projects are sometimes incorporated into the Minor Use Permit process.

In San Luis Obispo County there are a large variety of projects that are issued MUPs. The Planning Department uses a discretionary process in determining which projects are approved. These projects range from adding a small deck on a private home, building a completely new multi-unit housing development, to constructing a 5.6-mile oil pipeline of which 3.9 miles are in the County jurisdiction. Currently the Planning Department uses the attached application to assist in evaluating all impacts of the project (See Exhibit A). However, a dollar value of the project is not a part of the permit application. This dollar value would enable the public to more accurately gauge the size and impact of the project. (Be sure this section break is on the first page of the report.)

¹ According to the tenth edition of Webster's an oxymoron is "a combination of contradictory or incongruous words."

² San Luis Obispo County Land Use Ordinance: Title 22.62.050 "The Minor Use Permit review process provides for public review of significant land use proposals that are not of sufficient magnitude to warrant Commission review; and to insure the proper integration into the community of land uses which, because of their type or intensity, may only be appropriate on particular sites, or may only be appropriate if they are designed or laid out in a particular manner. The Minor Use Permit process shall include the opportunity for a public hearing before the Director. Action on a Minor Use Permit is discretionary, and may include: approval based on the standards of this Title; approval with conditions; or disapproval, based on conflict with the provisions of this Code, or information in the Tentative Notice of Action or public hearing testimony."

ORIGIN

Acting on a citizen's complaint concerning the notification process used in the issuance of a MUP, the 2015-2016 Grand Jury investigated the San Luis Obispo County Planning and Building Department's process for issuing MUPs; specifically the process used in notifying the public of a pending project or event.

AUTHORITY

California Penal Code section 925 authorizes the Grand Jury to investigate and report on the operations, accounts and records of a County officer, department or function.

METHODOLOGY

The Grand Jury interviewed an Assistant Director and two long-time members of the Planning Department staff. Additionally, a local builder and an architect were interviewed, as well as the Executive Director of a professional home builder organization. Several private citizens who recently went through the permitting process were also interviewed.

The Grand Jury used the Planning Department's website³ in gathering data for this report. Furthermore, the procedures of counties with similar demographic and economic values such as Ventura, Santa Barbara, Napa, Sonoma and Monterey were reviewed.

NARRATIVE

The Grand Jury found that the range of projects requiring a Minor Use Permit was wide. Exhibit A provides a list of all covered activities or projects. Projects range from an arbor, a zoo, a wedding, and a small deck on a residence.

³ <http://www.slocounty.ca.gov/planning.htm>

MINOR USE PERMITS: AN OXYMORON

Exhibit B is taken from the SLO County's General Plan which was written in 1980 for what was then a largely rural county. The Grand Jury found the current General Plan to be both outdated and confusing. Adding to the complication, present-day zoning is designated either coastal or inland with substantial differences in the permitting requirements. Over 140 amendments attempt to bring the General Plan up-to-date and only serve to make navigation by an ordinary citizen more difficult.

There are three tiers of fees associated with a MUP application (see Exhibit C).

- a) Tier I includes small residential projects.
- b) Tier II includes larger residential additions.
- c) Tier III includes multi-family, commercial, and industrial projects.

Once the Minor Use Permit application is filed, the Department follows the state requirements for public notification⁴ as well as additional County practices. The notification does not include a Tier level. The following are methods used to notify impacted parties to a pending project:

- a) U.S. Postal Service mailing –A Notice of Public Hearing is sent to all real property owners within 300 feet of the MUP location at least ten days prior to the public hearing.
- b) Newspaper ads –The notices are printed in the classified ad section of a newspaper of general circulation.
- c) Advisory Groups - The Department notifies advisory groups in the project area, such as the Avila Valley Advisory Council and the Templeton Area Advisory Group.
- d) Website –MUP applications are posted in the Department's "Permit View" section of their website. A case or parcel number is needed to be able to look up the MUP.
- e) Sign posting at the MUP site has been discontinued.
- f) Government agencies such as Cal Fire, County Public Works, and the Air Pollution Control District are notified at the discretion of the Department

⁴ CA Government Code Section 65090-65096

MINOR USE PERMITS: AN OXYMORON

There are multiple steps in the approval process for a Minor Use Permit. First, a recommendation is created by the staff planner to either approve or deny the MUP by the hearing officer on a consent agenda. If the applicant, a member of the public, or the hearing officer wishes to discuss the project it will be scheduled for a formal public hearing by the hearing officer.

If the MUP project is not approved by the Department hearing officer, it can be appealed and it goes before the County Board of Supervisors. A flow chart of the process is attached as Exhibit D. There have been 18 appeals of the Department's discretionary rulings on MUPs from fiscal years 2010 through 2014.

The Planning and Building Department could not tell us if the fees collected for MUPs cover the cost of the MUP processing.

FINDINGS

- F.1. The General Plan, which governs the issuance of Minor Use Permits, is complex, outdated, and contains over 140 "Band-Aid" amendments.
- F.2. There is no difference in state requirements for notification for any MUP, regardless of project size, cost, or impact.
- F.3. The notification does not require project levels (Tiers I, II, and III) to be designated. This denies the public the opportunity to determine the scope of the project.
- F.4. San Luis Obispo County may provide more notification than state requirements.
- F.5. Projects with potentially significant environmental and social impacts can get placed on the consent agenda, get overlooked and pass easily.

- F.6. Notification to the public on Tier III projects is often inadequate.
 - a) Mailing notification of a project using only the state mandated information may not provide the recipient with enough information to understand the scope of a proposed project or activity.
 - b) Newspaper legal notifications are published in a format which is difficult to notice, read and understand.

- c) The Department's website includes detailed information, however, the actual parcel or project number is needed to be able to identify the project.
- F.7. At the discretion of the Department, additional notification - such as larger type size or more frequent ads in the newspaper can be used, however it is unclear how, when and why that discretion is exercised.
- F.8. Government agencies are notified at the discretion of the Department without clear-cut guidelines.
- F.9. Diverse projects, such as a small deck on a house, a vacation rental, a public event, or a multi-home development require a MUP.
- F.10 It is unclear if MUP filing fees cover the entire costs to the County for processing applications.

RECOMMENDATIONS

- R.1. The Board of Supervisors should fund the update of the 1980 General Plan; incorporating appropriate amendments and make it easily accessible using an electronic search.
- R.2. An estimated project cost should be required on the application to assist the public in evaluating the project's impact.
- R.3. The Board of Supervisors should direct the Department to ensure MUP fees cover all costs of the application process.
- R.4. Tier III MUP projects should mandate a public hearing and not go on the Planning Department's consent agenda.
- R.5. The Department should increase public notification above what is required by the State of California as the MUP tier levels increase as follows:
 - a) The fee tier level and estimated cost of the project should be on the mailer to allow the public to gauge the scope of the project.
 - b) The distribution area of the mailer should be appropriately increased in accordance with the tier level.
 - c) The type size of the newspaper notice should be increased in accordance with the tier level.

- d) On-site signage containing the project information should be reinstated.
- e) The applicant should be charged for all costs.

REQUIRED RESPONSES

The Board of Supervisors and the Chief Administrative Officer is required to respond to recommendations 1 through 5.

The Department is required to respond to recommendations 2, 3, 4 and 5.

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court. Please provide a paper copy and an electronic version of all responses to the Grand Jury.

Presiding Judge	Grand Jury
Presiding Judge Barry T. LaBarbera Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

Exhibit A



LAND USE PERMIT APPLICATION PACKAGE

PLANNING & BUILDING DEPARTMENT • COUNTY OF SAN LUIS OBISPO
976 OSOS STREET • ROOM 300 • SAN LUIS OBISPO • CA 93408 • (805) 781-5600 • TTY/TDD RELAY-711

NOTE: Your application is public record and information regarding your application is available both in person at the Department of Planning and Building in the County Government Center and on the County Planning and Building Department's website. All references to names, addresses, telephone numbers, email addresses and project information are part of this public record. All applications must be filed under the property owner's name and address of the property that is the subject of the application; however, you may use an alternate contact address and telephone number.

REQUIRED CONTENTS

The following information is required to be submitted with your application. If any information is missing, your application may be returned to you until such time as all required materials are included with the submittal.

COPIES – Please provide the following number of copies:

- 1 copy of the Signed Completed General Application Form
- 1 copy of the Signed Consent of Landowner Form (if applicant does not own the property)
- 1 copy of the Completed Land Use Permit Application Form
- 1 copy of the Environmental Description Form
- 1 copy of the Signed Information Disclosure Form
- Completed Accessory Application Form(s) (if applicable) - Curb, Gutter & Sidewalk Waiver, Tree Removal, Variance, Lodge Hill, etc. (these forms are NOT in this package and can be obtained at the Planning and Building Front Counter)

FEES – Application fees will be calculated at the time of submittal (see last page for fee summary).

PLANS - If any of the information included as part of this application is available in digital format, please enclose the information via digital media.

SITE LAYOUT PLAN - an accurate drawing of the property. The site plan must show the following items (where they apply to your site):

- Exterior boundaries and dimensions of the entire site.
- North arrow and scale.
- Slope Contour Map (except when a grading plan is required) showing the following:
 - Inside urban reserve lines* - show contours at 5-foot intervals for undeveloped areas and 2-foot intervals for building sites and paved or graded areas.
 - Outside urban reserve lines* - show contours at 10-foot intervals for undeveloped areas and 2-foot intervals for building sites.
 - Steep slopes* - areas in excess of 30% slope may be designated as such and contours omitted, unless proposed for grading, construction or other alterations.
- General location of major topographic and man-made features, such as rock outcrops, bluffs, streams, swales and graded areas.

MINOR USE PERMITS: AN OXYMORON

- Location, dimensions and use of all existing and proposed structures on the property, including buildings, decks, balconies, fences, walls, and other structural elements that extend into yard areas.
- Location, name, width, and pavement type of adjacent and on-site streets/alleys.
- Existing/proposed curbs, gutters & sidewalks. All points of access, both existing and proposed.
- Types and location of existing/proposed water supply and sewage disposal facilities.
- Location and dimensions of all existing/proposed easements, driveways and parking areas (enclosed or open), including pavement type.
- Location, diameter (at 4 feet above grade), species, approximate canopy cover (dripline) of all trees on the site, noting which will remain and which are proposed for removal, and include proposals for replacement of trees to be removed.
- All areas proposed for grading and landscaping.
- Any areas proposed to be reserved and maintained as open space.
- Location, use and approximate dimensions of all structures within 100 feet of the site's boundaries.
- A vicinity map showing precisely how to drive to the site. (include street names and distances to help with describing how to get to the site)
- Coastal Access - If the project is within the coastal zone and located between the ocean and the nearest public road, applications shall include the locations of the nearest public access points to the beach

PRELIMINARY FLOOR PLANS AND ARCHITECTURAL ELEVATIONS - showing height of buildings and structures, color, texture and material of exterior finishes and roofing (not required for most agricultural buildings).

ELEVATIONS - (relative height) from the finish floor of the garage or other parking area to the edge of the pavement or road at the driveway entrance.

COPIES OF PLANS - If any of the information included as part of this application is available in digital format, please enclose the information via digital media.

Full-Sized Plans

- 7 copies of all drawings in a full-size format (larger than 11 by 17 inch page).

Reductions

- 1 copy of all drawings reduced to the size of an 8-1/2 by 11 inch page.
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MINOR USE PERMITS: AN OXYMORON

- Location, dimensions and use of all existing and proposed structures on the property, including buildings, decks, balconies, fences, walls, and other structural elements that extend into yard areas.
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GENERAL APPLICATION FORM

San Luis Obispo County Department of Planning and Building

APPLICATION TYPE - CHECK ALL THAT APPLY

- Emergency Permit
- Tree Permit
- Minor Use Permit
- Conditional Use Permit/Development Plan
- Plot Plan
- Curb, Gutter & Sidewalk Waiver
- Other
- Site Plan
- Surface Mining/Reclamation Plan
- Zoning Clearance
- Amendment to approved land use permit
- Variance

Department Use Only
Do Not Mark
(Staff Apply Label Here)

APPLICANT INFORMATION

Check box for contact person assigned to this project

Landowner Name _____ Daytime Phone _____
Mailing Address _____ Zip Code _____
Email Address: _____

Applicant Name _____ Daytime Phone _____
Mailing Address _____ Zip Code _____
Email Address: _____

Agent Name _____ Daytime Phone _____
Mailing Address _____ Zip Code _____
Email Address: _____

PROPERTY INFORMATION

Total Size of Site: _____ Assessor Parcel Number(s): _____

Legal Description: _____

Address of the project (if known): _____

Directions to the site (including gate codes) - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc.: _____

Describe current uses, existing structures, and other improvements and vegetation on the property: _____

PROPOSED PROJECT

Describe the proposed project (inc. sq. ft. of all buildings): _____

LEGAL DECLARATION

I, the owner of record of this property, have completed this form accurately and declare that all statements here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner signature _____ Date _____



CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building

File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address):
_____ identified as Assessor Parcel Number
_____, for which a construction permit, land use permit, land
division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county
requesting an approval for: _____ (specify type of project, for example:
addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.
2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.
3. If prior notice is required for an entry to survey or inspect the property. Please contact:
Print Name: _____
Daytime Telephone Number: _____
4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property _____

PERSON OR ENTITY GRANTING CONSENT:

Print Name: _____
Print Address: _____
Daytime Telephone Number: _____
Signature of landowner: _____ Date: _____

AUTHORIZED AGENT:

Print Name: _____
Print Address: _____
Daytime Telephone Number: _____
Signature of authorized agent: _____ Date: _____

CONSENT OF LANDOWNER

San Luis Obispo County Department of Planning and Building

File No _____

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address):

identified as Assessor Parcel Number _____, for which a construction permit, land use permit, land division, general plan or ordinance amendment, or LAFCo application referral is being filed with the county requesting an approval for: _____ (specify type of project, for example: addition to a single family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.
2. I (we) hereby grant consent to the County of San Luis Obispo, its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the county, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.
3. If prior notice is required for an entry to survey or inspect the property. Please contact:
Print Name: _____
Daytime Telephone Number: _____
4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property _____

PERSON OR ENTITY GRANTING CONSENT:

Print Name: _____
Print Address: _____
Daytime Telephone Number: _____
Signature of landowner: _____ Date: _____

AUTHORIZED AGENT:

Print Name: _____
Print Address: _____
Daytime Telephone Number: _____
Signature of authorized agent: _____ Date: _____

ENVIRONMENTAL DESCRIPTION FORM

San Luis Obispo County Department of Planning and Building

File No _____

The California Environmental Quality Act (CEQA) requires all state and local agencies to consider and mitigate environmental impacts for their own actions and when permitting private projects. The Act also requires that an environmental impact report (EIR) be prepared for all actions that may significantly affect the quality of the environment. The information you provide on this form will help the Department of Planning and Building determine whether or not your project will significantly affect the quality of the environment.

To ensure that your environmental review is completed as quickly as possible, please remember to:

- a. Answer **ALL** of the questions as accurately and completely as possible.
- b. Include any additional information or explanations where you believe it would be helpful or where required. Include additional pages if needed.
- c. If you are requesting a land division or a re-zoning, be sure to include complete information about future development that may result from the proposed land division or rezoning.
- d. Include references to any reports or studies you are aware of that might be relevant to the questions asked or the answers you provide.

Should a determination be made that the information is inaccurate or insufficient, you will be required to submit additional information upon request.

Physical Site Characteristic Information

Your site plan will also need to show the information requested here:

1. Describe the topography of the site:
Level to gently rolling, 0-10% slopes: _____ acres
Moderate slopes of 10-30%: _____ acres
Steep slopes over 30%: _____ acres
2. Are there any springs, streams, lakes or marshes on or near the site? Yes No
If yes, please describe: _____
3. Are there any flooding problems on the site or in the surrounding area? Yes No
If yes, please describe: _____
4. Has a drainage plan been prepared? Yes No
If yes, please include with application.
5. Has there been any grading or earthwork on the project site? Yes No
If yes, please explain: _____
6. Has a grading plan been prepared? Yes No
If yes, please include with application.
7. Are there any sewer ponds/waste disposal sites on/adjacent to the project? Yes No
8. Is a railroad or highway within 300 feet of your project site? Yes No
9. Can the proposed project be seen from surrounding public roads? Yes No
If yes, please list: _____

MINOR USE PERMITS:
AN OXYMORON

Water Supply Information

1. What type of water supply is proposed?
 Individual well Shared well Community water system
2. What is the proposed use of the water?
 Residential Agricultural - Explain _____
 Commercial/Office - Explain _____
 Industrial – Explain _____
3. What is the expected daily water demand associated with the project? _____
4. How many service connections will be required? _____
5. Do operable water facilities exist on the site?
 Yes No If yes, please describe: _____
6. Has there been a sustained yield test on proposed or existing wells?
 Yes No If yes, please attach.
7. Does water meet the Health Agency's quality requirements?
Bacteriological? Yes No
Chemical? Yes No
Physical Yes No
Water analysis report submitted? Yes No
8. Please check if any of the following have been completed on the subject property and/or submitted to County Environmental Health.
 Well Driller's Letter Water Quality Analysis OK or Problems
 Will Serve Letter Pump Test _____ Hours _____ G.P.M.
 Surrounding Well Logs Hydrologic Study Other _____

Please attach any letters or documents to verify that water is available for the proposed project.

Sewage Disposal Information

If an on-site (individual) subsurface sewage disposal system will be used:

1. Has an engineered percolation test been accomplished?
 Yes No If yes, please attach a copy.
2. What is the distance from proposed leach field to any neighboring water wells? _____ feet
3. Will subsurface drainage result in the possibility of effluent reappearing in surface water or on adjacent lands, due to steep slopes, impervious soil layers or other existing conditions?
 Yes No
4. Has a piezometer test been completed?
 Yes No
5. Will a Waste Discharge Permit from the Regional Water Quality Control Board be required?
 Yes No (*a waste discharge permit is typically needed when you exceed 2,500 gallons per day*)

If a community sewage disposal system is to be used:

1. Is this project to be connected to an existing sewer line? Yes No
Distance to nearest sewer line: _____ Location of connection: _____
2. What is the amount of proposed flow? _____ GP.D.
3. Does the existing collection treatment and disposal system have adequate additional capacity to accept the proposed flow? Yes No

Solid Waste Information

1. What type of solid waste will be generated by the project?
 Domestic Industrial Agricultural Other, please explain? _____
2. Name of Solid Waste Disposal Company: _____
3. Where is the waste disposal storage in relation to buildings? _____
4. Does your project design include an area for collecting recyclable materials and/or composting materials? Yes No

Community Service Information

1. Name of School District: _____
2. Location of nearest police station: _____
3. Location of nearest fire station: _____
4. Location of nearest public transit stop: _____
5. Are services (grocery/other shopping) within walking distance of the project? Yes No
If yes, what is the distance? _____ feet/miles

Historic and Archeological Information

1. Please describe the historic use of the property:

2. Are you aware of the presence of any historic, cultural or archaeological materials on the project site or in the vicinity? Yes No
If yes, please describe: _____
3. Has an archaeological surface survey been done for the project site? Yes No
If yes, please include two copies of the report with the application.

Commercial/Industrial Project Information

Only complete this section if you are proposing a commercial or industrial project or zoning change.

1. Days of Operation: _____ Hours of Operation: _____
2. How many people will this project employ? _____
3. Will employees work in shifts? Yes No
If yes, please identify the shift times and number of employees for each shift _____
4. Will this project produce any emissions (i.e., gasses, smoke, dust, odors, fumes, vapors)?
 Yes No If yes, please explain: _____
5. Will this project increase the noise level in the immediate vicinity? Yes No
If yes, please explain: _____
(If loud equipment is proposed, please submit manufacturers estimate on noise output.)
6. What type of industrial waste materials will result from the project? Explain in detail: _____
7. Will hazardous products be used or stored on-site? Yes No
If yes, please describe in detail: _____
8. Has a traffic study been prepared? Yes No If yes, please attach a copy.

MINOR USE PERMITS:
AN OXYMORON

9. Please estimate the number of employees, customers and other project-related traffic trips to or from the project: Between 7:00 - 9:00 a.m. _____ Between 4:00 to 6:00 p.m. _____
10. Are you proposing any special measures (carpooling, public transit, telecommuting) to reduce automobile trips by employees Yes No
If yes, please specify what you are proposing: _____
11. Are you aware of any potentially problematic roadway conditions that may exist or result from the proposed project, such as poor sight distance at access points, connecting with the public road? Yes No If yes, please describe: _____

Agricultural Information

Only complete this section if your site is: 1) Within the Agricultural land use category, or 2) currently in agricultural production.

1. Is the site currently in Agricultural Preserve (Williamson Act)? Yes No
2. If yes, is the site currently under land conservation contract? Yes No
3. If your land is currently vacant or in agricultural production, are there any restrictions on the crop productivity of the land? That is, are there any reasons (i.e., poor soil, steep slopes) the land cannot support a profitable agricultural crop? Please explain in detail: _____

Special Project Information

1. Describe any amenities included in the project, such as park areas, open spaces, common recreation facilities, etc.(these also need to be shown on your site plan): _____
2. Will the development occur in phases? Yes No
If yes describe: _____
3. Do you have any plans for future additions, expansion or further activity related to or connected with this proposal? Yes No If yes, explain: _____
4. Are there any proposed or existing deed restrictions? Yes No
If yes, please describe: _____

Energy Conservation Information

1. Describe any special energy conservation measures or building materials that will be incorporated into your project *: _____

*The county's Building Energy Efficient Structures (BEES) program can reduce your construction permit fees. Your building must exceed the California State Energy Standards (Title 24) in order to qualify for this program. If you are interested in more information, please contact the Building Services Division of the Department of Planning and Building at (805) 781-5600.

Environmental Information

1. List any mitigation measures that you propose to lessen the impacts associated with your project:

MINOR USE PERMITS:
AN OXYMORON

2. Are you aware of any unique, rare or endangered species (vegetation or wildlife) associated with the project site? Yes No
If yes, please list: _____
3. Are you aware of any previous environmental determinations for all or portions of this property? Yes No
If yes, please describe and provide "ED" number(s): _____

Other Related Permits

1. List all permits, licenses or government approvals that will be required for your project (federal, state and local): _____

(If you are unsure if additional permits are required from other agencies, please ask a member of the Planning Department staff currently assigned in either Current Planning or the Environmental Division.)

INFORMATION DISCLOSURE FORM

San Luis Obispo County Department of Planning and Building

File No _____

TIME LIMITS FOR PROCESSING AND PUBLIC NOTICE DISTRIBUTION REQUIREMENTS - California state law (California Government Code Section 65941.5) requires that the county provide the following information to applicants, when a permit application is filed:

Not later than 30 days after a land use or land division application is received, the county must notify the project applicant or designated representative in writing either that the application is complete, or that items are necessary to complete the application. If you are not notified in writing, the application is considered complete. Any land use or land division application must be approved or denied within three months of adoption of the Negative Declaration or determination that the project is exempt, or within six months of the certification of an Environmental Impact Report. The County of San Luis Obispo processes the land use application and the environmental review concurrently, so these decisions are made simultaneously. (Government Code Sections 65943 and 65950, et seq.)

A project applicant may make a written request to the county to receive notice of any proposal to adopt or amend the general plan and the land use, real property division, building and construction, road name and addressing, and growth management ordinances which might reasonably be expected to affect that applicant's project. The county offers a subscription service for notification of either: (1) all applications received by the county, or (2) Planning Commission agendas. The cost for each of these services is established by the county fee ordinance. (Government Code Sections 65945, 65945.3 and 65945.5)

When a property was created through recordation of a final or parcel map, and it is within five years of recordation, the county cannot withhold or condition the issuance of building permits for residential units based on conformance with conditions that could have been imposed as conditions of the tentative map, except where: (1) A failure to do so would place subdivision residents or residents in the immediate area in a condition perilous to health, safety or both; or (2) The condition is required in order to comply with state or federal law. (Government Code Section 65961)

Copies of Government Code Sections are available at the County of San Luis Obispo Law Library, County Government Center, San Luis Obispo, California.

RIGHT TO FARM DISCLOSURE - The County of San Luis Obispo recognizes the statewide policy to protect and encourage Agriculture. Sections 3482.5 and 3482.6 of the California Civil Code and Chapter 5.16. of the San Luis Obispo County Code protect certain, pre-existing agricultural production and processing operations ("agricultural operation") from nuisance claims. If your property is near a protected agricultural operation, you may be subject to certain inconveniences and/or discomforts which are protected by law. In order for the agricultural operation to be protected, the following requirements of Civil Code Sections 3482.5 and 3482.6 must be satisfied:

(1) The agricultural operation must be conducted or maintained for commercial purposes; (2) The agricultural operation must be conducted or maintained in a manner consistent with proper and accepted customs and standards as established and followed by similar agricultural operations in the same locality; (3) The agricultural operation predated the affected use(s) on your property; (4) The agricultural operation has been in existence for more than three years; and (5) The agricultural operation was not a nuisance at the time it began.

MINOR USE PERMITS:
AN OXYMORON

If your property is near an agricultural operation in the unincorporated area of the County which satisfies the above requirements, you may at times be subject to one or more inconveniences and/or discomfort arising from that operation. Such inconveniences may include (depending upon the type of agricultural operation protected), but are not necessarily limited to, the following: noise, odors, fumes, dust, legal pesticide use, fertilizers, smoke, insects, farm personnel and truck traffic, visual impacts, night time lighting, operation of machinery and the storage, warehousing and processing of agricultural products or other inconveniences or discomforts associated with the protected agricultural operations. For additional information pertaining to this disclosure and the Right to Farm Ordinance, or concerns with an agricultural operation, please contact the San Luis Obispo County Agricultural Commissioner's Office.

HAZARDOUS WASTE AND SUBSTANCE SITES AND LANDFILL DISCLOSURE - Please verify whether your project is on the Known Hazardous Waste and Substances Sites List pursuant to AB 3750 and if you are within ½ mile of certain landfills (see back of sheet).

PLEASE COMPLETE AND SIGN BELOW

I acknowledge that I have read and understand the information and policy and detailed above: (1) Time Limits for processing and (2) Public Notice Distribution requirements and (3) the Right to Farm Disclosure.

AND

I acknowledge that I have reviewed the list of Identified Hazardous Waste and Substances Sites List and the Landfill Disclosure on the back of this form and find the following: (1) The site is not shown on the list of Identified Hazardous Waste and Substances Site; (2) The site is not shown on the list dated April 1998, or any later list published by the State Office of Planning and Research and (3) I have read the disclosure statement on landfill operations.

_____ Signature _____ Date _____

Print Name: _____

**SAN LUIS OBISPO COUNTY
IDENTIFIED HAZARDOUS WASTE SITES – April, 1998**

IMPACT CITY: ARROYO GRANDE
Site: Union Oil Co - Santa Maria refinery
Location: Willow Rd. north of Guadalupe
City: Arroyo Grande Zip: 93420
Source: DHS1

IMPACT CITY: CAMBRIA
Site: Hampton Hotel
Location: 2601 Main Street
City: Cambria Zip: 93428
Source: WRCB Problem: Tank Leak

Site: Cambria General Store
Location: 850 Main Street
City: Cambria Zip: 93428
Source: WRCB Problem: Tank Leak

Site: Chevron
Location: 2194 Main Street
City: Cambria Zip: 93428
Source: WRCB Problem: Tank Leak

IMPACT CITY: CAYUCOS
Site: Chevron
Location: 12 N. Ocean Boulevard
City: Cayucos Zip: 93430
Source: WRCB Problem: Tank Leak

Site: Bob's Corner Store
Location: 198 N. Ocean Boulevard
City: Cayucos Zip: 93430
Source: WRCB Problem: Tank Leak

IMPACT CITY: CHOLAME
Site: Hearst Corp.
Location: Highway 46
City: Cholame Zip: 93431
Source: WRCB Problem: Tank Leak

IMPACT CITY: LOS OSOS
Site: Los Osos Valley Garage
Location: 1099 Los Osos Valley Road
City: Los Osos Zip: 93402
Source: WRCB Problem: Tank Leak

Site: Los Osos Landfill
Location: Turri Road
City: Los Osos Zip: 93402
Source: CIWMB
Problem: Groundwater Contamination

IMPACT CITY: LOS PADRES
Site: Ozena Station
Location: Highway 33 Zip: 93023
Source: WRCB Problem: Tank Leak

IMPACT CITY: OCEANO
Site: Bell Craig (from service station)
Location: 1899 Cienega
City: Oceano Zip: 93445
Source: WRCB Problem: Tank Leak

IMPACT CITY: PASO ROBLES
Site: Camp Roberts Site 936
Location: Highway 101
City: San Miguel Zip: 93451
Source: WRCB Problem: Tank Leak

Site: San Paso Truck & Auto
Location: Wellsona Road
City: Paso Robles Zip: 93446
Source: WRCB Problem: Tank Leak

IMPACT CITY: SAN LUIS OBISPO
Site: Unocal Tank Farm Facility
Location: 276 Tank Farm Road
City: San Luis Obispo Zip: 93401
Source: WRCB Problem: Tank Leak

Site: Hearn Trucking
Location: 4902 Edna Road
City: San Luis Obispo Zip: 93401
Source: WRCB Problem: Tank Leak

Site: Camp San Luis Obispo
Location: Highway 1 west of Highway 101
City: San Luis Obispo Zip: 93401
Source: WRCB Problem: Tank Leak

Site: SLO Golf & Country Club
Location: 255 Country Club
City: San Luis Obispo Zip: 93401
Source: WRCB Problem: Tank Leak

IMPACT CITY: SAN SIMEON
Site: Chevron
Location: 9540 Castillo Drive
City: San Simeon Zip: 93452
Source: WRCB Problem: Tank Leak

IMPACT CITY: SANTA MARGARITA
Site: Kaiser Sand & Gravel
Location: El Camino Real
City: Santa Margarita Zip: 93453
Source: WRCB Problem: Tank Leak

Site: Pacific Beverage
Location: 22255 El Camino Real
City: Santa Margarita Zip: 93453
Source: WRCB Problem: Tank Leak

IMPACT CITY: TEMPLETON
Site: Templeton Mobile
Location: 701 Las Tablas
City: Templeton Zip: 93465
Source: WRCB Problem: Tank Leak

**LANDFILL OPERATIONS
DISCLOSURE
EL POMAR/ESTRELLA
PLANNING AREA**

If your site is located within 1/2 mile of either the Paso Robles Municipal or the Chicago Grade Landfills (see maps on file with the Department of Planning and Building), this acts to notify you of your proximity to a landfill operation and all of the associated inconveniences and discomforts resulting from the continuing and future operation of such landfill, including possible expansions. Persons living near landfills may contact the California Integrated Waste Management Board (916) 341-6413 to seek available remedies concerning any improper or unlawful activities at the landfill.

LAND USE PERMIT APPLICATION FEES

San Luis Obispo County Department of Planning and Building

As of July 1, 2015

HOW MUCH WILL IT COST TO PROCESS MY LAND USE PERMIT APPLICATION?

The following are *estimated* filing fees for land use permits that are set by the county fee ordinance each year. They are based on what it costs to process your application. Fees vary depending on the complexity of the permit. The following worksheet is a summary of possible estimated application fees.

<input type="checkbox"/> MINOR USE PERMIT			FEE CODE
Minor Use Permit, Tier I with Categorical Exemption (CE)	<input type="checkbox"/>	\$1,936	L30B
Minor Use Permit, Tier I with General Rule Exemption (GRE)	<input type="checkbox"/>	\$1,936	L30B
Minor Use Permit, Tier I with previously issued environmental document	<input type="checkbox"/>	\$1,936	L30B
Minor Use Permit, Tier II with Categorical Exemption (CE)	<input type="checkbox"/>	\$3,397	L30A
Minor Use Permit, Tier II with General Rule Exemption (GRE)	<input type="checkbox"/>	\$3,397	L30A
Minor Use Permit, Tier II with previously issued environmental document	<input type="checkbox"/>	\$3,397	L30A
Minor Use Permit, Tier II with Initial Study	<input type="checkbox"/>	\$5,256	L31
Minor Use Permit, Tier III with Categorical Exemption (CE)	<input type="checkbox"/>	\$4,823	L32A
Minor Use Permit, Tier III with General Rule Exemption (GRE)	<input type="checkbox"/>	\$4,823	L32A
Minor Use Permit, Tier III with previously issued environmental document	<input type="checkbox"/>	\$4,823	L32A
Minor Use Permit, Tier III with Initial Study	<input type="checkbox"/>	\$10,773	L33
Public Works Review	<input type="checkbox"/>	\$271	X20A,B
CAL FIRE Review	<input type="checkbox"/>	\$683	X34A,B
Health Dept. Review	<input type="checkbox"/>	\$576	X60A,B
Ag Commissioner Referral	<input type="checkbox"/>	\$526	X36A,B
Airport Land Use Commission Review	<input type="checkbox"/>	\$1,594	X32
Coastal Add-on for Major project	<input type="checkbox"/>	\$1,037	C70
Coastal Add-on for Minor project	<input type="checkbox"/>	\$456	C50
Geological Review (GSA designation) (<i>minor review</i>)	<input type="checkbox"/>	\$2,671	X07
Geological Review (GSA designation) (<i>major review</i>)	<input type="checkbox"/>	\$4,038	X10
Geological Review – Single Family Dwelling	<input type="checkbox"/>	\$1,410	X10A
Resource Conservation District Review (<i>plus Real Time Billing Agreement</i>)	<input type="checkbox"/>	\$275	X08/9A
Environmental Document Filing Fee (Clerk-Recorder)	<input type="checkbox"/>	\$50	Z17
Urban Reserve Line (URL) – Application Fee Credit	<input type="checkbox"/>	\$575	No code
Airport Fee – General Services	<input type="checkbox"/>	\$88	X99A,B
Total			

<input type="checkbox"/> SITE PLAN			FEE CODE
Site Plan with Categorical Exemption (CE)	<input type="checkbox"/>	\$2,156	L20A
Site Plan with General Rule Exemption (GRE)	<input type="checkbox"/>	\$2,156	L20A
Site Plan with previously issued environmental document	<input type="checkbox"/>	\$2,156	L20A
Site Plan with Initial Study	<input type="checkbox"/>	\$3,839	L21
Coastal Add-on for Site Plans	<input type="checkbox"/>	\$456	C50
CAL FIRE Review	<input type="checkbox"/>	\$386	X35A,B
Ag Commissioner Referral	<input type="checkbox"/>	\$520	X37A,B
Environmental Document Filing Fee (Clerk-Recorder)	<input type="checkbox"/>	\$50	Z17
Urban Reserve Line (URL) – Application Fee Credit	<input type="checkbox"/>	\$575	No code
Airport Fee – General Services	<input type="checkbox"/>	\$88	X99A,B
Total			

LAND USE PERMIT APPLICATION FEES

San Luis Obispo County Department of Planning and Building

As of July 1, 2015

HOW MUCH WILL IT COST TO PROCESS MY LAND USE PERMIT APPLICATION?

The following are *estimated* filing fees for land use permits that are set by the county fee ordinance each year. They are based on what it costs to process your application. Fees vary depending on the complexity of the permit. The following worksheet is a summary of possible estimated application fees.

<input type="checkbox"/> VARIANCE		FEE CODE
Variance with Categorical Exemption (CE)	<input type="checkbox"/>	\$4,368 L70A
Variance with General Rule Exemption (GRE)	<input type="checkbox"/>	\$4,368 L70A
Variance with previously issued environmental document	<input type="checkbox"/>	\$4,368 L70A
Variance with Initial Study	<input type="checkbox"/>	\$9,287 L71
Health Dept Review	<input type="checkbox"/>	\$485 X58A,B
Coastal Add-on for Variances	<input type="checkbox"/>	\$1,037 C70
Environmental Document Filing Fee (Clerk-Recorder)	<input type="checkbox"/>	\$50 Z17
Urban Reserve Line (URL) – Application Fee Credit	<input type="checkbox"/>	\$575 No code
Airport Fee – General Services	<input type="checkbox"/>	\$88 X99A,B
Total		

<input type="checkbox"/> DEVELOPMENT PLAN/CUP		FEE CODE
Development Plan/CUP; Categorical Exemption (CE)	<input type="checkbox"/>	\$8,838 L40A
Development Plan/CUP; General Rule Exemption (GRE)	<input type="checkbox"/>	\$8,838 L40A
Development Plan/CUP; previously issued environmental document	<input type="checkbox"/>	\$8,838 L40A
Development Plan/CUP; Initial Study	<input type="checkbox"/>	\$17,292 L45
Public Works Review	<input type="checkbox"/>	\$1,725 X73A,B
CAL FIRE Review	<input type="checkbox"/>	\$683 X34A,B
CAL FIRE Review for oil wells/mines (all projects will be cost accounted)	<input type="checkbox"/>	\$683 X34A,B
Health Dept. Review	<input type="checkbox"/>	\$666 X57A,B
Ag Commissioner Referral	<input type="checkbox"/>	\$753 X36C,D
Airport Land Use Commission Review	<input type="checkbox"/>	\$1,594 X32
Coastal Add-on for Development Plan/CUP	<input type="checkbox"/>	\$1,037 C70
Geological Review (GSA designation) (<i>minor review</i>)	<input type="checkbox"/>	\$2,671 X07
Geological Review (GSA designation) (<i>major review</i>)	<input type="checkbox"/>	\$4,038 X10
Resource Conservation District Review (<i>plus Real Time Billing Agreement</i>)	<input type="checkbox"/>	\$375 X18/19A
Environmental Document Filing Fee (Clerk-Recorder)	<input type="checkbox"/>	\$50 Z17
Urban Reserve Line (URL) – Application Fee Credit	<input type="checkbox"/>	\$575 No code
Airport Fee – General Services	<input type="checkbox"/>	\$88 X99A,B
Total		

MINOR USE PERMITS: AN OXYMORON

Exhibit B

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(8)	RL	RR	RS	RSF	RMF	
AGRICULTURE, RESOURCE, AND OPEN SPACE USES							
Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100
Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Kennels (6)	A1	A1	A1	A1	A1(7)		22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A1	A1	A2	A2	A2	A2	22.30.200
Electricity generation - Except WECF	A2	A2	A2				22.32
Electricity generation - Wind energy conversion	MUP	MUP	MUP				22.32.050
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	

AGRICULTURE, RESOURCE, AND OPEN SPACE USES

Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.30.090
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200
Electricity generation - Except WECF			A2	A2	A2		A2	22.32
Electricity generation - Wind energy conversion			MUP	MUP	MUP		MUP	22.32.050
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A2	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Licensing of all kennels by the County Tax Collector is required by Section 9.04.120 of this Code.
- (7) Use limited to non-commercial kennels as defined by Section 9.04.110(t) of this Code.
- (8) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See *KEY TO PERMIT REQUIREMENTS* on previous page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(12)	RL	RR	RS	RSF	RMF	

INDUSTRY, MANUFACTURING & PROCESSING USES

Apparel Products							
Chemical Products Manufacturing							22.30.160
Corrosive, Toxic, Explosive & Gaseous Product							22.30.160
Concrete, Gypsum & Plaster Products	SP(6)	SP(6)					
Electronics, Equipment & Appliances							
Food and Beverage Products	AI(11)	AI(11)					
Furniture & Fixture Products, Cabinet Shops							
Glass Products							
Lumber & Wood Products							
Machinery Manufacturing							
Metal Industries, Fabricated							
Metal Industries, Primary							
Motor Vehicles & Transportation Equipment							
Paper Products							
Paving Materials	SP(6)	SP(6)					
Petroleum Refining & Related Industries							22.32.050
Plastics and Rubber Products							
Printing and Publishing							
Recycling - Collection stations	SP	SP	SP	SP		SP	22.30.390
Recycling - Scrap & dismantling yards	CUP	CUP					22.30.380
Small Scale Manufacturing	MUP	MUP					22.30.550
Stone & Cut Stone Products	SP(6)	SP(6)					
Structural Clay & Pottery-Related Products	SP(6)	SP(6)					
Textile Products							
Warehousing, Wholesaling & Distribution	SP(10)	SP(10)				MUP(7)	22.30.640

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
INDUSTRY, MANUFACTURING & PROCESSING USES								
Apparel Products			A1	A1				
Chemical Products Manufacturing				A2				22.30.160
Corrosive, Toxic, Explosive & Gaseous Product				CUP				22.30.160
Concrete, Gypsum & Plaster Products			CUP	A1				
Electronics, Equipment & Appliances			A1	A1				
Food and Beverage Products		A1 (8)	A1	A1				
Furniture & Fixture Products, Cabinet Shops			A1	A1				
Glass Products				A1				
Lumber & Wood Products				A1				
Machinery Manufacturing				A1				
Metal Industries, Fabricated			A1	A1				
Metal Industries, Primary				CUP				
Motor Vehicles & Transportation Equipment				CUP				
Paper Products				A1				
Paving Materials				A1				
Petroleum Refining & Related Industries				A2				22.32.050
Plastics and Rubber Products				CUP				
Printing and Publishing		A1 (9)	A1	A1				
Recycling - Collection stations	SP	SP	SP	SP	SP(5)	SP	SP	22.30.390
Recycling - Scrap & dismantling yards				A2	A2		CUP	22.30.380
Small Scale Manufacturing		A1	A1	A1				22.30.550
Stone & Cut Stone Products			A1	A1				
Structural Clay & Pottery-Related Products				A1				
Textile Products				A1				
Warehousing, Wholesaling & Distribution			A1	A1			A1	22.30.640

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to manufacturing operations for which the raw materials are extracted on-site.
- (7) Allowable use limited to personal storage ("mini-storage"), primarily serving residents in the same land use category.
- (8) Allowable use limited to bakeries, ice cream and candy shops, and other similar uses, where the majority of production is for on-site retail.
- (9) Allowable use limited to "quick printing" services and newspaper publishers.
- (10) Use limited to facilities that support approved agricultural production or processing on the same site.
- (11) Allowable use limited to the processing of raw materials grown on the site of the processing facility or on adjacent parcels.
- (12) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(9)	RL	RR	RS	RSF	RMF	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES							
Clubs, Lodges, and Private Meeting Halls	SP(6)						MUP
Indoor Amusement & Recreation Facilities							22.30.240
Libraries and Museums	MUP	MUP	MUP				22.30.250
Marinas							
Off-Road Vehicle Courses		CUP					
Outdoor Sports and Recreational Facilities							22.30.340
Amusement Parks							22.30.340
Golf Driving Ranges			CUP	CUP	CUP	CUP	22.30.340
Outdoor Athletic Facilities			CUP	CUP	CUP	CUP	22.30.340
Public Parks and Playgrounds			SP	SP	SP	SP	22.30.340
Recreation Equipment Rental - Motorized							22.30.340
Recreation Equipment Rental - Non-motorized							22.30.340
Swim and Racquet Clubs			CUP	CUP	CUP	CUP	22.30.340
Swim and Racquet Clubs with spectator facilities			CUP	CUP	CUP	CUP	22.30.340
Swimming Pools (public or membership)							22.30.340
Public Assembly & Entertainment Facilities							
Religious Facilities	CUP	CUP	CUP	CUP	CUP	CUP	22.30.400
Rural Recreation and Camping							22.30.520
Camping, Incidental, 10 or fewer units	SP	SP					22.30.520
Camping, Incidental, 11 or more units	MUP	MUP					22.30.520
Camping, Organizational		CUP					22.30.520
Dude Ranches	CUP	CUP					22.30.520
Health Resorts and Bathing	CUP(8)	CUP	CUP				22.30.520
Hunting and Fishing Clubs	SP	SP					22.30.520
Sport Shooting Facilities	CUP	CUP					22.30.520
Schools - College & University							
Schools - Elementary & Secondary		CUP	CUP	CUP	CUP	CUP	22.30.540
Schools - Specialized Education & Training	CUP	A1	A1	A1			22.30.540
Sports Assembly							
Temporary Events	A2	A2	A2				22.30.610

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES								
Clubs, Lodges, and Private Meeting Halls	SP	SP	SP	SP			MUP	
Indoor Amusement & Recreation Facilities	A2	A2	A2				A2	MUP
Libraries and Museums	A1	A1					A1	A1
Marinas							CUP	CUP
Off-Road Vehicle Courses							CUP	
Outdoor Sports and Recreational Facilities								22.30.340
Amusement Parks							CUP	CUP
Golf Driving Ranges							CUP	CUP
Outdoor Athletic Facilities							SP	SP
Public Parks and Playgrounds			SP	SP			SP	SP
Recreation Equipment Rental - Motorized							CUP	
Recreation Equipment Rental - Non-motorized			A1	A1			A1	
Swim and Racquet Clubs							SP	SP
Swim and Racquet Clubs with spectator facilities							CUP	CUP
Swimming Pools (public or membership)								22.30.340
Public Assembly & Entertainment Facilities	A1	A1	A1				A1	A1
Religious Facilities	CUP	A1	A1				CUP	22.30.400
Rural Recreation and Camping								22.30.520
Camping, Incidental, 10 or fewer units							SP	SP
Camping, Incidental, 11 or more units							MUP	MUP
Camping, Organizational							CUP	CUP
Dude Ranches							CUP(5)	CUP
Health Resorts and Bathing							CUP	CUP
Hunting and Fishing Clubs							SP(5)	
Sport Shooting Facilities								CUP
Schools - College & University	A1							A1
Schools - Elementary & Secondary	CUP(7)						CUP	CUP
Schools - Specialized Education & Training	A1	A1	A1	A1			A1	A1
Sports Assembly							CUP	CUP
Temporary Events	A2	A2	A2	A2			A2	A2

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Use limited to organizations related to agriculture, including grange halls and farm bureaus.
- (7) Allowable use limited to high schools.
- (8) Use may be allowed only where facility is dependent upon a natural on-site resource such as a lake or hot springs.
- (9) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(9)	RL	RR	RS	RSF	RMF	
RESIDENTIAL USES							
Caretaker Quarters	P	P	P	P			22.30.030,430
Farm Support Quarters	A2	A2					22.30.480
Home Occupations	P	P	P	P	P	P	22.30.030,230
Mobile Home Parks			CUP(7)	CUP(7)	CUP(7)	CUP(7)	22.30.440
Mobile Homes	P	P	P	P	P	P	22.30.450
Multi-Family Dwellings						A1	22.30.490,500
Nursing & Personal Care				CUP		CUP	22.30.320
Organizational Houses						CUP	22.30.460
Residential Accessory Uses	P(8)	P(8)	P(8)	P(8)	P(8)	P(8)	22.30.030,410
Residential Care - 6 or fewer boarders	P(6)	P(6)	P(6)	P(6)	P(6)	P(6)	22.30.420
Residential Care - 7 or more boarders	CUP	CUP	CUP	CUP	CUP	CUP	22.30.420
Secondary Dwellings			P	P	P		22.30.470
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Small Lot Single Family					A2	A2	22.30.475
Supportive Housing							
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Multi-Family Dwellings						A1	22.30.490,500
Temporary Construction Trailer Parks	CUP(7)	CUP(7)	CUP(7)				22.30.590
Temporary Dwellings	P	P	P	P	P	P	22.30.600
Transitional Housing							
Single-Family Dwellings	P	A1	A1	A1	A1	A1	22.30.490,500
Multi-Family Dwellings						A1	22.30.490,500

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
RESIDENTIAL USES								
Caretaker Quarters	P	P	P	P	SP(5)	P	P	22.30.030,430 22.30.480
Farm Support Quarters								
Home Occupations	P	P	P	P		P	P	22.30.030,230 22.30.440
Mobile Home Parks						CUP(7)		22.30.440
Mobile Homes						P	P	22.30.450
Multi-Family Dwellings	A2	A2				A2		22.30.490,500
Nursing & Personal Care	A1	CUP					A1	22.30.320
Organizational Houses	CUP	CUP						22.30.460
Residential Accessory Uses	P(8)	P(8)	P(8)	P(8)	SP(5)(8)	P(8)	P(8)	22.30.030,410
Residential Care - 6 or fewer boarders							P(6)	22.30.420
Residential Care - 7 or more boarders	CUP						A1	22.30.420
Secondary Dwellings								22.30.470
Single-Family Dwellings	A2	A2				A2		22.30.490,500
Small Lot Single Family								22.30.475
Supportive Housing								
Single-Family Dwellings	A2	A2				A2		22.30.400,500
Multi-Family Dwellings	A2	A2				A2		22.30.400,500
Temporary Construction Trailer Parks					CUP(7)			22.30.590
Temporary Dwellings	P	P	P	P		P	P	22.30.600
Transitional Housing								
Single-Family Dwellings	A2	A2				A2		22.30.490,500
Multi-Family Dwellings	A2	A2				A2		22.30.490,500

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) No land use permit required for Residential Care facilities with 6 or fewer clients.
- (7) Use also requires authorization from the California Department of Housing and Community Development.
- (8) Residential antennas may have different permit requirements. See Section 22.30.410.
- (9) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(7)	RL	RR	RS	RSF	RMF	
RETAIL TRADE USES							
Agricultural Retail Sales	SP	SP	SP(6)	SP(6)			22.30.075
Auto, Mobile Home & Vehicle Dealers - Indoor							22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor							22.30.330
Automobile Service Stations/Gas Stations							22.30.130
Building Materials and Hardware with retail "ready-mix" concrete sales							22.30.140
Convenience & Liquor Stores							22.30.570
Farm Equipment & Supplies Sales	A2	A2	A2				22.30.210
Fuel Dealers							22.30.220
Furniture, Home Furnishings & Equipment							
General Retail							
Medical Marijuana Dispensaries							22.30.225
Grocery Stores			CUP	CUP	CUP	CUP	22.30.570
Mail Order & Vending							
Outdoor Retail Sales	A2	A2	A2				22.30.330
Restaurants	CUP		CUP	CUP		CUP	22.30.570
Sales Lots							22.30.530
Swap Meets							22.30.530

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards,	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C.

See NOTES on next page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	

RETAIL TRADE USES

Agricultural Retail Sales						SP(6)		22.30.075
Auto, Mobile Home & Vehicle Dealers - Indoor		A1	A1	A1				22.30.110
Auto, Mobile Home & Vehicle Dealers - Outdoor		MUP(5)	MUP	MUP				22.30.330
Automobile Service Stations/Gas Stations		MUP	SP	SP		MUP		22.30.130
Building Materials and Hardware		A1	A1	A1				22.30.140
with retail "ready-mix" concrete sales			CUP	A1				22.30.140
Convenience & Liquor Stores	MUP	A1	A1	SP		CUP		22.30.570
Farm Equipment & Supplies Sales			A1	A1				22.30.210
Fuel Dealers			A1	A1				22.30.220
Furniture, Home Furnishings & Equipment		A1	A1					
General Retail		A1	A1			CUP		
Medical Marijuana Dispensaries		MUP	MUP					22.30.225
Grocery Stores	MUP	A1	A1	SP		CUP		22.30.570
Mail Order & Vending		A1	A1	A1				
Outdoor Retail Sales	A2	A2	A2	A2		A2	A2	22.30.330
Restaurants	MUP	A1	A1	MUP		CUP		22.30.570
Sales Lots			A2	A2				22.30.530
Swap Meets			MUP	MUP				22.30.530

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use not allowed within a central business district.
- (6) Minor Use Permit approval required if a public hearing is requested in compliance with Section 22.30.075.C.
- (7) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

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SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(9)	RL	RR	RS	RSF	RMF	
SERVICES							
Auto & Vehicle Repair & Service							22.30.120
Banks & Financial Services							
Business Support Services							
Car wash - Full Service							
Car wash - Self-Service							
Cemeteries and Columbariums			CUP	CUP			22.30.150
Child Day Care - Family Day Care Homes		A2	A2	A2	A2	A2	22.30.170
Child Day Care Centers		CUP	CUP	CUP	CUP	CUP	22.30.170
Construction Contractors							
Consumer Product Repair Services							22.30.190
Correctional Institutions		CUP					
Health Care Services							
Laundries & Dry Cleaning Plants							
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P	P		P	22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP	MUP		MUP	22.30.260
Lodging - Emergency Shelters							22.30.265
Lodging - Homestays				P	P		22.30.270
Lodging - Hotels & Motels, 39 or fewer units							22.30.280
Lodging - Hotels & Motels, 40 or more units							22.30.280
Lodging - Hotels & Motels, condominium							22.30.290
Lodging - Recreational Vehicle Parks							22.30.300
Offices							
Offices - Temporary during construction	P	P	P	P	P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP	MUP	MUP	22.30.600
Personal Services					CUP	CUP	22.30.350
Public Safety Facilities	CUP	CUP	CUP	CUP	CUP	CUP	
Social Service Organizations							
Storage - Accessory	A1	A2	A2	A2	A2	A2	22.30.040
Storage - Outdoor Storage Yards							22.30.560
Temporary Construction Yards (Off-Site)	MUP	MUP	MUP	MUP	MUP	MUP	22.30.620
Waste Disposal Sites	CUP	CUP					

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	
SERVICES								
Auto & Vehicle Repair & Service			A1	A1				22.30.120
Banks & Financial Services	A1	A1				SP		
Business Support Services			A1	A1				
Car wash - Full Service			A1	A1				22.30.120
Car wash - Self-Service			A2	A2				22.30.120
Cemeteries and Columbariums							CUP	22.30.150
Child Day Care - Family Day Care Homes	A2					A2		22.30.170
Child Day Care Centers	CUP					CUP		22.30.170
Construction Contractors			A1	A1				
Consumer Product Repair Services		A1	A1	A1				22.30.190
Correctional Institutions							CUP	
Health Care Services	A1	A1				MUP	A1	
Laundries & Dry Cleaning Plants			A1	A1				
Lodging - Bed & Breakfast Inns, 3 or fewer units	P	P	P			P		22.30.260
Lodging - Bed & Breakfast Inns, 4 or more units	MUP	MUP	MUP			MUP		22.30.260
Lodging - Emergency Shelters			A2	A2			A2	22.30.265
Lodging - Homestays								22.30.270
Lodging - Hotels & Motels, 39 or fewer units	MUP	MUP	MUP			CUP	MUP(6)	22.30.280
Lodging - Hotels & Motels, 40 or more units	CUP	CUP	CUP			CUP	CUP(6)(6)	22.30.280
Lodging - Hotels & Motels, condominium	CUP	CUP	CUP			CUP		22.30.290
Lodging - Recreational Vehicle Parks		CUP(8)	CUP(8)			CUP(8)		22.30.300
Offices	A1	A1	A1	A1			A1	
Offices - Temporary during construction	P	P	P	P		P	P	22.30.600
Offices - Temporary in advance of construction	MUP	MUP	MUP	MUP		CUP	CUP	22.30.600
Personal Services	A1	A1	A1			MUP		22.30.350
Public Safety Facilities	MUP	MUP	MUP	MUP	SP(5)	MUP	MUP	
Social Service Organizations	A1	A1	A1	MUP			MUP	
Storage - Accessory	A2	A2	A2	A2	SP(5)	A2	A2	22.30.040
Storage - Outdoor Storage Yards			A1	A1		A1(7)	A1	22.30.560
Temporary Construction Yards (Off-Site)		SP	SP	SP		MUP	MUP	22.30.620
Waste Disposal Sites				CUP			CUP	

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to sites with public airport or port facilities
- (7) Allowable use limited to storage yards for recreational vehicles and boats.
- (8) Use also requires authorization from the California Department of Housing and Community Development.
- (9) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category:

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1) (2)	PERMIT REQUIREMENT BY L.U.C. (3)						Specific use Standards
	AG(7)	RL	RR	RS	RSF	RMF	

TRANSPORTATION, COMMUNICATIONS & UTILITIES

Airfields & Heliports	CUP	CUP	CUP				22.30.080
Broadcasting Studios							
Communications Facilities	CUP	CUP	CUP				22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	CUP	CUP	CUP	CUP	22.30.370
Transit Stations & Terminals							
Truck Stops							
Vehicle & Freight Terminals							
Vehicle Storage							22.30.630

KEY TO PERMIT REQUIREMENTS

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.06.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required (4)	22.62.060
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

See NOTES on next page.

MINOR USE PERMITS: AN OXYMORON

SAN LUIS OBISPO COUNTY CODE - TITLE 22, LAND USE ORDINANCE

Permit Requirements by Land Use Category

22.06.030

TABLE 2-2 - ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USE (1)(2)	PERMIT REQUIREMENT BY L.U.C. (3)							Specific use Standards
	OP	CR	CS	IND	OS	REC	PF	

TRANSPORTATION, COMMUNICATIONS & UTILITIES

Airfields & Heliports	CUP(6)(6)		CUP(6)(6)		CUP	SP(5)	CUP	CUP	22.30.080
Broadcasting Studios	A1	A1	A1	A1				A1	
Communications Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	22.30.180
Wireless Communication Facilities	A2	A2	A2	A2	A2	A2	A2	A2	22.30.180
Pipelines & Transmission Lines	A2	A2	A2	A2	SP(5)	A2	A2	A2	22.30.360
Public Utility Facilities	CUP	CUP	A1	A1	SP(5)	CUP	CUP	CUP	22.30.370
Transit Stations & Terminals	SP	SP	SP	A1			SP	A1	
Truck Stops			A1	A1					
Vehicle & Freight Terminals			A1	A1					
Vehicle Storage	SP	SP	A1	A1			SP	A1	22.30.630

NOTES (The following notes apply only to these two facing pages)

- (1) See Article 8 for definitions of the listed land uses.
- (2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.
- (3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.
- (4) Business License Clearance may also be required; see Section 22.62.020.
- (5) Use allowed on private land with Site Plan Review only when authorized by a recorded open space easement executed by the property owner and the County. Use allowed on public land subject to Conditional Use Permit approval.
- (6) Allowable use limited to heliports.
- (7) Land uses on property under Williamson Act Contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

See KEY TO PERMIT REQUIREMENTS on previous page.

Exhibit C

MINOR USE PERMIT, AN OXYMORON

Section 22.62.050 of the San Luis Obispo County Code - Title 22, Land Use Ordinance:

"The Minor Use permit review process provides for public review of significant land use proposals . . ."

Land Use Permit Fees:

Footnote 10, "The Minor Use Permit - **Tier I** are small residential and commercial projects including residential decks, small residential and commercial additions and small residential accessory structures."

This footnote is applicable only to Fee Code L30B.

Fee Code L30B, "Minor Use Permit - Tier 1 with Categorical Exemptions or General Rule Exemption or Previously Issued Environmental Documentation."

Footnote 11, "The Minor Use Permit - **Tier II** fee are residential single family projects including larger residential additions, day care centers, tree removal, well permit (private), and accessory buildings."

This footnote is applicable to Fee Codes L30A, L31, L32A, and L33.

Fee Code L30A, "Minor Use Permit - Tier II with Categorical Exemption or General Rule Exemption or Previously Issued Environmental Document;"

L31, "Minor Use Permit - Tier II with Initial Study";

L32A, "Minor Use Permit - Tier III with Categorical Exemption or General Rule Exemption or Previously Issued Environmental Document;" and

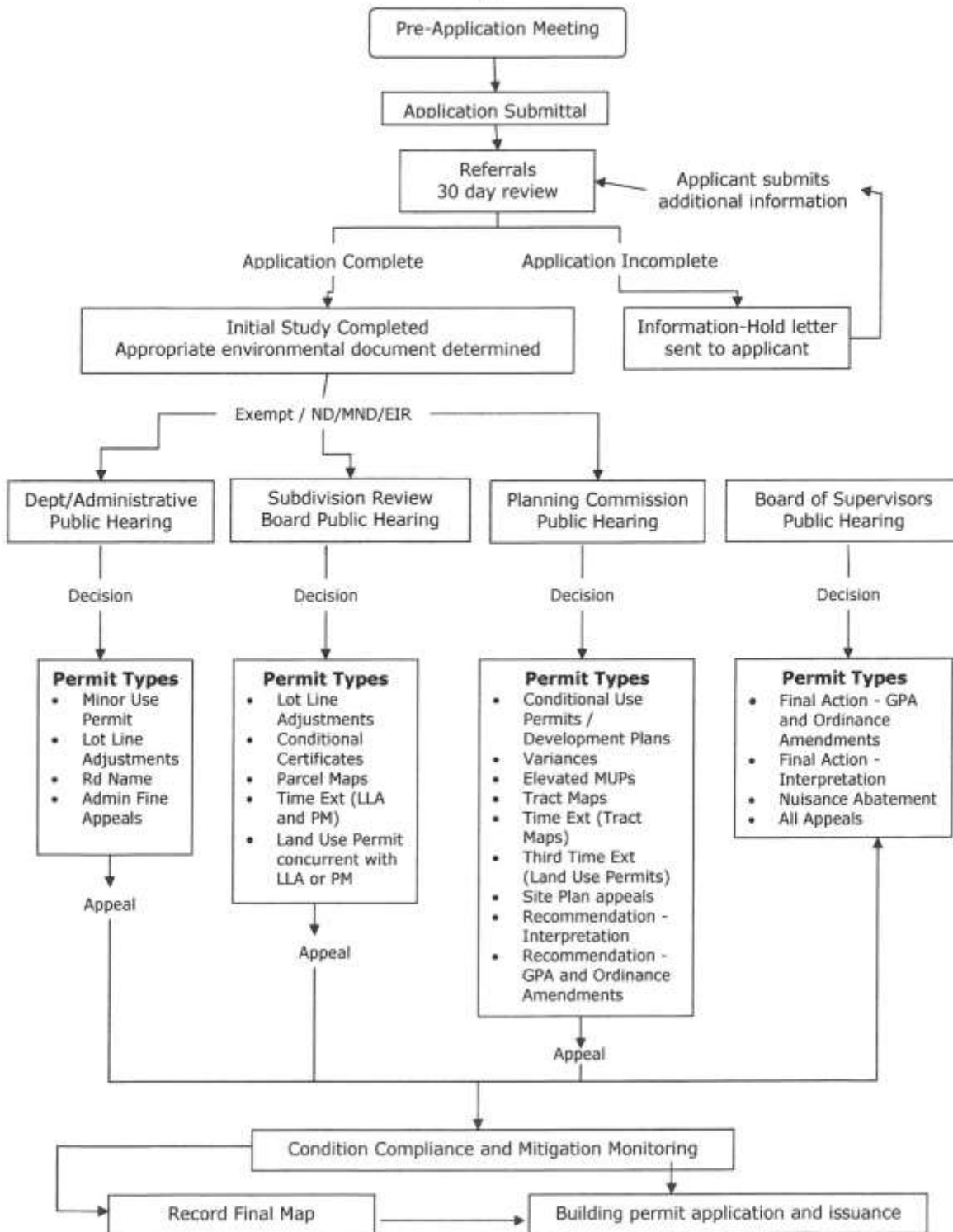
L33, "Minor Use Permit - Tier III with Initial Study."

Footnote 12, "The Minor Use Permit - **Tier III** fee are residential single family projects including new residences, minor use permit for non-conformity waiver of ordinance standards, agricultural exempt buildings, and site disturbance or impervious surface of one acre or more. This also includes multi-family projects, commercial and industrial projects, including interim management plans for surface mining operations. The Planning Director shall have the discretion to determine projects that may be processed as tier I or Tier II projects."

This footnote is applicable to NO fee shown in the Land Use Permit Fees listing.

Exhibit D

The Discretionary Permit Process



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KEEPING SUSPECTS IN CUSTODY: WHEN IS SCHEDULED BAIL NOT ENOUGH?

INTRODUCTION

After an arrest for most offenses, a defendant can pledge to the court cash or a bond to obtain temporary release from custody. This pledge, known as “bail”, historically was meant to assure a defendant’s appearance in court to answer for any criminal charges that might be filed.

In 1982, voters in California passed Proposition 4⁵ (known as the Victim’s Bill of Rights) which, along with some additional legislation, made public safety the primary focus of bail. In doing so, it provided guidance to judges in setting bail for individuals who had been arrested. It gave judges the latitude to take into consideration the seriousness of the offense charged, the previous criminal record of the defendant, the dangerousness of the defendant, and the probability of his or her appearing at the trial or hearing of the case.

California Penal Code section 1269b(c) requires judges of each county to annually establish a schedule of the bail which is to be set for every criminal offense. This becomes the county’s bail schedule and its purpose is to set a reasonable bail for each offense. The bail amounts in this schedule, however, cannot take into consideration all of the aspects of Proposition 4 so the legislature amended the law in Penal Code section 1269(c). If an arresting officer believes the circumstances, surrounding the offense warrants it, this statute gives the officer the ability to request that a judge set bail for an individual higher than what is specified in the county’s bail schedule. Examples of such circumstances are:

1. the suspect has an extensive criminal record,
2. the suspect has a record of failing to appear in court on prior occasions,
3. the suspect is in the country illegally,

⁵ Proposition 4 amended Section 12 of Article 1 of the California Constitution.

4. the suspect may continue to engage in criminal conduct,
5. the suspect is a continuing threat to a victim or,
6. the facts of the current offense are so egregious or extraordinary that the officer believes the current bail is insufficient.

BACKGROUND

In July 2015, a man brutally abused a young child in Paso Robles and inflicted very serious injuries. The severity of these injuries required the child to be transported by air ambulance to a hospital. Police were able to identify a man they suspected of committing the crime and arrested him. Shortly after this arrest, police developed reason to believe the suspect may have been in the country illegally.

Police booked the suspect into the County Jail on P.C. 273a (a) felony child abuse and bail was set at \$100,000 using the standard county bail schedule. During booking, police notified the United States Immigration and Customs Enforcement Agency (ICE) of the arrest of this individual and ICE placed an immigration hold (ICE hold) on the suspect. The arresting officers believed the suspect would be held on the combination of the bail amount and the ICE hold. Therefore, officers never attempted to seek an increase in this bail. Shortly after being booked into jail, the suspect posted bail and was released from custody in spite of the ICE hold. The suspect failed to appear in court as directed and his whereabouts are currently unknown.

METHODOLOGY

This incident prompted an investigation by the 2015-2016 San Luis Obispo County Grand Jury to determine if local law enforcement agencies ensure that bail for offenders they arrest in serious criminal cases is sufficient to preserve public safety and enhance the chances the offender will appear in court.

In the course of the investigation, the Grand Jury requested policies, procedures, and training information from the Sheriff's Department and each of the seven city police departments within the county related to assessing the sufficiency of bail and, if necessary, requesting a court to

increase bail above the scheduled amount. Inquiry was also made of each agency as to the impact ICE holds have on an officer's decision whether or not to seek a bail increase.

The Grand Jury also obtained the current bail schedule for San Luis Obispo County Superior Court, which included a cover letter to all the county law enforcement agencies advising them of their responsibilities for recognizing the need for and requesting an increase in bail.⁶

The Grand Jury interviewed the San Luis Obispo County Sheriff, the San Luis Obispo County District Attorney and his staff, as well as law enforcement officers from the Sheriff's Department, and each of the seven police departments within the county.

Specific inquiry was made of the arresting agency in the previously mentioned July 2015 child abuse case as to their policies, procedures, and training relating to requesting a bail increase. Further, how they handled that particular child abuse case in these regards. Inquiry was also made of the other law enforcement agencies as to their policies, procedures, and training relating to bail increase request in cases of similar seriousness.

NARRATIVE

In August 2015, the San Luis Obispo County Sheriff met with the newly seated Grand Jury. During this meeting, among other topics, the Sheriff discussed the previously mentioned case wherein an illegal immigrant had been released from custody on bail even though an ICE hold was reportedly in place. Due to this fact, the case had received extensive media coverage. The Sheriff informed the Grand Jury that federal courts have held that it is against the law for local law enforcement officials to hold an individual in custody solely based on their immigration status or deny the individual the opportunity to post bail solely because of immigration status. According to the Sheriff, this is a problem County Sheriffs throughout the state are facing and repeated requests to the federal government for assistance in dealing with this issue have left the matter unresolved. Consequently, unless and until the federal government provides enforcement authority or direction to counties on immigration matters, local law enforcement officials must

⁶ http://slocourts.net/downloads/court_documents/2015_Complete_Bail_Schedule_&_LTR.pdf

rely solely on the bail set by each county's bail schedule or otherwise authorized bail set by a judge to lawfully continue to detain individuals arrested for serious offenses.

The Sheriff acknowledged that a request to increase the standard bail for offenses can be made if an arresting officer feels the circumstances of the offense or the offender would support an increase in bail. The Sheriff said, to his knowledge, such a request was not made in this case.

The Grand Jury determined that the bail increase process is contained in California Penal Code section 1269c. This Penal Code statute and the duties of law enforcement in using it are stated in the Superior Court's 2015 Bail Schedule cover letter to the law enforcement agencies wherein the court said, "Prevailing legislation places the burden on law enforcement agencies to notify the magistrate if the scheduled bail is not adequate for the crime." The court further said in this letter, "It is recommended that each agency make their personnel cognizant of Penal Code Sections 1269c ... as certain provisions may apply if bail modification occurs."

The Grand Jury interviewed the two officers who were involved in the arrest of the suspect in this case. The Grand Jury learned the following: In July 2015, their police department received a report from a hospital that a two-year old child with very serious injuries had been admitted to the hospital. The injuries were numerous and included two broken arms and a broken leg. Hospital staff suspected that the child's injuries were the result of severe child abuse. Believing that the abuse had occurred within the jurisdiction of this police department, two police officers went to the hospital and began an investigation. These officers determined the identity of the suspect whom they knew from prior incidents and believed he was in the United States illegally.

The officers then arrested and transported the suspect, booking him into the San Luis Obispo County Jail on the child abuse charges. Using the standard bail schedule for these charges, bail was set at \$100,000. Believing the suspect to be in the country illegally, the officers sent a fax to ICE informing them of the arrest. An ICE hold was placed on this suspect that lead the arresting officers to believe that ICE officials would pick him up before he was released from custody.

KEEPING SUSPECTS IN CUSTODY:
WHEN IS SCHEDULED BAIL NOT
ENOUGH?

Shortly after his arrest, the suspect was able to post bail. Although ICE did place a hold on the suspect with the jail, the suspect was not stopped from posting bail. Upon posting bail, he was given a date to appear in San Luis Obispo County Superior Court and was released from custody. The suspect did not appear as directed in court and, to date, law enforcement does not know where he is.

On November 24, 2015, the Grand Jury spoke with the District Attorney (also known as the “Chief Law Enforcement Officer”) and his staff. In this role, the District Attorney provides legal guidance to law enforcement agencies in matters of importance. The District Attorney provided the Grand Jury with a copy of a training memorandum from his office dated November 20, 2015, and directed to the San Luis Obispo County law enforcement agencies titled “Setting Bail at Booking”. Among the points raised in the memorandum was the use of PC1269c to obtain a bail increase as well as “templates” available to the officers to assist in preparing the necessary paperwork. The District Attorney demonstrated the ease with which law enforcement officers can electronically access these templates, prepare them on a computer, and either print the documents out or submit them to a judge electronically. The District Attorney also said that attorneys from his office are available 24 hours a day, 365 days per year for legal assistance to law enforcement officers in the preparation of this paperwork.

The Grand Jury also went to each of the seven city police departments in the county. The purpose of the visits was to interview law enforcement officers to determine:

- 1) Whether the officers were aware of the provisions of PC1269c,
- 2) Did the department have a written policy regarding the use of PC1269c,
- 3) Did the department provide training to the officers of the department on PC1269c,
- 4) How often has PC1269c been used by officers of the department and,
- 5) What information or training is provided to the officers of the department regarding federal immigration (ICE) holds?

The Grand Jury noted that the police departments interviewed early in the investigation had little or no knowledge of PC1269c and little or no training in the use of these provisions. The officers interviewed in one of the police departments said that some of their detectives are experienced

and knowledgeable in using PC1269c. This knowledge however, is only passed on verbally from one detective to another. The police departments did not have written policies or training in this area. The officers indicated that their detectives handle all serious crimes and the detectives talk with one another about their cases. If the need arose, an experienced detective would assist a fellow detective in the use of the PC1269c to obtain an increase in bail.

At the conclusion of our interviews, it appeared to the Grand Jury that there was little consistency among the law enforcement agencies as to the policies, procedures, training, and use of PC1269c.

Each of the agencies said that they rarely handled arrests for crimes within the county that would justify an increase in the bail. They categorized these types of crimes generally as serious felonies with extenuating circumstances or serious felonies committed by an individual with an extensive or serious criminal background. Each of these agencies, however, did acknowledge the importance for their officers to be familiar with and know how to use PC1269c to obtain a bail increase. Further, these agencies each felt that the serious crimes for which PC1269c would be used, occur very infrequently and ongoing training is important.

None of the city police department officers interviewed indicated a clear understanding of ICE hold's ineffectiveness in keeping individuals in custody.

The Grand Jury spoke with a training officer and a detective from the San Luis Obispo County Sheriff's Department about their PC1269c policies and training. The Grand Jury reviewed the PC1269c written policies, which included the district attorney memorandum of November 20, 2015. The Sheriff's Department provides their detectives with PC1269c training and bail enhancements have been sought when appropriate.

FINDINGS

F.1. Of the eight county law enforcement agencies (Sheriff and the seven city police departments), not every agency had a formal training program for PC1269c.

KEEPING SUSPECTS IN CUSTODY:
WHEN IS SCHEDULED BAIL NOT
ENOUGH?

- F.2. The recommendation of the San Luis Obispo County Superior Court regarding the responsibility of officers to seek a bail increase “...if the scheduled bail is not adequate for the crime ...” and to “... make their personnel cognizant of Penal Code Sections 1269c . . .” was not being adhered to by all law enforcement agencies.
- F.3. The failure of law enforcement officers to be “... cognizant of Penal Code Sections 1269c . . .” and be regularly trained in its use can lead to situations where public safety is compromised and/or justice is thwarted.
- F.4. The processes are in place for San Luis Obispo County law enforcement officers to readily prepare requests for bail increases and submit the requests to a judge for approval.
- F.5. San Luis Obispo County Superior Court has advised local law enforcement agencies to be mindful of this tool when considering bail.
- F.6. The few crimes handled by San Luis Obispo County law enforcement officers warranting a bail enhancement increases the importance of ongoing training in this area to maintain knowledge and proficiency.
- F.7. Not all of the county law enforcement officers are aware of the current Immigration and Customs Enforcement (ICE) hold procedures.
- F.8. The District Attorney is in the best position to coordinate and lead an effort to ensure that each law enforcement agency in the county provides training to its personnel on bail enhancement tools.

RECOMMENDATIONS

- R.1. The District Attorney should coordinate the development of uniform written policies and procedures for local law enforcement agencies to make requests of the court for appropriate bail increases.
- R.2. The District Attorney should coordinate formal training programs for the local law enforcement agencies in the process for obtaining bail increases.
- R.3. Local law enforcement agencies should work with the District Attorney in the development of the above policies and programs within the resources of their respective departments.

R.4. Local law enforcement agencies should rely only on California State Law when considering whether a bail increase is appropriate.

REQUIRED RESPONSES

1. The San Luis Obispo County District Attorney is required to respond to Findings 4, 5, 6, and 8 and Recommendations 1, 2, and 3.
2. The San Luis Obispo County Sheriff is required to respond to Findings 1, 2, 3, 4, 5, 6, and 7 and Recommendations 1, 2, 3, and 4.
3. The Chiefs of Police for each of the following agencies: Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Pismo Beach, Paso Robles and San Luis Obispo are required to respond to Findings 1, 2, 3, 4, 5, 6, and 7 and Recommendations 1, 2, 3, and 4.

Presiding Judge	Grand Jury
Presiding Judge Barry T. LaBarbera Superior Court of California 1035 Palm Street Room 355 San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93403

CONTINUITY REPORT

INTRODUCTION

The power of the Grand Jury rests in its final report(s); however, the Grand Jury has no enforcement powers. A former presiding judge stated, “You, the Grand Jury, can only shed a bright light on the issue.” The Grand Jury’s governmental oversight role can only be effective through consistent follow-up.

The Grand Jury reports contain findings and recommendations pertaining to county government, city governments, joint powers agencies, or any other appropriate subject. (PC §925 et seq. & §933 et seq.). Each Grand Jury report may require responses to its findings and recommendations from government agencies. Therefore, subsequent Grand Juries diligently review all the agencies’ responses from the preceding year for their adequacy. The current Grand Jury follows up with the agencies to ensure agreed upon actions are implemented. This follow-up is the only way the Grand Jury’s legacy of improved service to the public is carried out.

AUTHORITY

California Penal Code Sections 933 and 933.03 prescribe responses to findings and recommendations. The Penal Code directs agencies to report whether a recommendation has been implemented, will be implemented, requires further analysis, or will not be implemented. An agency must provide an explanation if it rejects a Grand Jury recommendation. The Grand Jury posts all of its reports and each agency’s responses on the Grand Jury website (http://slocourts.net/grand_jury) each year.⁷

⁷ 2015–2016 San Luis Obispo County Grand Jury Final Report

Report Submitted July 12, 2016

NARRATIVE

The 2014–2015 Grand Jury issued 11 reports of which 7 were investigative reports with recommendations requiring agency responses and 4 reports were informational with no required responses. The 2015–2016 San Luis Obispo (SLO) County Grand Jury collected and reviewed the follow-up data for all the reports requiring responses.

SUMMARY OF REQUIRED RESPONSES TO RECOMMENDATIONS

One goal of a Grand Jury’s investigation is to call attention to the practices and procedures of local government. If a report is issued based on an investigation, it may request that issues be addressed and/or corrected. The required responses to last year’s Grand Jury reports are summarized below by investigation and responding agency.

REPORTS AND REQUIRED RESPONSES

Report No.	Page No.	Report Title	Organizations With Required Responses	Responses		Suggested Follow-up
				Required	Adequate	
1	5	In a State of Emergency? Assessing Fire Risk in Cambria	Cambria Community Service District (CCSD)	4	4	0
			SLO County Board of Supervisors	1	1	0
2	7	Making the Case for Efficiency: Maximizing Emergency Services in Cambria	Cambria Community Service District (CCSD)	6	6	3
			Cambria Community Health District (CCHD)	4	4	3
3	9	Morro Bay Municipal Code Enforcement: Band-Aid or Process?	Mayor of Morro Bay	4	4	2
4	10	Working or Not: Challenges in Enforcing Coastal Vacation Rental Regulations	SLO County Board of Supervisors	7	7	2
			SLO County Planning and Building Department	5	5	1
			SLO County Auditor, Controller, Treasurer, and Tax Collector	3	3	1
5	13	We Are Waiting: Access to County Provided Mental Health Services	SLO County Board of Supervisors	7	7	0
			SLO County Health Agency	8	8	0
6	16	San Luis Obispo County Juvenile Hall, Jail, and Allied Agencies Inspection	SLO County Sheriff's Department	1	1	0

REPORTS AND REQUIRED RESPONSES

Report No.	Page No.	Report Title	Organizations With Required Responses	Responses		Suggested Follow-up
				Required	Adequate	
7	17	Energy Used, Time Lost, Results Missing	SLO County Board of Supervisors	3	3	1
			SLO County Administrator	4	4	2
8	19	Homeless Donation Meters – Making Change Count	Informational investigation	N/A	N/A	0
9	20	California Men’s Colony Inspection Report	California Men’s Colony; No required responses but eight recommendations	N/A	N/A	1
10	22	School Shootings – School Violence Prevention - Preparation – Response	Informational investigation	N/A	N/A	0
			TOTALS:	57	57	16

The 2015–2016 Grand Jury reviewed the required responses and, although all were adequate, some required further action and implementation and are noted as “suggested follow-up.” Future Grand Juries should inquire into these to insure they have been completed. The details of each report’s recommendations are contained in Appendix A of this report.

The 2015–2016 Grand Jury thanks and commends the responding agencies for their timely and positive responses to the concerns of the Grand Jury.

APPENDIX A - REPORTS

REPORT 1 – In a State of Emergency: Assessing Fire Risk in Cambria

The recommendations requiring responses:

- 1) The Cambria Community Service District (CCSD) should request that a local emergency be declared regarding the fire risk and forward it to the San Luis Obispo Board of Supervisors for ratification;

RESPONSES:

- a. Cambria Community Services District: Agrees. The CCSD board declared a local emergency at their meeting on March 26, 2015.
- b. San Luis Obispo County Board of Supervisors: Agrees.

- 2) If the Cambria Community Services District fails to request a local emergency, the San Luis Obispo County Board of Supervisors should do so on its own.

RESPONSE: No response needed.

- 3) The Cambria Community Services District should take additional action to raise public awareness locally and with relevant county, state, and federal emergency management agencies. Such actions might include conducting community drills, conducting a new campaign for reverse 911 sign-ups for mobile phones, and mailing the wildfire evacuation plan to residents.

RESPONSE:

Cambria Community Services District: Agree. The CCSD web page was updated with information about community programs and local fire safety organizations and activities.

- 4) The Cambria Community Services District should obtain funding to improve forest management.

RESPONSE:

Cambria Community Services District: Agree. Cambria received a \$498,000 Fire Safe Council grant for fire hazard reduction.

5) The Cambria Community Services District should use the funding to:

- a.* Improve existing fuel breaks,
- b.* Expand fuel break program,
- c.* Remove dead and dying trees, and
- d.* Remove other fire hazards such as ladder fuels and other flammable materials.

RESPONSE:

Cambria Community Services District: Agrees. CCSD will be using the funding for all of the above programs.

REPORT 2 – Making the Case for Efficiency: Maximizing Emergency Services in Cambria

The recommendations requiring responses:

- 1) The Cambria Community Services District should, with community input, develop, adopt, and implement a strategic plan that addresses a multi-year approach to fire suppression and emergency services.

RESPONSE:

Cambria Community Services District: Agrees. The CCSD has developed a multi-year plan and is in the process of implementing the strategy.

- 2) CCSD should request CalFire make a presentation regarding contracting for fire suppression in Cambria and obtain community input.

RESPONSE:

Cambria Community Services District: Agrees. CalFire has made two presentations.

- 3) CCSD and Cambria Community Healthcare District (CCHD) should reactivate their ad hoc committee to integrate and coordinate activities and obtain community support.

RESPONSES:

Cambria Community Services District and the Cambria Community Healthcare District: Both districts agree. The districts have reactivated their ad hoc committee.

- 4) CCSD and CCHD should implement the combined organizational structure that most effectively reduces administrative costs and improves services.

RESPONSES:

- a. Cambria Community Services District: Agrees. The CCSD will implement development of a combined organizational structure with CCHD once the legal restrictions are resolved.

FOLLOW-UP: Follow-up suggested to determine status of legal issues and, if resolved, has the restructuring taken place?

- b. Cambria Community Healthcare District: Agrees. This recommendation requires a minimum of six months analysis to determine if this is feasible.

FOLLOW-UP: CCHD feasibility determination should be completed.

- 5) The CCSD and CCHD should set in place funding approaches, including reserves, to update or replace fire and emergency equipment.

RESPONSES: Both districts agree but neither recommendation has yet been implemented.

FOLLOW-UP: Recommend following up with both districts to determine progress.

- 6) The CCSD and CCHD should determine how best to utilize firefighters and emergency medical service personnel within a common management organization.

RESPONSES: Both districts agree but neither recommendation has yet been implemented.

FOLLOW-UP: Recommend following up with both districts to determine progress.

REPORT 3 - Morro Bay Municipal Code Enforcement: Band-Aid or Process?

The recommendations requiring responses:

- 1) Establish a proactive managed code enforcement process.

RESPONSE: Mayor of Morro Bay: Agrees. Morro Bay has implemented the recommendation.

- 2) Fund and hire a full-time municipal code enforcement officer.

RESPONSE: Mayor of Morro Bay: Agrees. Morro Bay has implemented the recommendation and hired two enforcement officers.

- 3) Acquire, install and use a municipal code management software package to track all code violation complaints.

RESPONSE: Mayor of Morro Bay: Agrees. Morro Bay has adopted a budget to fund the process, staffing, and required software but the actual purchase and installation of the software has not taken place.

FOLLOW-UP: Determine if the purchase of "...a municipal code management software package..." has been made and if it has been installed and implemented.

- 4) Train staff on use of the new system.

RESPONSE: Mayor of Morro Bay: Agrees. Staff will develop a code enforcement system and process and will train staff when system is implemented.

FOLLOW-UP: Determine if training of staff has been completed.

REPORT 4 – Working or Not: Challenges in Enforcing Coastal Vacation Rental Regulations

The recommendations requiring responses:

- 1) The Board of Supervisors should provide direction and funding to place higher priority on enforcing coastal vacation rental regulations.

RESPONSE: The Board of Supervisors: Disagrees. This recommendation will not be implemented as they do not consider it warranted or reasonable.

- 2) To better support the complaint process, the County should implement a way for residents to identify the appropriate property manager for a vacation rental. This could be to require an annual notification to neighbors by the property manager or having the county maintain a public online listing of vacation rental contacts.

RESPONSES: San Luis Obispo County Board of Supervisors and the Department of Planning and Building: Disagrees. Both agencies state they will not implement this recommendation as they do not consider it warranted or reasonable.

- 3) The Tax Collector should set a level of revenue to be generated over a set time period (e.g., 2 to 3 years) in order to retain a transient occupancy tax certificate.

RESPONSES:

San Luis Obispo County Board of Supervisors and the Office of the Auditor, Controller, Treasurer and Tax Collector (ACTTC): Both agencies disagree. Both agencies state they will not implement this recommendation as they do not consider it warranted or reasonable.

- 4) The Tax Collector and the Planning Department should develop and implement a process to deal with the issues of unlicensed vacation rentals and unused or minimally used transient occupancy tax certificates.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors: Agrees in part.
The Board of Supervisors has implemented the recommendation dealing with “unlicensed vacation rentals.” The recommendation dealing with “unused or minimally used transient occupancy tax (TOT) certificates” will not be implemented.
- b. San Luis Obispo County Department of Planning and Building: Agrees in part:
The Planning Department states this recommendation has been partially implemented. When a complaint is received, a code enforcement case is opened.
- c. San Luis Obispo County Office of the Auditor, Controller, Treasurer And Tax Collector: Agrees in part.
The ACTTC will partially implement the TOT portion of this recommendation contingent on the passage of pending legislation.

- 5) The Planning Department should enforce the requirement to list transient occupancy tax certificate numbers on advertised vacation rental listings.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors: Agrees. This recommendation has been implemented.
 - b. Department of Planning and Building: Agrees.
This recommendation has been implemented.
- 6) The Building and Planning Department should create and post on its website a list of licensed vacation rentals by address so concerned individuals can confirm whether a given property is a licensed vacation rental.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors and SLO County Building and Planning Department: Agree. This recommendation has not yet been implemented. Full implementation is estimated to be completed by July 1, 2017.

FOLLOW-UP: Follow up needed to determine if recommendation has been implemented.-

- 7) The Building and Planning Department should determine and fund a way to monitor whether advertised vacation rentals are properly licensed, thus ensuring collection of related taxes and fees, which can more than cover these costs.

RESPONSES: San Luis Obispo County Board of Supervisors and the San Luis Obispo County Department of Planning and Building: Both disagree.

FOLLOW-UP ON REPORT 4: The entities initially disagreed with many of the recommendation in this report as they were deemed not warranted or reasonable. In summary, after the failure of SB593 to pass the State Senate, a new bill (SB1102) was recently introduced in the State Legislature to address the same issues as SB593. However, due to statewide interest, this issue has prompted the development of SB1102 which is currently pending. The County is waiting on the resolution of this legislation prior to taking any action. All of the previous Grand Jury's recommendations on this issue should be revisited. We strongly encourage the 2016-2017 Grand Jury follow up to determine progress.

REPORT 5 – We Are Waiting: Access to County Provided Mental Health Services

The recommendations requiring responses:

- 1) List one toll-free number for hotline access to all mental health services on the county website.

RESPONSES: San Luis Obispo County Health Agency: Partially agrees. Rather than consolidating both phone numbers into one number, the SLO County Health Agency (CHA) has redesigned and clarified its website so that the suicide hotline is more identifiable.

- 2) Establish a system to allow both the county and Transition Mental Health Association staff and volunteers to schedule appointments while maintaining Health Insurance Portability and Accountability Act (HIPAA) confidentiality requirements.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Health Agency: Both agencies disagree. The recommendation will not be implemented because it is contrary to HIPAA confidentiality requirements

- 3) If a solution is not developed to allow Transition Mental Health Association’s volunteers to make the appointment, the county should contact the caller within the next business day to schedule.

RESPONSE: Agree. This recommendation has been implemented.

- 4) Reconfigure the juvenile entrance to the Public Health Facility (PHF) so that adult patients do not need to be cleared when a juvenile is admitted. Alternatively, separate the juvenile population to a separate site away from the adult population of the PHF.

RESPONSES:

- a. San Luis Obispo County Board of Supervisors: Disagrees. This recommendation will not be implemented because is not warranted based on the CHA’s recommendation.
- b. San Luis Obispo County Health Agency: Disagrees. This recommendation will not be implemented because the SLO County Health Agency believes that the current process is adequate and that the recommendation is not feasible.

- 5) A Crisis Stabilization Unit should be established to handle those in crisis for up to 23 hours, which would alleviate some of the capacity pressure at the PHF and save the county money if diversion from the PHF is achieved.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Health Agency: Both disagree. This recommendation will not be implemented because it is too costly.

- 6) To decrease wait time for patients and potentially handle greater caseloads, the county should increase psychiatric support staff, such as psychiatric nurse practitioners, physician assistants and therapists.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Health Agency: Both agencies agree and state that this recommendation will be implemented in the future.

- 7) If psychiatric positions continue to be difficult to staff, the county should implement options to improve recruitment such as 1) student loan repayment programs and 2) use of telepsychiatry.

RESPONSES:

a. San Luis Obispo County Board of Supervisors and the County Health Agency:

- 1) Both agencies agree: The student loan repayment programs have been implemented.
- 2) Both agencies disagree: Telepsychiatry will not be implemented because the CHA now has adequate in-house staff.

- 8) The County, whether by clinic staff, interns, temporary or part-time employees, should institute contact with those clients awaiting appointments to decrease the number of no-shows who prevent the scheduling of another client. This could also determine if the severity of the individual's condition has improved/stabilized/worsened and if the client has transportation.

RESPONSES:

a. San Luis Obispo Board of Supervisors and the SLO County Health Agency

Both agencies partially agree: The CHA is now confirming appointments with clients, but the determination of the individual's condition will not be implemented because of confidentiality issues.

REPORT 6 – San Luis Obispo County Juvenile Hall, Jail, and Allied Agencies Inspection

The recommendations requiring responses:

- 1)* The Sheriff’s Department should hire a third, full-time forensic specialist in the Crime Lab to provide additional support and long-term capability for personnel replacement.

RESPONSE: Agrees. The Sheriff agrees but the recommendation will not be implemented in the near future because of its low priority in the budget allocation.

REPORT 7 – Energy Used, Time Lost, Results Missing

The recommendations requiring responses:

- 1) The Board of Supervisors should allocate sufficient funds to implement the EnergyWise Plan (EWP) ensuring the planned reduction in energy usage by County facilities as outlined in the EWP is realized within the set timeframe.

RESPONSE: Agrees. The County has approved \$1.5 million in its 2016-17 budget to finance projects recommended from the County energy and water audits.

- 2) County Administration should make staff available to complete implementation of the EWP within the established timeframe.

RESPONSE: Agrees. The County has included in the FY 2016-17 Proposed Budget the addition of 1.00 FTE Senior Planner (EnergyWise Plan Coordinator) position to support in the implementation of the EWP.

FOLLOW-UP: The 2016-2017 Grand Jury is encouraged to follow up on this recommendation to determine if it has been implemented.

- 3) County Administration should make the data produced by the Investment Grade Assessments (IGAs) and Facility Condition Assessments (FCAs) available for action by the Board of Supervisors within 60 days of receipt of such data.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Administrator: Both agree. The recommendation has been implemented.

- 4) The Board of Supervisors should fund the purchase of and training for utility usage and billing software capable of providing the data necessary for effective implementation of the EWP.

RESPONSES: San Luis Obispo County Board of Supervisors and the County Administrator: Both agree. The recommendation will be implemented in the near future.

FOLLOW-UP: The 2016-2017 Grand Jury is encouraged to follow up on this recommendation to determine if it has been implemented.

- 5) County Administration should complete the required biennial review and updates of the EWP.

RESPONSE: Agrees. Review and updates have been completed.

REPORT 8 – Homeless Donation Meters- Making Change Count

No required responses as this was an Informational Investigation.

REPORT 9 – California Men’s Colony Inspection Report

The 2014–2015 Grand Jury inspected the California Men’s Colony (CMC) and made a number of recommendations. While State law mandates the Grand Jury inspect the prison, there is no duty for the prison to respond.

- 1) CMC should bring their chapels into compliance with current state building codes (California Code of Regulations Title 24).

RESPONSE: No response required.

- 2) The chaplains should report to an associate warden.

RESPONSE: Although no response was required, CMC agrees. The Chaplain's supervisor, the Community Resource Manager, now reports directly to the Warden and indirect oversight will be monitored by the Office of Policy Standardization.

- 3) CMC should restore the expense allowance formerly provided to the chaplains; at least to the prior level of \$10,000 annually.

RESPONSE: Although no response was required, CMC provided the following: “The allotment was never provided by the State of California but rather distributed by individual institutions from their general fund. In other words, there was never a line item in the budget for the expense support of religious chaplains. In recent years, the number of legally recognized religions has grown tremendously. As such, individual institutions can no longer afford to provide expense allotments for the chaplains; the cost would be extensive since equal allotments to all religions must be provided. This is beyond the fiscal ability of CMC and although it was beneficial to be able to provide the chaplains with allotments in the past, even though not required, it can no longer be done. The termination of a non-mandated benefit the institution was once fortunate to be able to provide but can no longer sustain should not be counted as a negative mark against CMC. To do so would greatly discourage future considerations of benefits that are not specifically required because of the possibility that should the generosity no longer be feasible, it would be a mark against us.”

- 4) CMC should accelerate the implementation of the Paws For Life program.

RESPONSE: Although no response was required, CMC agrees. Paws For Life found it financially unfeasible to continue their partnership. CMC is working with a local San Luis Obispo organization to initiate a similar program.

- 5) CMC should ensure an acceptable and accessible General Education Diploma (GED) test is available to inmates.

RESPONSE: During the 2015–2016 Grand Jury tour of CMC, it was learned that the GED test is now 100% computerized. All pretesting and GED testing is computerized for inmate access if the inmate meets the minimum standards set by the Office of Continuing Education. However, many of the inmates were not computer literate. A basic computer training program is now available for inmates so they can prepare for the new GED format.

- 6) CMC and the Prison Industry Authority (PIA) located at the Corcoran State Prison should redesign the distribution system for bread to ensure fresh and mold-free bread is delivered to inmates.

RESPONSE: Although no response was required, CMC agrees. The prisons bread is received via a contract with Corcoran PIA. The current Grand Jury was informed that this was brought to the attention of the PIA at Corcoran last year and that measures were taken to correct this situation.

FOLLOW-UP: The 2015–2016 Grand Jury again found moldy bread at this year's luncheon. The Grand Jury suggests that the following year's Grand Jury follow up with this issue.

**REPORT 10 – School Shootings – School Violence Prevention – Preparation -
Response**

No required responses.