

Attachment 1

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2020

PRESENT: Supervisors

ABSENT:

RESOLUTION NO._____

RESOLUTION TO VACATE, SET ASIDE AND RESCIND THE APPROVAL OF THE ENVIRONMENTAL DETERMINATION AND THE APPROVAL OF MINOR USE PERMIT DRC2018-00018

The following resolution is now offered and read:

WHEREAS, on January 18, 2019, the Planning Department Hearing Officer of the County of San Luis Obispo (hereinafter referred to as the "Hearing Officer") duly considered the application of Gary Spackman of Nouel Riel Cellars, Inc. and Sandra and David Wood of Coastal Elevations for a Minor Use Permit (DRC2018-00018) to establish an indoor cannabis cultivation operation on a portion of a 41-acre project site; and

WHEREAS, Richard and Diane Mathews, John Crossland, Julie Candee, Joe Plummer, and Lee and Lorraine Steele appealed the Hearing Officer's decision to

the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the “Board of Supervisors”) pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, on August 13, 2019, pursuant to Resolution No.2019-237, the Board of Supervisors, after a noticed public hearing, did approve the Environmental Determination (ED18-061) and Minor Use Permit DRC2018-00018; and

WHEREAS, a lawsuit was filed by Save Rural SLO, an unincorporated association, and Stephanie Shakofsky within the allowed time frames challenging the approval and the Environmental Determination; and

WHEREAS, on November 8, 2019, a letter was received from counsel for applicant and landowner Nouel Riel Cellars, Inc. stating the project was no longer economically viable due to the loss of the previously intended lessee of the site and the inability to secure a future lessee, in part, to the current economic uncertainty in California’s legal cannabis market, and requested the Board of Supervisors rescind its approval of Minor Use Permit DRC2018-00018, with the acknowledgement that the defense and indemnity obligations contained in the minor use permit would survive the rescission.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, in a regular meeting assembled on the _____ day of _____, 2020, that the approval of

the Environmental Determination (ED18-061) and the approval of Minor Use Permit DRC2018-00018 for Nouel Riel Cellars, Inc. pursuant to Resolution No.2019-237, is hereby vacated, set aside and rescinded, except and excluding, and on the condition that such obligations of applicants survive, the defense and indemnity obligations as set forth in Condition of Approval No. 71.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Wade Horton
Ex-Officio Clerk of the Board of Supervisors

By: _____
Deputy Clerk

[SEAL]

