6-1

Bob Roos
Doreen Liberto-Blanck
Sandra Nielsen
Eugene Mehlschau
Wayne Cooper

MINUTES

of the

San Luis Obispo County Planning Commission

MEETING DATE: THURSDAY, OCTOBER 14, 2004

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meetings are held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:	8:45 a.m.		
Morning Recess:	10:00	-	10:15 a.m.
Noon Recess:	12:00	-	1:30 p.m.
Afternoon Recess:	3:00	-	3:15 p.m.

ALL HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

PRESENT: Commissioners Wayne Cooper, Doreen Liberto-Blanck, Bob Roos, Chairman Eugene Mehlschau

ABSENT: Commissioner Sandra Nielsen

STAFF: Warren Hoag, Division Manager, Current Planning
John Nall, Principal Environmental Specialist
Chuck Stevenson, Supervising Planner
Stephanie Fuhs, Planner
Steve McMasters, Planner

OTHERS: Richard Marshall, Public Works

The meeting is called to order by Chairman Mehlschau.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of October 14, 2004, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Meeting called to order	
Flag Salute	
Roll call	Commissioner Nielsen absent.
PUBLIC COMMENT	

Eric Greening	Addresses Rural Planned Unit Development Ordinance. States Ag Liaison was uncomfortable with extent of development in Ag lands. Wonders where in the process this item is now. Addresses commercial off-road vehicle tracks in Ag zones. States both seem to be progressing more slowly than anticipated. Wishes update.
PLANNING STAFF UPDATES	
Warren Hoag, staff	Addresses revisions to agenda. Regarding the moto-cross proposal, the Board of Supervisors established a group to study. Gives present zoning. States committee has met twice, with Kami Griffin from Planning & Building. Her report was that the committee seems to wish to leave things as is, but the report has not yet been issued. No action is necessary from the Planning Commission at this time. Changes to zoning would require an ordinance amendment, which would go through all the procedural steps.
John Nall, Principal Environmental Specialist	Reports on meeting with the Ag Liaison to consider the proposed Planned Development ordinance, with several members of that subcommittee. Discussion took place with the Ag Liaison, with the outcome being unanimous vote to oppose any density bonus. Staff plans to return to the subcommittee to discuss revisions.
Commissioner Roos	Requests additional information regarding the relationship to agriculture clustering, with staff responding.
CONSENT AGENDA	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Liberto-Blanck, and carried, in the absence of Commissioner Nielsen, to approve the consent agenda, as follows, with the changes to August 26, 2004 Minutes as read into the record:
	A. Determination of conformity with the General Plan for the abandonment of real property. Applicant: Wendy McBane / Paul Esmond. The project is located adjacent to the right-of-way for Fern Canyon west of the city limits of Paso Robles, in the rural area of the Salinas Planning Area. Residential Rural Land Use Category. APN's: 018-191-001, -011 and -059. Supervisorial District #1. County File Number: SUB2004-00039. (Receive and file) B. Determination of conformity with the General Plan for the abandonment of a Pedestrian Pathway located between Wilton Drive and Burton Circle in the community of Cambria, in the North Coast Planning Area. Applicant: Robert Trask / Joy Easton. Residential Single Family Land Use Category. APN's: 023-211-006 and –058 and 023-213-001 and –016. Supervisorial District #2. County File Number: SUB2003-00148. (Receive and file) C. Minutes of August 26, 2004 Planning Commission Meeting
#1. BURNSED / CEBULLA ASSOCIATES County File No. S030059U / TRACT 2561	This being the time set for hearing to consider proposal by BROOKS BURNSED / CEBULLA ASSOCIATES for a Vesting Tentative Tract Map / Conditional Use Permit to allow subdivision of a 0.51 acre parcel into ten parcels ranging in size from 2,066 to 2,416 square feet in order to construct a planned development consisting of eight detached single-family residences. The proposed project also includes a 2,566 square foot park, 2,299 square foot drainage basin, and a 26-foot access road, in the Residential Multi-Family Land Use Category. The property is located in the county on the southwest side of Highway 101 Frontage Road, in the community of Nipomo, APN: 092-381-029, in the South County (Inland) Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Air Quality, Noise,

	Public Services and Utilities, and Recreation. County File Number: S030059U / TRACT 2561. Date application accepted: June 14, 2004. Supervisorial District #4.
Stephanie Fuhs, staff	Gives the staff report. Recommends change to Condition 5, in Exhibit D, deletion of Condition 2.b., in Exhibit B, and the addition of new Condition 5 in Exhibit D, as follows: Prior to the issuance of building permits, the applicant shall comply with all provisions of the CDF letter dated October 14, 2003."
Commissioner Liberto-Blanck	Requests additional information regarding colors.
Brooks Burnsed, Applicant	States he has worked with Chuck Stevenson on the design, and worked with Nipomo Advisory Council. States the subdivision south of his project has a road about 41 feet, and to address the curb, gutter and sidewalk, 45 feet would be necessary, to match the existing.
Commissioner Roos	Requests applicant state whether he agrees with the changes to the conditions, with applicant responding "yes." Further, requests clarification of the colors, with applicant responding he cannot address at this time.
Commissioner Liberto-Blanck	Requests information as to whether applicant will be willing to work with an architect to have colors not all alike.
Richard Marshall, Public Works	Frontage Road needs a left turn lane. Two other projects to the north are required to do the same as this project. This is projected for 60 feet of right-of-way, to go with the three-lane road, which is A-2-Urban.
Chuck Stevenson, staff	Provides language for new Condition 5 in Exhibit D.
Motion	Thereafter, on motion by Commissioner Cooper, seconded by Commissioner Liberto-Blanck, and carried, in the absence of Commissioner Nielsen, to adopt the Negative Declaration, in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION NO. 2004-079, granting a Vesting Tentative Tract Map to BROOKS BURNSED / CEBULLA ASSOCIATES for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in Exhibit B, delete Condition 2.b. and in Exhibit D, make the following revisions: Add new Condition 5, as follows: "Provide a varied and harmonious color pallet and use of exterior materials, to be approved by Planning staff." and renumber the conditions that follow. In new Condition 6 ("old" 5), change "the approved" to "a revised", and change "floor plan" to "approved floor plans", and add new subparagraph to the condition as follows: "f. Three 'A' units and five 'B' units in compliance with maximum floor area standard." and reletter the other subparagraphs, as appropriate, adopted.
2. CONGREGATION BETH DAVID, County File No. D020076D	This being the time set for hearing to consider proposal by Congregation Beth David for a Conditional Use Permit to develop approximately 13 acres of a 92 acre site including an 18,210 square foot religious facility, an 84 space paved parking lot, an orchard, overflow parking area and landscaping in the Agriculture Land Use Category. The property is located in the county on the northeast corner of Los Osos Valley Road and Foothill Blvd., approximately one half mile west of the city of San Luis Obispo APN: 067-091-011, in the San Luis Obispo Planning Area. Also to be considered at the hearing will be the certification of the Environmental Impact Report in accordance with the applicable provisions of the California Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Biological Resources; Drainage; Erosion & Sedimentation; Geological Hazards/Site Alteration; Water Resources; Air Quality; Traffic; Public Services; Aesthetic/Cultural Resources; Agricultural/Mineral Resources; Land Use; and Noise. County File Number: D020076D Date application

	accepted: July 11,2003 Supervisorial District # 2.
Steve McMasters, staff	Gives the staff report. States proposed development meets all requirements, except for parking. Displays overhead photographs and maps. Describes location. Present use is for grazing. A greenhouse facility exists on the site. The proposed religious facility would replace that structure. Screening will be used. The project will result in loss of approximately 13 acres of farm land, due to conversion to a non-agricultural use. The project is located in the Agriculture Land Use Category. This is the main reason for the Denial recommendation. Discusses soils, precedent for growth producing, and other findings. Speaks to project being inconsistent with Framework for Planning. Recommends certification of Final Environmental Impact Report and denial of Conditional Use Permit. States there is considerable community support, so staff has prepared Findings for approval should the Commission wish to allow this project.
Lynda Auchinachie, Ag Liaison office	States the water in the area has historically supported irrigated row crops.
Commissioner Roos	Reads from a hand-out provided by Applicant. Requests further information regarding soils.
Lynda Auchinachie, Ag Liaison office	States criteria are used for mapping only, to identify if intensified irrigated land has been turned to urban use.
Chairman Mehlschau	States he visited the site as well. States there is little availability for this facility, and requests staff input about where they would locate if not here, stating the amount of space required is available only in agriculture zoning.
Steve McMasters, staff	Refers to a 15-acre envelope. The alternatives evaluation in the EIR noted the sites of similar size in the urban area would more appropriately use different criteria. Gives examples. States the traffic problems due to this location must be dealt with. Site requirements in an urban area would be much fewer than in an agricultural area.
Commissioner Liberto-Blanck	Requests information about agriculture allowing religious facilities. Refers to inconsistent policies, and asks when it would be appropriate to have a religious facility in agriculture. Inconsistency appears to be built into the ordinance.
Steve McMasters, staff	Responds, stating a Conditional Use Permit is required, which allows a close look at the site. Gives an example of too great an impact on agricultural land, stating that is probably the case here. A religious facility meant to serve an urban population should not be located in ag land outside the urban fringe.
Chuck Stevenson, staff	States small congregations are not being seen as much.
Commissioner Liberto-Blanck	States the county may not have appropriate designations for congregations of large size. Agrees that large congregations are more common now.
Commissioner Cooper	States he met with applicant and viewed the site. States knowledgeable farmers in the area agree this land is outstanding ag land, and they are surprised it has not been farmed for the past few years.
Commissioner Roos	Refers to an individual who was unable to grow crops in this area.
Lynda Auchinachie, Ag Liaison office	States ideas regarding what can be grown are changing. These soils have been identified as having capabilities to grow. There has been change in the Los Osos Valley Road area. This site has a rich history of having been used for row crops, a dairy industry, and in the future, there could be agriculture again.
Chairman Mehlschau	States his land has the same soil type. States there is more to this than soil type. Gives some theory about what it takes to have successful ag land. Just being able to grow

	crops that others grow does not lead to a successful business.
Commissioners	Discuss various issues, including future development in the area, Residential Rural land adjoining, time limits, greenbelts, growth, process necessary for ordinance changes, conditional use permit process, projected situation under certain changed conditions. Speculates on future outcomes.
Mike Draze, City of San Luis Obispo, Deputy Director of Community Development	Addresses greenbelts. Some have easements, some are agricultural lands protected by agricultural zoning. Open space is for a number of different uses. States the City owns development rights on a number of areas. The property adjacent has been discussed, but is not presently in negotiation.
Carol Florence, Agent - Oasis Associates	Requests the Commission weigh the benefit to this large group of people and that religious facilities are allowed in the ag zone. Requests approval. States the congregation has sought an appropriate site for over 20 years. States the project does not constitute leap frog development, it is appropriate in relation to ag and open space. Describes a submission made this morning. Project location, nearness to city limits, density, and nearness of other congregations is addressed. Cites other religious facilities who have been unable to expand inside the urban core. States there is much other than empty ag land between this site and the urban boundary. This project has been sited on Class 3 soils, and avoids impacts to better soils. States the congregation is willing to dedicate two-thirds of the property for open space.
Carol Florence	Reads into record the desired conditions.
Rabbi Norman Mandell, Applicant	States his congregation wishes to serve the community culturally, spiritually, and educationally. Refers to the spiritual climate of the community, giving some congregation background.
Commissioner Roos	Requests Rabbi Mandell state where the members of his congregation come from.
Rabbi Mandell	States 55% to 60% of the congregation is from San Luis Obispo, though the rest are from all around from Nipomo to Atascadero.
Diane Blakesley, San Luis Obispo resident	States she is a Quaker, and supports this project. Refers to a biblical quote. States the soil below this Chambers is the same as that on the project site. The church should not be restricted, as they will be good stewards of the land. Requests approval without restrictions.
Wolfe Knabe, Fire Chief, City of San Luis Obispo	States his concern with the EIR, which states the city is within 3 to 4 minutes response time, but the area for this project is not designated first responder for this area. The city has limited resources for responding to non-designated sites. States some changes would have to be made.
Commissioner Liberto-Blanck	Requests information about mutual agreements
Wolfe Knabe	States they have very limited mutual agreements, and medical issues is not among those.
Mike Long, Site & Building Chairman	Gives a short history. States the congregation wishes to be certain they have enough land to last through the next few decades. States the task of finding an appropriate parcel was difficult. States 33 lots are located across the street, and describes other surrounding development, stating this will not be leap frog development. This project will not set precedent. Many meetings have taken place. Addresses the soils on the property, stating recently the quality was downgraded to soil of local potential.
Commissioner Roos	Requests information regarding an urban location, with Mr. Long responding.

Marie Rosenwasser, Avila	States she drives by this property daily, and she is a member of the congregation. Speaks to values and that building a temple here honors the land. States the land was sold because it was not being used for agricultural land. Requests the Commission look at the total project in light of all the considerations, and requests approval of this project.
Biz Steinberg, member	States she is Director of the Community Opportunity Commission, and a member of the congregation. Describes good works of the congregation. States the agricultural designation is of interest to her. States the design of this project is good, for energy sustainability. Requests approval.
Rhama Sharma, Pismo Beach	Retired professor of chemistry. Requests approval. States the staff report is not complete, and is based on preconceived notions. Refers to leapfrog development. Urges approval.
Steve Saldo, Attorney, resident of Edna Valley	States he can address traffic issues. States he is on the committee, and the traffic study indicates there will be little change in traffic conditions, with the exception of a weekly program in mid-afternoon. Addresses access safety. Urges approval.
Robbie Robbins, resident of Edna Valley	Urges Commission to consider family values, which are the values generated by a house of worship. Urges approval.
Derrick Sinn, San Luis Obispo	States he and his father were requested to help the congregation find a suitable location. The current property was the only one to be available and fill the requirements both. Urges approval.
John Goetz, Los Osos resident	States he is the tenant and owns the greenhouse and nursery. States his specialty is low-water-need plants. States he has been there since 1998. States his first landlord always complained about the soil. States 18 inches below the surface there is sand. The climate is difficult. States he does all his growing in containers above the gound. Further describes the conditions that make agriculture on this site not as viable as it may seem. Urges support of the project.
Murlene Doco, Pismo Beach	States she is president of SLO Ministerial Association, which represents many faiths in this area. Urges approval.
Polly Cooper, Santa Margarita resident	States the project is designed for sustainability. States the congregation wishes a facility that is healthy for the site and the planet. Good site design and passive solar strategy are part of this plan. States 3 conditions should be changed: shade trees condition, requirement for mechanical ventilation, and light roof-color requirement. Urges approval.
Ken Haggard	The rural character of the site should be preserved. States there are many tree-belts. States the building is secondary to the rural landscape. Refers to paving requirement.
Commissioner Liberto-Blanck	Requests clarification of whether Mr. Haggard is the architect on the project, with Mr. Haggard responding he is one of three. Requests information about why trees are not located in a certain area on the conceptual drawing, with Mr. Haggard responding.
Laurie Wolfe	States this project has applied for certification from the Green Council. This will assure and environmentally friendly project. Refers to other projects in the area that have received certification. Refers to history of downtown San Luis Obispo, and other changes prompted by community members. Urges approval.
Patricia Osborne, Temple Administrator	States the congregation hopes to experience growth in the future. States the congregation has outgrown its present space. States life-cycle events of members cannot be adequately served, due to space problems. States she receives one or two calls every day asking for information on how to become a new member. Urges approval.

Jeff Portney, Arroyo Grande	States he is a member. Requests approval, and changes to conditions as requested. Refers to Condition 29. States the fee is unfair and overstates the actual impact. Disagrees with method of computation, and suggests a different one.
Ira Albert, San Luis Obispo	States his concern with services available in San Luis Obispo. States he is an employer in the City, and employ several hundred people. Sufficient religious facilities must be available to properly serve the area. Urges approval.
Paul Wolfe, San Luis Obispo	Reiterates their awareness of the precious nature of the site. States he is an architect and member of the building committee. States a responsible architect leaves the site in a better condition than he found it, and believes that is the case here. Addresses future expansion. States this site more than adequately considers their expansion. No additional land will be required, because there is already sufficient expansion room on the site.
Lisa Carmel, San Luis Obispo	States she disagrees with staff recommendation. States she has passed the property daily for 9 years, and that it has not been farmed in many years. Disagrees that leapfrog development will result from this project. Refers to a ranch in the neighborhood. States there are urban uses on two sides of the project site. Urges approval.
Richard Poneman	States he lives in town, and is 86 years old. States he is present on behalf of the congregation and approval of this project. States he was on the Board of Zoning Appeals, and addresses the Commissioners' job. Thanks Commission for their work and urges approval of the project.
Jarred Sharron, Arroyo Grande	States all his points have been made by others. Urges approval.
Bob Turbow, San Luis Obispo	States he supports the project. Gives a short history of his family background and current affiliation. Refers to a workday at the congregation last weekend. Relates an anecdote. States the congregation needs space for the future and for their children. Requests reduction of the open space from 2/3 to whatever less the Commission can agree on. Urges approval.
Lucian McDermott	States he supports all the speakers who came before him. Urges approval.
John Armstrong, San Luis Obispo	States his support of the project, even though he is not a Beth David member. States the current facilities are extremely small, and their efforts to support the homeless take place in his church. States this project will help the community. Urges approval.
Roberto Utenkay, Nipomo	States she is a member of the congregation. States there are plans for a garden space to grow food for the homeless. Relates an anecdote. Urges approval.
Sharon Frederick, Los Osos	Thanks Commission. Refers to previous appearances before the Commission. States many members are professional social workers. One project is the EOC Homeless Shelter. Urges approval.
Marvin Soss, Morro Bay	States he was a newspaper editor in the past, and describes his role regarding greenbelts. Urges approval.
Eric Greening	States ag compatibility issues are serious. This project needs extra findings and conditions to avoid setting the wrong precedent. States the finding can be made that this is part of a peninsula. Second as far as this being a suitable ag site, a finding can be made that the wind tunnel issue makes it unsuitable for chemically dependent ag. A condition should be included that the orchard and grounds would be maintained chemical free. Last, this has the specific urban service of a bus line. Suggests the fair share fee include a payment to the bus line. States his support for this project.
Charles Adolf, San	States he is a member and the congregation helps the needy and homeless. Describes

Luis Obispo	some activities. States a larger facility will allow further programs and service, as well as emergency housing. Urges approval.
Robert Wolfe, San Luis Obispo	States he is a partly retired professor. Describes service by the Congregation. Describes the plans and intentions, requesting approval of project.
Ed Dorkman, Arroyo Grande	States he supports this request. States the congregation search for a site for many years, and this is the first one they found. States the building site is non-prime.
Laurie Adolf, San Luis Obispo	States she is a member of the congregation. Strongly urges approval, stating the faith tradition is a good steward of the land, and they have proposed an environmentally sensitive project that will serve people of all faiths.
Barnie Rightner, Shell Beach	States the congregation has been a good citizen for over 40 years, and the present space is inadequate. No other site was available. States theirs is the only denomination of its kind in this area. This site was purchased because a religious facility is allowed. Requests approval.
Laurie Atwater	States the present facility is too small. States she is pleased about the purchase of this land. States this project will bring national recognition to this community due to its environmental sensitivity. The design is visually appealing and environmentally sensitive. Refers to land use planning and needs of local organizations. Recommends support of the project, and approval.
Mike Wynn, San Luis Obispo	States he supports the previous speakers in favor of this project. Refers to a federal law regarding religious facilities and not restricting them. States if a claimant proves infringement of his freedom to religious exercise, the burden switches to the county to prove that this is the least restrictive way. Urges approval of the Conditional Use Permit.
Michael Rosen, San Luis Obispo	States he is in favor of the request. Thanks staff and Commissioners for being diligent in reviewing projects. As far as the stated goal of growth limitation, and assumption that in 25 years, the area will be surrounded by development, these are two inconsistent conclusions. Work has been done with neighbors. Points out there have been no speakers in opposition this morning. Requests approval.
Fred Russell, San Luis Obispo	States he is a businessman and member of the congregation. Gives his background prior to coming here. States the timing is good for this project. Urges approval.
Allen Krausaur, Atascadero	Gives background regarding his family's move to this area. Supports the project. States major fundraising campaign was conducted. Urges approval.
Arnold Gruen	Lives next door to the temple. Describes this project as a "win-win" for all people in the county.
Joan Velman, Morro Bay	Requests approval of this project, and to put fair and reasonable conditions on it. Condition 16 is unfair and unreasonable. Describes its requirements. States the condition is unnecessary, and describes the goal of the condition. Bus use is possible, but the buses stop running at 6:30 p.m., which is before the Saturday evening services begin.
Dorothy Ellis Goldberg	States she is a member of the congregation. States young people, children, and families are entitled to a space where they can enjoy the environment and have family gatherings.
Jeff Auerbach	States that the space is inadequate for the educational needs of the children. Urges approval.
Carol Florence, Agent	States she can answer questions regarding proposed condition changes, statement of overriding conditions, and thanks the Commission.

Commissioner Cooper	States his compliments to the congregation as a whole for their presentations this morning.
Chairman Mehlschau	States his agreement.
Commissioner Liberto-Blanck	Thanks staff. States the Planning Commission's function. States that religious institutions are allowed in ag with a conditional use permit. States this land is neither prime nor unique, and furthermore, it not being farmed. The development would not be leapfrog. States there is sufficient room for future development for expansion. States she has questions about conditions of approval. Requests clarification of whether the conditions come from the EIR, with staff responding. Commissioner Liberto-Blanck requests whether the applicant's suggestions would conflict with anything in the EIR.
Steve McMasters, staff	States modifications can be made, except possibly the open space condition. Describes changes.
Richard Marshall, Public Works	States, regarding Condition 16, the site entrance located across from county road, and the bus stop that already exists is at that intersection. There was discussion about enhancement of a pedestrian crossing there. There was great concern about that because speeds are high and there is little pedestrian activity in the area. It is a long walk down to the signal and back to the bus stop. This condition is not needed. It is a good idea to take it out if all are in agreement.
Richard Marshall, Public Works	Describes their work with Los Osos Valley Road / Route 101 interchange. Studies have been done and calculations made. A model was developed that says on a typical weekday, how much traffic will the project add. It turned out as the same every day of the week as that of other businesses. In this case, the most traffic is generated on Wednesday afternoon. There is room for discretion.
Commissioners	Discuss the EIR numbers, when the congregation activities will take place, whether new permits would be needed for increased activity. Request clarification of the differences between 14 and 37 trips.
Robert Wood	States the 37 trips peak-hour trips must be looked at to determine if it is appropriate for the fee program. 2 categories are considered, weekday, and weekend and weekend peak hours. Describes assumptions about traffic patterns.
Richard Marshall, Public Works	States a standard element of traffic safety planning, is a design hour. A small number of hours during any year are very high. Roads are not designed to always accommodate those times. It is reasonable to design this access to accommodate the 20th highest. Recommends not discounting for that factor, but it is reasonable to adjust based on one day per week.
Commissioner Roos	Requests a number.
Richard Marshall, Public Works	States he is comfortable with 14.
Steve McMasters, staff	States CEQA does not differentiate by who requests a condition, but does require monitoring. Refers to Condition 49. Recommends retaining present wording.
John Nall, staff	States his strong recommendation to leave this condition in.
Commissioner Roos	Requests clarification of whether mitigation monitoring for this project will be different from others, with staff responding.
Steve McMasters, staff	Recommends condition 61 be changed, and notes the change.

Commissioner Liberto-Blanck	Requests clarification of
Ben Parker, CDF/County Fire	That area is served by our equipment that comes from headquarters, about 5 minutes travel time from site.
Steve McMasters, staff	States staff did not find first responder question a significant impact. Urges cooperation between the parties.
Tim McNulty, County Counsel	States reducing the required number is preferable.
Carol Florence, Agent	Requests the condition say "prior to occupancy."
Tim McNulty, County Counsel	States the position of building inspectors will be different depending on when the agreement must be executed.
Commissioners	Discuss open space and requirements of the condition.
Richard Marshall, Public Works	Suggests restricting the use of the facility on weekday/weekend peak hours.
Carol Florence, Agent	States as long as the language about shade trees gives flexibility needed. Requests monitoring be specific as to responsibilities of each agency. Additional costs of a monitor need to be minimized.
John Nall, staff	States that will be spelled out in the monitoring program. That has worked in the past.
Motion	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Roos, and carried, in the absence of Commissioner Nielsen, to certify the Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, and RESOLUTION NO. 2004-081 granting a Conditional Use Permit to CONGREGATION BETH DAVID for the above referenced item, based on the Findings in Exhibit B, the CEQA Findings in Exhibit C, and subject to the Conditions in Exhibit D, with revisions to the following conditions: 1(c); 3(a); 4(a); 5; 9; 16; 29; 61, adopted.
#3. SUMMIT STATION County File No. G980008N	This being the time set for hearing to consider proposal by the County of San Luis Obispo for a Land Use Ordinance Amendment to delete two of the Summit Station planning area standards (South County) which currently apply to approximately 930 acres. The first proposed deletion would allow further subdivisions within Summit Station, which would allow for about 46 additional parcels. The second proposed deletion would remove the secondary residence limitation standard, which would allow up to 184 additional secondary residences in the Residential Rural Land Use Category. The property is located in the county bounded by Highway 101 to the east, Nipomo bluff edge and Los Berros village to the north, Pomeroy Road to the west, and south of Summit Station Road to the south, north of the community of Nipomo. APN: Multiple, South County (Inland) Planning Area. Also to be considered at the hearing will be the certification of the Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. The EIR identifies significant impacts in the following areas: Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Noise; Public Services/Utilities; Recreation; Transportation/Circulation; Wastewater, Water; and Land Use. County File Number: G980008N/ED98-397 Date application accepted: May 14, 2002, Supervisorial District # 4.
John McKenzie, staff	Gives the staff report. Request is to change a land use ordinance regarding the number of residences allowed. Describes the location, in the Residential Rural Land Use

	Category. Adjacent to the north and southeast is Agriculture. Gives a short history. Describes the EIR. States impacts noted in EIR, and the mitigation measures, which are recommended to be added as standards. States there will be no net increase in density. Displays photographs. Recommends certification of EIR, approval of CEQA Findings, approval of deletion of two area standards.
Commissioner Roos	States he has letters from February from the Nipomo Community Services District (NCSD), and requests input from that agency.
Michael Winn, President, NCSD	States this has been discussed at great length, most recently at yesterday's board meeting. Input has been received from the community. They would like to remove the two restrictions on Summit Station. This is timely. However, there should not be false expectations as a result of this. If everything possible were built, it would be twice what is proposed in the current ordinance. These applicants will have to get in line with other applicants, within the growth rate. There would not be a set aside for Summit Station, and they would not receive an intent to serve letter until supplemental water is available. No water will be drafted from the Mesa. The new well has not yet been tried. Planning standards will have to be met. A number of local issues will have to be satisfied before an intent to serve letter can be provided. Requests staff be directed to follow through on meetings for review, should the Commission approve this request today.
Commissioner Liberto-Blanck	Requests further information from Mr. Winn, regarding what could be done if community water was not supplied.
Michael Winn, NCSD	States people have been trucking in water for years, so drilling one's own well is not prohibited, but probably would not be satisfactory.
Commissioner Roos	Requests clarification, with Mr. Winn responding. Further, requests information about whether a Minor Use Permit requirement in Nipomo might work, with Mr. Winn responding. Further, requests how service to secondary dwellings is different, with Mr. Winn responding. States the procedure in Templeton, and requests whether it would work in Nipomo, with Mr. Wynn responding he sees no advantage.
John Nall, staff	States before a building permit for a secondary residence is approved, a will-serve letter would be required.
Commissioner Liberto-Blanck	Requests staff respond to why this is approvable without a general plan amendment, with staff responding.
John McKenzie, staff	States the property is zoned Residential Rural. There is community support, and a growth rate has been established.
Commissioner Roos	Requests information regarding statements in the EIR.
Robert Lewin, CDF	States CDF's position has always been to have a water system present that meets the fire code. CDF agreed that the Summit Station area could be 500 gallons per minute. That area was on a tank system, where each home has a tank based on the size of the home, as is allowed elsewhere. CDF position is that if you are on a community water system, you are on a community water system, which would be 1000 gpm at 20 psi for two hours. Explains the reasoning. This is for single family dwellings areas. Commercial areas, or large buildings, require more. Describes a hypothetical emergency situation that would be complicated by different water service to different structures within a certain area.
Doug Jones, NCSD staff	States the Summit Station requested service from NCSD because financing was available. The system was designed for 1000 gpm, but the people said it was too much money. CDF then went before the Board of Supervisors to reduce the gpm, and the assessment district was approved. At the time it was felt that fewer gpm was better than

	an assortment of tanks and wells.
PUBLIC TESTIMONY	
Marina W. Herrera	States her family wanted a granny home for their son. Feels her son fought for freedom, and they should have the freedom to build a second dwelling on 12 acres. States no explanation regarding 1000 gpm or 500 gpm was given at the time. They simply signed up and found out the amount to pay. Requests they be allowed to divide.
Greg Heck, Summit Station	States he has concerns about water. Gives suggestions about how additional space can be provided without adding a second dwelling. States he does not want another house near his. Traffic will increase. States it will be too expensive to pay for the new water upgrades. Lists all the problems he sees. States he is against this because it is ruining his life.
Paul Ames	Recalls the approval of Summit Station in the past. States he has no interest in developing his own property. Reads from a letter, stating he concurs with contents. Contents include a statement that homeowners in 1993 were not told of the restrictions that would be placed on their properties. Urges approval of the right to develop to the same extent as other Residential Rural property in the county.
Sammie Close	States her family wishes to divide their land.
Menna Ames	Reads a letter from Alice Ricker. Children wish to remain in the area and build a home, but cannot do so without subdivision. States they should have the same rights as others.
Don Hilliard	States his support for the amendment to go for standard Residential Rural zoning. States his daughter and son have parcels next to his, which were subdivided prior to annexation. States they have no plans to subdivide or build, but feel the area should have the same rights as elsewhere in the county.
John Lewolt	States they purchased in 1992, and thought they could build a secondary structure. However, they couldn't. At the time, they objected to the restrictions. States he and his wife will require onsite caretaker help soon. The restriction to not allow secondary units is unfair, and should be relaxed as soon as possible.
Jessica Guttshall	States no valid reasons have been put forth this morning to not allow this amendment. States many residents are on private wells. A survey could be done to find how many homes actually use community water.
Roger Killackey	Requests the ability to build a secondary home be restored. States some may have willingly given up their right out of fear, because they thought there would be no water if they didn't go along with it. Summit Station residents will then be on equal footing with the rest of the community.
Tim Murphy	States he is in favor of lifting the restrictions on secondary dwellings, and he would like to build one so mother-in-law can live there. Two sons who now attend college grew up in the Summit Station area. States he would like to split the property and give each son a piece. A secondary unit is the most affordable housing around.
Dan LaCouague	States they bought their home prior to restrictions. States they wish simply to be treated the same as other Residential Rural property in the county.
Vicki LaCouague	States her son is involved with the Arroyo Grande Police Department, and they wish to help him with his own home so he can stay in the area.
Diane Brandt	States she owns a 20-acre parcel she wishes to split into 5 parcels with a primary residence on each. Refers to her children, who will need homes and will not be able to afford one without help. Refers to rights others in Residential Rural category have that

	they do not have at Summit Station. States they have a well and a granny unit, both of which are hooked up to NCSD. States everyone should be treated the same.
Sal Leon	States he owns a small parcel, and these restrictions do not impact him personally. However, he believes in personal property rights and supports this proposal.
David Lopez	States he is in favor of the changes. States they own 2 parcels with adequate private well water. Describes the wells. States they are also on NCSD water service. Within 1000 feet, some parcels are allowed to subdivide further. They simply wish equal protection and rights. They wish to build for elderly in-laws and for their daughter. These homes increase affordable housing in the area. States they are in favor of lifting the restrictions.
Sylvia Blakey	States she supports this amendment. Gives background regarding her family's property ownership. Wants to be able to split the property down to 5 acre parcels and recoup some of the investment.
Kathy Beck	Lives in Summit Station, has her own well. Has City water, but rarely uses it. States she wants a granny unit for her mother and father. Describes why they need care and current arrangements. States a granny unit for them may prevent the need for a rest home in the future.
Clay Beck	States his feeling it is unfair that someone half a mile away has no restrictions. The issues revolve around water, and their well is fine, so the restrictions should be lifted.
Annette Johnson	States she is the Beck mother-in-law and that her husband is not well. Describes his medical problems and that they wish to live near their kids so the kids can take care of them.
Michael Job	States he represents about 85 residents on the Mesa who have signed a petition backing restoration of Residential Rural zoning. Gives some background of the vote of the Board of Supervisors when these restrictions were added to the project in the early '90's. States restoration of the Residential Rural zoning is not a growth issue on the Mesa. States the NCSD has approved 71 will-serve letters, and he wants to be one who receives water. States presently they haven't even the right to stand in line. Refers to the potential for 180 granny units, stating 60 to 70% are already there, illegally, so actual usage won't change as much as it appears it could. States preference to keep 500 gpm, stating the area is rural.
Michael Winn, NCSD	States NCSD will comply with CDF standards.
Ed Eby	States a Level 3 water severity was approved at a previous Planning Commission hearing, and today an increase in water use is being proposed and considered for approval.
John Seitz, District Legal Counsel to NCSD	Refers to two documents passed out to Commissioners. Refers to his handout. States, regarding the determination that the Santa Maria Basin is not in overdraught, that decision is now before the Supreme Court. Refers to the MOA between NCSD and County, regarding water and supply and legal entitlements in the area. States his objections, and that communication must take place between the County and the NCSD. Board yesterday concurred with lifting restrictions because they enacted an ordinance that total demand between the primary plus the secondary will be no more than a stated amount. Because of a reduction of consumption on secondary units there will be no increase, which is consistent with severity Level 3. The NCSD will not allow service to new subdivisions without supplemental water. Reference must be made to this, or problems will be created.

Commissioner Liberto-Blanck	Requests clarification of why Mr. Seitz feels the County is passing off responsibility for water issues to the NCSD, with Mr. Seitz responding. Confirms Mr. Seitz feels there is conflict between today's recommendation and the decision made September 23, 2004.
Commissioner Roos	Requests clarification of whether the measures proposed to determine whether to allow secondary permits are adequate, with Mr. Seitz responding.
John Seitz	A program needs to be worked out where individuals would have to get a will-serve letter before being allowed to build a secondary dwelling. States it is incumbent on both staff where someone comes in for a secondary unit, the county should require a will serve letter from the NCSD. States the County has been cooperative and staff have met together under the MOA.
Bob Blair, Director, NCSD	States he is personally in favor of being able to build a secondary residence. States today's hearing is about restoring property rights that were taken away eleven years ago. Gives short history of Summit Station. States those who have a well, and have community service they do not use, should not be denied the possibility of building a secondary unit and using that unused water. All that is being requested today, is for property rights to be restored that were improperly removed in the past.
Commissioner Roos	Requests information about a Minor Use Permit being required for a secondary dwelling. Wishes speaker's opinion as to whether the procedures in place are adequate.
Bob Blair	States the County should not require an applicant to apply for a will-serve letter if he has a hookup already that he can use without asking.
Doug Jones	Gives procedure if someone now wants a secondary dwelling, and water is available on site already.
Commissioners	Discuss the situation where someone has their own well and does not wish to go to the CSD for water, with staff responding.
Mike Winn, NCSD	States the requirements were not written such that there is no presumption of primary water rights. Water supply in the area is very spotty. States his concern about a granny unit on a home well that has a certain gpm, after it is built and used, the gpm could change.
Commissioners	Further discuss the problems for an on-site well.
John Nall, staff	Any new structure would require a will-serve letter. New subdivisions would be dealt with differently. Staff recommends against requiring a discretionary permit for a secondary residence. Gives some reasons.
Commissioners	Further discuss how to address concerns.
Commissioner Liberto-Blanck	Requests information from John Hand, staff, regarding whether there is inconsistency between this report and September 23, 2004 decisions made by the Planning Commission.
John Hand, staff	States it appears there is an inconsistency. Reviews decision made on September 23, 2004. States this project is coming through the process before enactment of these other measures. Had it come up after enactment, the problem would be different.

Commissioner Cooper	A motion by Commissioner Cooper, seconded by Chairman Mehlschau, is discussed.
MOTION	Thereafter, motion maker and second amend their motion, and on motion by Commissioner Cooper, seconded by Chairman Mehlschau, and carried, in the absence of Commissioner Nielsen, and with Commissioner Liberto-Blanck voting no, to recommend to the Board of Supervisors to certify the Environmental Impact Report, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000, et seq., and to approve the Land Use Ordinance Amendment G980008N, based on the Findings listed in Exhibit A, the proposed Planning Area Standards listed in Exhibit B, and based on CEQA Findings in Exhibit D, including adoption of the Statement of Overriding Considerations.
4. LIFESTEPS County File No. DRC2003-00072	This being the time set for hearing to consider proposal by LIFESTEPS FOUNDATION for a Conditional Use Permit to allow addition of an 1,813 square foot modular home to an existing group home. The modular home will provide 10 additional beds, in the Residential Rural Land Use Category. The property is located in the county on the south side of Pomeroy Road, approximately 800 feet east of the Hidden Ranch Way, approximately ½ mile north of the Black Lake Canyon Village, APN: 091-121-035, in the South County (Inland) Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Public Services / Utilities; Wastewater; and Water. County File Number: DRC2003-00072. Date application accepted: August 12, 2004. Supervisorial District #4.
Brian Pedrotti, staff	Gives the staff report. Describes location of project. The property is located within Summit Station. The NCAC supports the project with limitations. Staff has included additional conditions requiring a Conditional Use Permit if the property use were intensified in the future. A group home is defined as a special use, and is neither a single family nor secondary dwelling. Staff supports the project and recommends adoption of the Negative Declaration and approval of the project.
Commissioner Roos	Requests clarification of land use category, with staff responding it is Residential Rural. Requests clarification of statement on page 3-35, with staff responding.
Chuck Stevenson, staff	If this use ever goes away, the resulting use should be in compliance with the standards at that time.
Dee Crow, Program Manager, Lifesteps	States there is minimal environmental impact. Water is conserved every way possible. They bring in water currently, limit showers and laundry that can be done on site. The secondary residence is a Montesori School. The women have multiple problems and their children have multiple problems. During their 9-month stay, all is treated, among the adults and children, all done on site. When treatment is over, housing and jobs are required for these people. This new facility will give more time so that location services can be offered. This is anticipated for the near future. There will be no additional traffic, as inmates are vanned around, and will be in the future. Describes experiences and expectations. States they will comply with all conditions.
Commissioner Liberto-Blanck	Requests information about how women arrive to the program, with applicant responding.
PUBLIC TESTIMONY	No one coming forward.
Motion	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and carried, in the absence of Commissioner Nielsen, to adopt the Negative Declaration, in accordance with the applicable provisions of the California Environmental Quality Act,

	Public Resources Code Section 21000, et seq., and RESOLUTION NO. 2004-083, granting a Conditional Use Permit to LIFESTEPS FOUNDATION for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, adopted.
5. NELSON, County File No. D000359D	This being the time set for hearing to consider proposal by JEFF NELSON / OAK CREEK RANCH for a Conditional Use Permit to allow establishment of a visitor serving resort facility consisting of: Phase I: conversion of an existing 10-bedroom single family residence to a visitor serving building, use of an existing single family residence/poolhouse adjacent to the pool as a caretakers unit, use of the pool and portions of the poolhouse by visitors and use of an existing barn for visitor serving purposes; Phase II: construction of a spa building, log cabin bar building, two 10-bedroom buildings and one observatory building, all for use by visitors; construction of a 4-bedroom residence for employees and construction of one maintenance building; Phase III: improvement of internal access roads, construction of one 11-bedroom, two 10-bedroom, and one 2-bedroom visitor serving buildings. The request also includes 20 special events per year with up to 175 persons per event. The project will result in approximately 72,243 square feet of site disturbance, in the Rural Lands / Agriculture Land Use Categories. The property is located in the county on the north side of Parkhill Road, approximately one mile north of Pozo Road, approximately 3.3 miles north of Pozo, at 760 Parkhill Road, APN's: 071-061-002, 071-191-004, and 071-051-017, in the Las Pilitas / Los Padres Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Biological Resources; Geology & Soils; Public Services / Utilities; Wastewater; and Water. County File Number: D000359D. Date application accepted: September 10, 2002. Supervisorial District #5.
John Busselle, staff	Gives the staff report. Displays maps and photographs. Describes traffic and history. Explains the barn interior, which appears finished in the displayed photograph. States there are no current standards that prevent barns from being finished inside. Describes vacation rental license, stating the applicant has been operating this way for a couple years. Inland there are no standards, and the whole area can be rented for vacation rental. Describes the three phases of the project. Total bedrooms will be 63, and 20 special events per years are requested. Describes the Advisory Group support, which was split. Summarizes staff recommendation. The recommendation is to cut the request for 63 units back to 20, and have only two phases, and 5 events per year with up to 125 persons. That is a cutback from original request. The use is allowed in the zone. Gives some condition changes. Covers issues, stating between 50 and 60 letters have been received, in favor and in opposition. Issues are traffic, density, noise, fire hazard, and events. Recommends approval.
Jeff Nelson, Applicant	Describes past history of the property. Displays relief map. States the location is isolated from public view. The pool is about 1200 or 1500 feet from the property line. The property has been rented for recreation to groups. They have concluded the property is best for a nature retreat place. Describes the business in the recent past. Displays a Powerpoint, and reads some letters of appreciation. States a dude ranch maximum density is 64, and that is the figure they used. States neighbors are interested, and states he will make seven points. Makes those points.
Dottie Nelson, Applicant	States that regarding a petition submitted with 200 signatures, states 40 signatures are in the same handwriting, where someone signed for themselves and one or two others. Some are children. Some are from Paso Robles. Information since the signing has caused some people to express they wished to have their names removed. SMAC voted 7 in favor 8 in opposition, to this project. States they have permits for everything on the

	property. States the barn is approved as an accessory structure. States they have a business license and pay TOT taxes.
Utta Burkmeyer, Pismo Beach	States 20 years experience in hospitality industry. States her company helps developers plan their projects. She states the Nelsons understand the hospitality business. States the Nelsons wish to provide nature and creature comforts in this project. Recommends a maximum of 120 people.
Twila Richards	States she has lived in Pozo many years, and discusses the petitions. Submits petitions into the record.
Elizabeth Bailey	Parkhill Road resident. Displays a map with Nelson property marked, and neighboring properties marked. States she gathered signatures. States a motel in their back yard is unreasonable and insulting. Characterizes the project as a "Motel 6." States she is against this project.
Patrick Fayley	States he has been a carpenter in San Luis Obispo County for 15 years. States the ag barn is not a barn, because it has bathrooms, a kitchen, and chandeliers. States there is a wetbar. All this was done without permits, until applicants were caught. Serious health and safety issues remain to be resolved. States CDF has not signed off. Wonders where Code Enforcement is. Urges denial.
Eric Dalton	States his concern about the size of the project and traffic that will result. Describes Pozo Road east of Rinconada, stating it is full of pot holes, is very narrow and very winding. Head-on collisions will be more likely. Describes the road, and speculates about tour buses. States there is no infrastructure, no emergency or other services. States this brings a transient population into the community, and they do not want to be a tourist destination.
Mark Clever	States the Pozo Valley is primarily agricultural. This kind of project is inappropriate in such an area. States the project will not be good for neighbors or the area. States it is not consistent with ag uses. Opposition to this project is overwhelming. The character of the neighborhood will be permanently affected. States the property is not within 15 minutes response time from any station.
Frances Baker	States her concern regarding water consumption and contaminated water being returned to the ground. States consumption is "astronomical." States 5000 gallons of water would be required to wash only the towels, and figures have not been collected about washing sheets, filling the swimming pool, and other uses. States the area plan identifies the area as having a problem with water. There could be a problem with waste water affecting the ground water.
Emily Coombs	States she is opposed to the Nelson project. States notification of events does not solve the problem of noise infringing on neighbors. The project is in a remote location. Code Enforcement has not been helpful. States the permits run with the land, and the bar is potentially a problem. States oversight is a problem.
Susan Knott	There is very low water, and many neighbors have been trucking in water for years. Many families will be required to truck in water when they haven't yet. The traffic will be increased, and the road is not sufficient to handle the traffic. Wastewater is septic system, and the leach field for a project this size could contaminate the groundwater. There are no gas lines, and propane would have to be used. That is an increased fire danger. CDF is far away, more than 15 minutes. There are rattlesnakes in the area. Ambulance is far, with the nearest being San Luis Obispo. Urges the Commission vote no.
Robert Turnbull	States he is opposed to the project because it is a major business in a rural area. The road is insufficient. Traffic and accidents will increase. States his well is 12 gpm, and

	that is one of the best in the area. If that becomes contaminated, it will be costly. Reiterates his opposition to the project.
Amelia Alvarez Harris	States the Commission should not open a Pandora's Box by approving this project. As far as the Nelson barn, states that the permit application was finalized 2-4-04 for water service to the barn. The barn has a finished interior with a balcony with a bandstand. It is not a barn. States there is no evidence this project will meet ADA requirements, Neither the buildings nor the grounds.
Rhonda Rodenberger	Owner of Pozo Saloon. Describes the community and surrounding area. States the Nelson project will change agriculture activity, conflicts with the general plan, and is not compatible with the area. States her home shares a fence line with the Nelsons, and it has been in dispute for years, and there is a lot line dispute as well. States Mr. Nelson has a pond that he has achieved by damming the creek, and now they do not have water. Requests the Planning Commission uphold the land use regulations and deny this project.
John Busselle	States Fish & Game looked at it without issue.
Responds	States they were told to seek assistance from Army Corps of Engineers, who have not made a decision.
Charlie Whitney, SMAC	Phase I was approved, Phase II was not, by the SMAC. Speaks to other agency input, stating any recommendations they make should be included as conditions. Speaking personally, states oversight is a problem. Monitoring on such a project is difficult. People in the area are being used as part of an experiment by a man who has circumvented every code he can, and they do not wish to be part of this process. States Commission should follow advisory council's advice.
Desiree Newman	The applicant is a developer. There is an enforcement case for a project begun without a permit. Roads do not meet county requirements. States the barn was completed under an ag exemption, reading from the code that it is not for use by humans. It is not properly permitted. The access driveway does not meet design or other standards. This developer must be held to the same standards as others. That the project will be year round and no longer summer only will be a major change with major impacts.
Ron Crawford	States the recommendation of approval of the conditional use permit includes that it is not detrimental to the health, safety and welfare of the neighborhood. States there are such concerns. Refers to ambiguous references to alcohol consumption. Neighbors questioned this and staff has stated sale of alcohol may require a license. There is no indication what type alcohol is proposed. States it appears hard liquor could be served at the special events. States there is nothing to prevent the applicant from giving away alcohol of all varieties at these events. States blind corners are very close to the driveway. Urges denial.
Eric Greening	States staff report includes a series of questions from the public that have not been addressed. Unanswered questions constitute evidence there may be significant impact. A Negative Declaration is not sufficient. The special events numbers are additive to the number already staying in the rooms, so that if people attending a special event are impaired they cannot rent a room there. This creates a dangerous situation. Urges postponing decision, or denial of the project.
Terry Stinson	Supports the project, stating he has visited for many years. States the landscape and neighborhood are not degraded by this project. Native plantings are good. States he is in landscaping business. The intent of the development is not a motel. This development represents a unique opportunity to view nature. States the property does not have paths going to a ravine to be wheel chair accessible, but states he has been there many times, and has had no problem, despite being confined to a wheelchair. States the county will

	not allow the applicants to avoid complying with conditions.
Tom Bundy	States he is in favor of the project and disagrees strongly with all the arguments put forward today.
Otto Schmidt	Area resident for 25 years. States the Commission must resolve numerous problems and precedents that this project introduces to the agricultural community. Access and egress will be a problem because of narrow road and blind corners. Fire and emergency response will be impacted. Neighborhood is very fire prone. Describes a past fire that destroyed his property. Neighbors have signed personal fire pledges. Urges denial of this project, density expansion, and urges maintenance of the public trust.
Stacey Phillips	States her opposition to the project. Refers to past history when there was more commerce in the area. It is agricultural area. States she was surprised at the buildings on this property that were described as existing, because they have been fairly recently added. States this is an extensive project with high density. This project will not be good for the community.
Chairman Mehlschau	Requests input regarding continuance if necessary.
Tim McNulty, County Counsel	States if there is no quorum, the meeting must be adjourned to another meeting.
Jeff Nelson, Applicant	States in sixteen years, they have had very little problem. Users have stated this is a great experience. As far as fire safety, they have an 80,000 gallon pool and have been used as a staging area for fire. A number of issues, such as water, safety and traffic, studies have been done by experts. States shuttle busses are available for those attending special events who cannot stay. States the experts say this is a good project and impacts can be mitigated.
Commissioner Roos	Questions illegal building that may have been done, with staff responding.
Commissioner Roos	Requests sight distance from access/egress, with Richard Marshall, Public Works responding.
Commissioner Roos	Regarding water returning to the aquifer, requests summarization by staff, with staff responding.
John Busselle, staff	States the site is on septic system, so all wastewater goes back into the ground. There is a requirement for adequate groundwater separation, and applicant will be required to sign a document to that effect.
Steve McMasters, staff	States wastewater does eventually return to the aquifer, but the assumption with every wastewater system installed is that if you meet the standards, the water will be clean by the time it hits the groundwater.
Commissioner Roos	Requests information about damming up of the creek, with staff responding that Fish & Game determined it not to be an issue, and they did not mention a referral to Army Corps. Complainant would pursue that complaint through that agency.
Commissioner Roos	Requests Robert Lewin comment on fire safety.
Robert Lewin, CDF/County Fire	The fire season is now. States the October 13 letter includes sprinklering of all buildings, fire resistent construction, emergency plans, signage, and some other things. Refers to a dude ranch that was similarly mitigated.
Jhon Busselle, staff	States 30 days should be included in Conditions 10 and 11, and 5 days deleted, to make the conditions consistent with the CDF letter dated October 13, 2004.
Commissioner Roos	States the net project is the addition of 10 bedrooms, with staff confirming.

Commissioner Liberto-Blanck	States she cannot support this project. There are concerns that must be addressed. At a minimum, an EIR should have been done. This changes the character of the neighborhood.
Commissioner Cooper	States he cannot support 63 units, but can support staff recommendation for an additional 10 units.
Motion	Thereafter, on motion by Commissioner Cooper, seconded by Commissioner Mehlschau, to adopt the Negative Declaration and approved the Conditions Use Permit fails on a vote of 2 to 2, with Commissioner Nielsen absent.
Motion	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Cooper, and carried, in the absence of Commissioner Nielsen, to continue this item to November 30, 2004.
Motion	Thereafter, on motion by Commissioner Liberto-Blanck, seconded by Commissioner Roos, and carried, in the absence of Commissioner Nielsen, to accept into the record all documents submitted today.
Adjourned	

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission