8-1

MINUTES

Bob Roos **Doreen Liberto-Blanck** **Eugene Mehlschau** **Sarah Christie**

San Luis Obispo County Planning Commission

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.

MEETING DATE: THURSDAY, FEBRUARY 10, 2005

DRAFT *** DRAFT ***** Wording could change upon approval ***** DRAFT ***** DRAFT**

PRESENT: Commissioners Bob Roos, Sarah Christie, Gene Mehlschau, Chairperson Doreen Liberto-Blanck

ABSENT: None

STAFF: Warren Hoag, Current Planning
John Euphrat, Long Range Planning
Matt Janssen, Current Planning
Ryan Hostetter, Current Planning

OTHERS: Jim Orton, County Counsel

The meeting is called to order by Chairperson Liberto-Blanck.

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 February 10, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Call to Order	
Roll Call	All present, except District 3 from which no Commissioner has yet been appointed.
Public Comment	Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening	Speaks to Transfer of Development Credits. Requests confirmation regarding TDC Receiver sites in Ag zones. States the community advisory committees were to be given a range of options from which to choose, one of which was to not allow. Would like to know manner of presentation. States his preference regarding procedures to be followed.
Planning Staff Updates	
Warren Hoag, staff	States matrix was received from Chairperson regarding future study session topics. This will be agendized for February 24, 2005 for up to 60 minutes. The date for the Community Advisory Committee Workshop will take place May 14, 2005. It is geared to community advisory committee members, but others are welcome to attend.
John Euphrat, staff	Responds to public comment, stating Santa Margarita Advisory Council requested options and inclusion of impacts of TDC's. Provides further information.
Warren Hoag, staff	States the Board of Supervisors directed development of additional criteria for Agricultural Receiver sites, and stated the specifics they were most interested in. This will be discussed with advisory groups. Gives details regarding expected steps that will take place.
Commissioners and staff	Discuss how clarity will be provided to the advisory groups, emails from the public on this topic, and an update on TDC's is requested.
Eric Greening	States background study session should be done when District 3 seat has been filled, not before.
CONSENT AGENDA	
Chairperson Liberto-Blanck	Pulls Consent Agenda items a. and c.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, to approve Consent Item b. is discussed. Thereafter, motion maker and second do not amend their motion, and on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and carried, in the absence of a Commissioner from District 3, to approve Consent Agenda Item b., as follows: b. **TRACT 2466 (S010199T)** Request from **George Newman/ Land Development Company** for a **1st time extension** for vesting tentative tract map 2466, a request for subdivision of two existing parcels of 40.0 acres each into 16 parcels of approximately 5.0 acres each. The project is located in the Residential Rural land use category, at 1215, 1239, and 1121 Mesa Road in Nipomo. APN: 091-261-023, 091-281-072, 091-272-005 through 008. The project site is within the South County Planning Area. Supervisorial District 4.

Consent Agenda Item a.	
Jeff Ferber, RRM Design Group	States he put a speaker slip in to assure availability of dialog, if necessary.
Don Talley	Applicant, states he wishes to preserve his right to speak.
MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Christie, and carried, in the absence of a representative from District 3, to approve Consent Agenda Item a. as follows: a. **TRACT 2408 (S990344U)** Request from **Terry Payne/ RRM Design Group/ Biddle Ranch Company** for a **1st time extension** for vesting tentative tract map 2408, a request to subdivide an existing 4,719 acre site into 87 clustered residential lots in two clusters ranging in size from 1.1 to 2.5 acres each, a 1,560 sq. ft. private clubhouse and a parking area, private equestrian facility including trailer parking, paddocks and arena, entry features including gate, roads, pedestrian/equestrian trail, two water storage tanks and water distribution lines and an open space easement restricting development on 95% of the site and an adjustment to road improvement standards to allow for reduced right of way width. The east cluster is located on the east side of Lopez Drive, east of the Lopez Drive and Orcutt Road intersection. The west cluster is located west of Lopez Drive, approximately ½ mile south of the Lopez Drive and Orcutt Road intersection, approximately 3 miles north of the City of Arroyo Grande. Located in the San Luis Bay, Huasna and San Luis Obispo Planning Areas. The project is located in the Rural Lands and Agriculture land use category. APN: 044-181-023, 044-221-005, 011 et al. Supervisorial District 4.
Consent Agenda Item c.	c. Continued determination of conformity with the General Plan for the abandonment of a portion of Willow Drive. The project is located in the Los Osos area of the Estero Planning Area. Land Use Category: Residential Suburban. Applicants: A. Ankerstrom / L. Goranson / L. Peterman. APN's: 074-311-010, 074-311-011; and 074-312-002. **County File No. SUB2003-00329.** Supervisorial District #2.
Commissioners and staff	Discuss changes to the proposed letter made since the staff reports for this meeting were distributed.
Jim Orton, County Counsel	Gives input regarding the type of easements that can be retained, clarifying the type of easement of this project and the options available. Provides information about the Board of Supervisors authority in regard to road abandonments. States consistency with state law must be maintained.
Tim Smith, Public Works	Answers questions from Commissioners regarding this road abandonment.
Further discussion takes place	No action taken on Consent Item c. Determination of conformity with General Plan was received and filed January 27, 2005 on vote of 3 yes, 1 absent, and with no representative from District 3 having been appointed at that time.
Commissioners and staff	Discuss that the following item will be requested to be continued off calendar. The request originates from the applicant.
1. J. LOHR WINERY,	1. This being the time set for hearing to consider a proposal by **J. Lohr**

County File No. D030099D.	**Winery** for a Conditional Use Permit to allow for the approximately 110,000-square foot expansion of an existing winery and tasting room facility. The proposed expansion would consist of two new fermentation buildings (24,000 and 18,000 square feet in size), two barrel storage buildings (27,000 square feet each), a new administration building attached to one of the new fermentation buildings (4,000 square feet in size), one new blending building (7,500 square feet in size), a 578-square foot canopy, a 30-space overflow parking lot, 29 new parking spaces, removal of three acres of existing vineyards, and additional landscaping. Existing facilities include two barrel storage buildings (21,000 square feet each), one fermentation building (18,000 square feet in size), one tasting room (4,841 square feet in size), one wastewater storage tank and two treatment ponds, 42 parking spaces, signage and landscaping. The project site is located at 6169 Airport Road, approximately 0.3 mile south of Wellsona Road, northeast of the City of Paso Robles, in the Salinas River (rural) Planning Area. Land Use Category: Agriculture. APN: 026-183-048. 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 are proposed to address Aesthetics, Air Quality, Biological Resources, Geology, Public Services, Wastewater and Water. **County File No. D030099D.** Date application accepted: April 17, 2004. Supervisorial District #1.
Warren Hoag, staff	States the request is to continue this item off calendar.
Dan Chatham, Architect	Agent for applicant. States they are looking at the kit fox mitigation measures. Issues are being resolved at this time.
Public Testimony	No one coming forward.
Motion	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and carried, in the absence of a representative from District 3, to continue the above item off-calendar.
Commissioner Christie	States she must recuse herself from the next item due to possible conflict of interest. Departs.
2. Cambria Community Services District, County File Number: **DRC2004-00093**.	This being the time set for continued hearing to consider proposal by **CAMBRIA COMMUNITY SERVICES DISTRICT** for a Development Plan/Coastal Development Permit to demolish and remove two existing 103,000 gallon steel water tanks, construct two new 550,000 gallon steel water tanks, and relocate an existing electrical control panel with overhead electric service at the Pine Knolls Water Tanks site. The project will include the removal of approximately 27 oak trees and 34 pine trees in the Residential Single Family Land Use Category. The property is located in the county at the terminus of Manor Way, in the Pine Knolls neighborhood, in the community of Cambria, APN: 013-301-018 and a portion of 013-111-005, in the North Coast 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. Mitigations measures identified for; Biological Resources. County File Number: **DRC2004-00093**. Date application accepted: December 2, 2004. Supervisorial District # 2.
Matt Janssen, staff	States today's staff report together with the supplemental information distributed to Commissioners addresses the issues from last meeting. Staff has worked with

	California Coastal Commission for several months.
Ryan Hostetter, staff	Gives the staff report. Alternative 4 is different from last time in that a smaller amount of the ESHA is on developed property. Gives conditions changes. Recommends approval of Alternative #4.
Commissioners and staff	Discuss other condition changes that must be adopted. Commissioners request short history of project, with staff responding. Further discussion takes place regarding sensitive resource area and required findings and tree mitigations.
Public Testimony	
Tammy Ruddock, General Manager, CCSD	States CCSD complied with requests from last meeting concerning conservation easement, and attorney is present today. Discusses California Coastal Commission requirements, and CEQA process requirements. Addresses possibility of acquiring adjacent properties, stating they are not considering that option, because it is economically infeasible and residents have lived there decades.
Commissioners	Request clarification from Ms. Ruddock of a memorandum appearing in the staff report, with Ms. Ruddock responding
Bob Gressens, District Engineer, CCSD	Discusses the recapitulation submitted this morning. Provides background of project, CEQA process, discusses design revision #4, and states approval is requested.
Commissioners	Request clarification of whether future expansion and needs were considered. Further, request estimate of how long this tank will remain in use. Current need is highlighted. Public safety is at issue. Discussion of possibility of tank overflow is requested, with Mr. Gressens responding. Further clarification of why this particular site is the most appropriate, with Mr. Gressens responding.
Bob Putney, Cambria Fire Chief	Gives the fire department's mission, and states this water tank is crucial to public safety in a very wide area. Discusses fires of the past and their effects, as well as fire effects generally. Adequate water, emergency response plan, and prevention plan are necessary. States Pine Knolls is the hub of a project that has long been needed. Describes water tank system. States presently the Pine Knolls tank is insufficient in many ways, and describes some. Describes possibility of failure of the old tanks. States the size is now as small as possible, and further reduction would compromise the project.
Joan Cobin, CCSD Board of Directors member	Requests the Commission to support this project. Requests the project be considered in all aspects, as well as the effects of not doing this project. States the Board is concerned about public safety.
Eric Greening	States a larger tank on that knoll is needed and should be constructed soon. States the findings are specific to the ESHA and the conservation easement. States a finding that this could not be feasibly placed elsewhere shouldn't be made because they could place the tank on their own property. Requests two questions be answered, first the legal requirement for mitigating damage to an ESHA should be discussed, citing a legal opinion, and second, how the investors statewide in the public funding are compensated for damage to the ESHA. Wonders if there is not an obligation to stay completely outside the easement, due to inability to properly compensate.
Art Montandon, legal counsel for CCSD	States certain findings are required because of local ordinance. Disputes over where the ESHA line is located does not preclude discussion and agreement. States most of Cambria is within an ESHA. Gives standard followed. States CCSD property is subject to regulation. Discusses the legal case mentioned by Mr.

	Greening.
Commissioners	Request clarification of easement, its costs, and whether payment to some individuals will result, with Mr. Montandon responding.
Art Montandon, legal counsel for CCSD	Discusses possibility of building elsewhere and ramifications of doing so.
Wayne Gracie, Cambria	States his family has lived in Cambria 23 years. Requests conditions for drainage and runoff, because tanks have overflowed. A drainage plan should address more runoff from new tanks. Discusses solution in staff report, stating it is insufficient. Gives reasons. Lists questions that must be addressed. Discusses safety of tanks and their design, and what standards should be met.
Gene Valdamie	States their concern is getting fires under control. States at present, he and his neighbors must clear property that does not belong to them in order to be fire safe. States first need is fire control. States his support of this project.
Norman Fleming	States conservation land is preserved for the future, but Cambria needs fire protection now. States the whole area, including thousands of trees and people, is affected by fire, and safety should be the utmost concern.
Ron Kuminchen, Concerned Cambrians	Discusses his recollection of burned out areas he viewed when on vacation. Discusses fresh water flowing into the ocean when it could be stored. States the present water supply is inadequate and must be larger. Encourages Commission to approve this project.
Pam Heatherington, Executive Director, ECOSLO	States the Commission should not set precedent by allowing this tank in a conservation easement. States fire is a danger, but the tanks will be a danger as well. Use of conservation land should not even be discussed.
Discussion takes place	Regarding a prior project that did not come before this Commission.
Helga Kominghen	States water in Cambria is vital. Requests a speedy solution to the fire problem. States fire protection is a quality of life issue, and they are entitled to high quality. States the tank is vital, and requests approval.
Commissioner Roos	Requests discussion of the square tank design and the problems associated with it.
Bob Gressens, CCSD	Discusses the original design, square concrete. This project design was abandoned for the future. Describes problems with that design and how it would relate to this project.
Matt Janssen, staff	Provides further changes to the conditions, giving verbiage for new Condition #36.
Discussion takes place	Regarding design, planning decision regarding project design, condition 21.
Commissioners	Discuss Coastal Commission's authority, environmental protection, CCSD's mission including fire safety, vulnerability of Cambria to fire, public safety, runoff, conservation easement and exemptions.
Chairperson Liberto-Blanck	Requests a finding that this approval is because of extreme public health and safety issues.
Commissioners	Consensus.
Commissioner Roos	Requests addition of language to Finding B.5.b. and Finding E.
Matt Janssen, staff	Gives language for B.5.b.
Discussion takes place	Regarding language for new Finding I.

Motion	Thereafter, on motion by Chairperson Liberto-Blanck, seconded by Commissioner Mehlschau, and carried, in the absence of a representative from District 3, and with Commissioner Christie recused, **RESOLUTION NO. 2005-002** granting a Development Plan / Coastal Development Permit No. DRC2004-00093 to CAMBRIA COMMUNITY SERVICES DISTRICT for the above referenced item, based on the Findings in Exhibit A, amended as follows: in Finding B.2. remove ":3." in last sentence and renumber the findings as appropriate; in Finding B.5.b., change "and includes a landscape and tree replacement plan" to "includes a landscape and tree replacement plan, and the applicant has reduced the footprint to the greatest amount feasible (see Boyle feasibility study and response to the CCC letter dated 1/12/05."; in Finding E. change "This project is subject to ordinance and Building Code requirements designed to address . . . " to "This project is subject to ordinance requirements designed to address . . . " and add "According to the Boyle feasibility study the existing tanks are too small and their seismic integrity is challenged." to the end; revise Finding F by deleting "safer than the existing tanks" in the last sentence, and replacing with "safer by being constructed to more robust standards."; and add new subparagraph 8 at the end of Findings to read: "Intrusion into the conservation easement is necessary as demonstrated by the Boyle feasibility study and CCSD's response to the Coastal Commission's letter dated January 12, 2005 because the project helps to resolve critical health and safety issues within the community of Cambria."; and subject to the Conditions in Exhibit B, amended as follows: add new conditions 1.f., and 1.g., to read: "F. The replacement of approximately 200-linear ft. of buried 10-inch asbestos cement waterline and valves with 14-inch concrete coated welded steel cement-lined waterline and valves." and "G. Site excavation which will include removing approximately 5 ft of material below grade and either native soil will be re-compacted or imported materials will be placed on the site prior to preparing the foundation."; in Condition 18, change "9 days" to "90 days"; in Condition 21, change "The applicant recognizes this" to "The applicant recognizes the above mentioned measures"; in Condition 29 add "and shall include a phone number for residents to call." to the end; in Condition 35 insert "site disturbance" following "Prior to any"; and add new Condition 36 to read: "**Prior to any site disturbance**, the applicant shall prepare an engineered drainage plan to be reviewed and approved by the County Department of Public Works.", adopted.
Motion	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carried, in the absence of Commissioner Christie and a representative from District 3, to take into the record all documents submitted today.
Adjournment	

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission