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# MINUTES

## San Luis Obispo County Planning Commission

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

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**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:

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| 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, MARCH 10, 2005**

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

PRESENT: Commissioners Bob Roos, Sarah Christie, Gene Mehlschau, Penny Rappa, 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 March 10, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

| Speaker | Note |
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| Roll Call | All present, including new Commissioner Penny Rappa from District 3. Chairperson Liberto-Blanck welcomes her, introducing her to all present. |
| Flag Salute | |
| Public Comment Period | |
| Christina Aguirre | South Atascadero resident. Requests moratorium on TDC's in that area. States residents are concerned with the many problems. States TDC's receiver sites are located in the area. Santa Margarita Advisory Council met and wishes to be involved |

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| | with its own TDC plan. Wishes delay until a community plan can be written. |
| Commissioner Roos | States a study session on TDC's will take place later today. |
| Commissioner Christie | Discusses TDC's in South Atascadero, stating the program could work in that area. Gives examples and discusses further. |
| Eric Greening | States the discussion should not be limited to South Atascadero. States a moratorium should be put on all areas until the topic has been thoroughly discussed. Suggests Senate Bill 18 for tribal consultation in areas of sensitive resources should be discussed at future Commission study sessions. |
| PLANNING STAFF UPDATES | |
| Pat Beck, Assistant Director | The final speaker in the afternoon will focus on Smart Growth issues, and Dana Lilley will discuss AB 18. April 9, 2005 from 8:30 a.m. to 3:00 p.m. in the City Library Community Room is the date of the Planning Commissioner training session. |
| Warren Hoag, staff | Grace Church 9:00 a.m. to Noon will have a meeting summing up prior meetings on where growth should take place, where it should not. It will include computer modeling to portray real-life scenarios. Sponsored by the Council of Governments. Chuck Stevenson has been in attendance at the meetings. |
| Pat Beck, Assistant Director | Addresses a moratorium on South Atascadero TDC's. States that decision is not one the Commission can make. The Commission can provide advice to the Board of Supervisors. |
| Chairperson Liberto-Blanck | Requests information from staff regarding appeal of the Cambria Community Services District Pine Knolls project that was heard at a prior Planning Commission meeting. |
| Matt Janssen, staff | Confirms a local appeal was received on the CCSD Pine Knolls tank project. Explains the appeal procedure which has led to the project being appealed directly to the Coastal Commission. States the appeal period expires next Wednesday, and two appeals have been received by them so far. |
| Commissioner Roos | Requests clarification of how and why this can go directly to the Coastal Commission, with staff responding. |
| Commissioners and staff | Discuss procedures. |
| CONSENT AGENDA | |
| Chairperson Liberto-Blanck | Pulls Item a. from Consent Agenda. Discussion takes place as follows: |
| Larry Kelly, staff | Tim Carmel is the actual applicant, and represents Righetti Bros. among others. Discusses road abandonment procedures. States an easement should be reserved. |
| Commissioner Roos | States the action of the Commission is to receive and file. States the Board of Supervisors will hear the abandonment. |
| Jim Orton, County Counsel | States a conformity determination has been made by the Planning Director and no appeal has been received within the time period. |
| Commissioner Christie | Requests information about Planning procedures for Planning Director Determinations, with County Counsel responding. |
| Further discussion takes place | Among Commissioners, County Counsel, staff |
| Pat Beck, Assistant | States there is no notice to the public of Planning Director Determinations. |

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| Director | |
| Commissioner Christie | Requests a study session on conformity reports and the Commission's position and duties. |
| Further discussion takes place | Among Commissioners and staff regarding further study sessions and putting this subject on that list. |
| Tim Smith, Public Works | States this is a road right-of-way and the adjacent owners have fee title. |
| Tim Carmel, agent | States names of applicants. States the issue is narrow, and whether or not the abandonment conforms to the general plan. States this is a ministerial action. Private property access issue is not relevant to the matter before the Commission today, but will be dealt with later. States private property access issues are attempting to be dealt with prior to coming before the Board of Supervisors. Property owners are attempting to resolve all issues. Reiterates the action is ministerial. |
| John Troutner, applicant | States Mr. Carmel represents him. States this matter is supposed to be determined by the Planning Director and simply received and filed by the Commission. States this is an important step, and he wishes the issue to be taken care of before fire season. |
| Warren Sinsheimer, San Luis Obispo | Refers to letter sent on behalf of Dr. Maino and Mr. Hahn. Clarifies information from his letter and the agenda item description of the project. Requests this project not go forward until his clients' interests have been satisfied. |
| Commissioner Christie | Requests information regarding the parties who may live in the area, with Mr. Sinsheimer responding. |
| Tim Smith, Public Works | Discusses the process, stating he has had discussions with the attorneys. Gives sequence of procedures, stating the Public Works Department will give public notice of the hearing before the Board of Supervisors. |
| Commissioner Christie | Requests further information regarding this item, with Mr. Smith responding, providing history. |
| Commissioner Roos | Requests staff input regarding procedure should Planning Director make a mistake, and what Commission's role would be in that case, with Ms. Beck responding. |
| Jim Orton, County Counsel | Clarifies the legal advice previously given regarding receiving and filing in the case of requests for determinations of conformity with the general plan for road abandonments. |
| Commissioners and County Counsel | Discuss the issues brought up so far. |
| Chairperson Liberto-Blanck | States that what issues shall be discussed in the future is a topic that will be discussed this afternoon. |
| Motion | Thereafter, motion by Commissioner Christie, seconded by Commissioner Roos, to not receive and file the above referenced road abandonment fails, with Commissioners Rappa, Mehlschau, and Chairperson Liberto-Blanck voting no. |
| Motion | Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, to receive and file the above referenced road abandonment, Consent Agenda item a., carries, as follows, with Commissioners Christie and Roos voting no:<br><br>a. Determination of conformity with the General Plan for the abandonment of the last 2.3 mile Right-Of-Way of UPPER LOPEZ CANYON ROAD. The project is located in the Rural area of the Los Padres Planning Area. Land Use Categories: Rural Lands / Agriculture / Open Space. Applicants: ~~Righetti Bros.~~ Tim Carmel, APN: 070-321-006. **County File No. SUB2004-00125**. Supervisorial District #4. |

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| **1. Arciero Farms, County File No. D030030D.** | This being the time set for continued hearing to consider a proposal by **Arciero Farms** for a Conditional Use Permit to allow for the construction of a 27,380-square foot winery, 2,280-square foot banquet pavilion, 2,280-square foot administration building, 2,280-square foot conference building, 2,280-square foot tasting room, 86 parking spaces, a processed wastewater pond, one primary access road, one secondary access road including improvements to an existing creek crossing, and signage. In addition, the applicant is proposing to conduct 36 annual events; 10 events with up to 75 people, 22 events with up to 150 people and 4 events with up to 300 people. Amplified music at events (from 10 am to 5 pm) is also proposed. The project site is located immediately north of Highway 46, approximately 1,300 feet east of McMillan Canyon Road, approximately two miles northwest of the community of Shandon, in the Shandon-Carrizo (rural) Planning Area. Land Use Category: Agriculture. APN: 017-163-002. 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, Agricultural Resources, Air Quality, Biological Resources, Hazardous Materials, Population Housing, Public Services and Utilities, and Geology and Soils, Transportation/Circulation, Wastewater, Water and Land Use. **County File No. D030030D.** Supervisorial District #1. Date application accepted: June 24, 2004. |
| Kami Griffin, staff | Requests continuance off calendar. |
| Public Testimony | No one coming forward. |
| Motion | Thereafter, on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and unanimously carried, to continue the above referenced matter off calendar. |
| 2. County of San Luis Obispo / South Atascadero Secondary Dwellings | This being the time set for hearing to consider a request by **County of San Luis Obispo** to amend Section 22.30.470C, 22.104.040C and 22.104.040D of the Land Use Ordinance, Title 22 of the County Code, to allow for the establishment of secondary dwellings in the South Atascadero area where secondary dwellings are currently not allowed. The South Atascadero area is located east of Highway 101, bounded by Highway 101 to the west, Santa Barbara Road to the north, the Union Pacific Railroad to the east, and Santa Margarita Road to the south, immediately south of the City of Atascadero. The area is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Agriculture, Air Quality, Biological, Cultural, Noise, Population and Housing, Transportation/Circulation, and Water Resources and are included as proposed planning area standards. **County File No: G02002L** |
| Kami Griffin, staff | Requests continuance to 4/28/05. |
| Christina Aguirre | States she resides in South Atascadero. States opposition will grow as long as more people hear of this. Reminds all that approvals run with the land, not with the owner. |
| Eric Greening | Requests information about Santa Margarita Advisory Council request regarding cumulative impacts of TDC's as well as second units being looked at in connection with this item. Wonders whether that will be addressed on 4/28/05. |
| Kami Griffin, staff | Responds to Mr. Greening's questions. |
| John Nall, staff | States a new Negative Declaration may not be recommended for this proposal. States |

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| | that there are some issues that might lead to an EIR being done instead. |
| Commissioners and staff | Discuss reasons for the request. |
| Motion | Thereafter, on motion by Commissioner Christie, seconded by Commissioner Roos, and unanimously carried, to continue the above referenced matter to April 28, 2005. |
| 3. Leo Michaud, County File No. S030129T / Tract 2650. | This being the time set for hearing to consider a request by Leo Michaud for a vesting tentative tract map to subdivide an existing two parcels (totaling 20.7 acres) into 41 residential lots ranging in size from 6,000 to 11,673 square feet each for the sale and/or development of each proposed lot, and one non-buildable 12.7 acre open space parcel. Tract improvements include a public trail, utility easements, drainage improvements, and an extension of the existing local road sys;tem, including Bonita Place and Bonita Court. The proposed project is within the Residential Single Family Land Use Category and is located immediately east and north of Bonita Place, approximately 250 feet north of 16th Street, in the community of San Miguel, in the Salinas River 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: Aesthetics, air quality, biological resources, cultural resources, geology and soils, noise, public services, recreation, transportation and circulation, wastewater, and water. SPN: 021-051-014. County File No. S030129T / Tract 2605. Supervisorial District #1. |
| Kami Griffin, staff | Gives the staff report. Discusses issues, including geologist report, environmental impacts, Open Space, Noise mitigations, fencing along the Salinas River and a contingency and clean-up plan. Recommends approval with a change to Condition 35. Reads into record. |
| Commissioners | Request further information regarding the following: a letter received from Lime Mountain Company about drainage; map details; storm basins; the homeowners' association; possible illegal dirt bike riding in the area and the possible consequences; CC&R's. Public Works and staff respond. |
| Commissioner Christie | Asks further questions regarding trail corridor, with Jan DiLeo, County Parks, responding. |
| Jan DiLeo, County Parks | Discusses the trail, and suggests changes to Conditions, including #7g. States County Parks Department will maintain the trail. |
| Commissioners and Ms. DiLeo | Discuss maintenance, volunteer groups, assessment districts, the Parks & Recreation Element, capital costs, long term costs, open space, the form of funding for trail maintenance, and the possibility of addition of a Condition requiring an endowment. |
| Julie Eliason, staff | Is introduced by John Nall, staff, as the "kit fox expert" from the Planning Department. Responds to specific Commission questions regarding the funds collected for kit fox mitigation. Mitigation is required by CEQA. Explains when and how it applies to property where kit fox are present and where kit fox are not. |
| Commissioners, Ms. DiLeo, and staff | Further discuss Quimby fees, affordable units, colors. |
| Kami Griffin, staff | Provides a paragraph header change for paragraphs following Condition #23. |
| Richard Marshall, Public Works | Page 3-8, Condition 3, add c to #3, and reads into record. |
| Warren Hoag, staff | States several speaker slips have been received for Item #6. States staff plans to request another continuance today. States individuals may wish to phone the Planning Department to have their comments included in the staff report that will be considered |

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| | at the future hearing. Gives planner's phone number and name. |
| Dennis Moresco, agent | States all the issues, including the open space easement, the path, endowment, and design dovetail into what this project is all about. Displays a map overhead, stating this is a continuation of a project from last year. Describes this as "market rate affordable housing." States homes were sold at an "average" price. Discusses another project, Mission Heights, which includes slightly more expensive homes that still fit within the affordable housing guidelines of the County. States they would like to annex the project into the Homeowners Association that now exists, and gives reasons, including that it would lower the monthly costs for new owners. Discusses liability insurance and how they are trying to mitigate that. Discusses the design, including that many of the roads for this subdivision are already built as part of the other subdivision. States he is not interested in the endowment fund. Otherwise, the conditions are fine. |
| Commissioner Rappa | Requests agent to comment on Condition 22, and whether his request is to not include it in the Homeowners Association, with Mr. Moresco confirming. Requests confirmation that the intention is to annex the other tract, with agent stating that is correct, and confirming the county has stated they do not wish to accept the property without an endowment. |
| Commissioner Roos | Requests agent comment on the garage condition, #38, subparagraph oo. with Mr. Moresco responding. Further, requests staff comment on San Miguel design standards, and the County-wide design manual, with staff responding. Suggests agent should follow the design standards. |
| Commissioner Christie | Discusses market-rate affordable housing of this subdivision, with agent stating it is because of the location. Further requests whether agent will enter into an agreement for deed restrictions to keep the housing low cost. |
| Mr. Moresco, agent | Gives his reasons why he will not be interested in signing an agreement to keep the units affordable in the future. |
| Eric Greening | States "market-rate affordable housing due to proximity to a sewer treatment plant" is an interesting concept, and discusses same. Asks whether the plant will continue to be a "decent" neighbor, and states odors are not just a nuisance, but are a health nuisance. States the site is extremely sensitive as far as cultural resources, and asks whether it has been considered to retire the lots and place an archeological easement over them. States his concern regarding pedestrian crossing of the railroad tracks. Discusses same. Asks about the flood issue and whether raising the dam has been considered as far as the flood hazard zone, and that this should be considered a flood risk zone. |
| Dorothy Jennings, County Parks Commissioner, District 1 | States ongoing problem of money for parks and trails maintenance is an issue here. Discusses agreements made at the time of development, and what happen when those agreements are not followed through. States the Parks Division does not have sufficient operating and maintenance cost, and describes the result, which leads to animosity between homeowners and the county. |
| John Tannehill, area resident | States all of the Salinas River to Camp Roberts from the San Miguel Bridge are owned by himself and one other individual. Gives name. States he represents that person, as well. Requests that the Salinas River Bank be fenced, because the river bed is their private property. States they maintain their property so there is no possible public access, and states the county and this project should do the same. Describes new bridge and how that works. States a riverside trail is in reality an open access to the river bed, and describes various illegal activities that take place there. States there are hundreds of infractions and they call the Sheriff for the more serious ones. States if the Commission is concerned about kit fox, the public are presently destroying it by their presence in the river bed. Requests the banks of the Salinas be fenced and signage posted, including an actual entrance for the Sheriff. |

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| Commissioner Mehlschau | Requests clarification of location of the bridge relative to this project, with Mr. Tannehill responding. |
| Chairperson Liberto-Blanck | Requests clarification of Mr. Tannehill's desires, with Mr. Tannehill responding. |
| Commissioners and Mr. Tannehill | Discuss the comments made by Mr. Tannehill |
| Mr. Moresco, Agent | Responds to Mr. Tannehill's questions, stating he would be happy to fence near the sewer plant, and would be happy to fence off the river, if he is allowed to do that. |
| Commissioners and Mr. Moresco, agent | Discuss CC&R's and what can be included. |
| Kami Griffin, staff | Displays a new Condition 39g to notify prospective buyers of expected uses near their homes. |
| Jim Orton, County Counsel | Reads text regarding whether or not public access can be restricted and how. |
| Richard Marshall, Public Works | States Condition 5 satisfies the requirements of the Subdivision Map Act that Mr. Orton read. |
| MOTION | The matter is fully discussed, and thereafter, a motion by Commissioner Roos, seconded by Commissioner Mehlschau, is discussed. Thereafter, motion-maker and second do not amend their motion, and on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and carried, with Commissioner Christie voting no, 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. 2005-003,** granting a vesting tentative tract map to LEO MICHAUD for the above described project, based on the Findings in Exhibit A, as presented, and subject to the Conditions in Exhibit B, with the following changes: Add 3.c. as follows: "c. A 25 foot wide public access trail easement through the length of Lot 42 along the Salinas River shall be reviewed and approved by County Parks prior to the recordation of the final map or approval of improvement plans (whichever occurs first). The proposed trail easement shall be located and configured to avoid existing vegetation including cottonwoods and willows, and result in a minimal amount of soil disturbance."; add "and 17." to the end of Condition 4.; delete Condition 7.g.; change the heading before Condition 24 to read: "Conditions required prior to approval of tract improvement plans"; in Conditions 26 through 36, insert "plans" following "improvement" in line 1; in Condition 35, add the following to the end: including a pass-through storm drain adequately sized to handle the 50 year storm from all up-slope areas from the west property line to the Salinas River. Provide an adequate corridor (storm drain and surface flow) for 100 year run-off to prevent flooding of structures in the area."; in Condition 38.d., change "in the on the sheet" to "on the sheet."; in Condition 39.c., delete "in the on the sheet" following "restriction", and replace with "on the exhibit attached to the CC&R's"; add new Condition 39.g. as follows: "g. Notification to prospective buyers and future owners of the property that off road vehicle use, camping, target practice and other uses that are damaging to the Salinas River are prohibited on the open space parcel.", adopted. |
| 4. City Ministries/Westland, County File No. SUB2004-00104 / Tract 2671 | This being the time set for hearing to consider a request by **City Ministries of the Central Coast/Westland Engineering** for a Vesting Tentative Tract Map/Conditional Use Permit to subdivide an existing .98 acre parcel into 15 parcels ranging in size from 1,406 square feet to 1,716 square feet each for the purpose of sale and/or development. The project will allow the conversion of 15 rental units into individual units for sale. The project includes off-site road improvements to Orchard Road. The proposed project is within the Residential Multi-Family land use category and is located |

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| | on the east side of Orchard Road (at 555 Orchard Road), approximately 1,000 feet south of the Orchard Road/ Division Street intersection, in the community of Nipomo. The site is in the South County (Inland) planning area. This project relies on the previously adopted Negative Declaration. (ED01-010). **County File No: SUB2004-00104/Tract 2671**. APN: 092-157-023. Supervisorial District: 4. Date Accepted: December 7, 2004. |
| Stephanie Fuhs, staff | Gives the staff report. Displays photographs overhead. |
| Commissioner Roos | Requests information from Richard Marshall. |
| Richard Marshall, Public Works | Refers to map, and locates drainage basin as requested. |
| Commissioner Christie | Requests information as to why this applicant will not be pursuing condominiums, findings of the Negative Declaration, and how the Advisory Council's concerns will be met, with staff responding. |
| Chairperson Liberto-Blanck | Requests information regarding the vacancy rate in Nipomo. |
| Jim Orton, County Counsel | Clarifies difference between a condominium and a Planned Unit Development. |
| Terry Orton, Agent | States this project is a condominium conversion. States City Ministries had originally intended this to be an apartment complex, but could not find a buyer. Thereafter, the decision was made to build. Discusses need for housing for young professionals. Discusses possible reasons for difficulty selling the apartment project. Discusses trail. |
| Jim Orton, Counsel | Suggests adding "condomium" to the kind of units for sale in Condition 1 of Exhibits B and D. |
| Commissioners and staff Christie | Discuss deed restrictions, affordable housing, rental housing. |
| Jan DiLeo, County Parks | States Orchard Avenue has become busy, and through the Parks & Recreation Element they will look at it again. States the preference of Parks and Recreation is 4 feet in a landscape corridor, and then 4 feet planted with native grass, to provide a location for a future trail. |
| Richard Marshall, Public Works | Provides language for condition change to Exhibit B - 2(a). Provides change to Condition 1 and 16(a). |
| MOTION | A motion by Commissioner Christie, seconded by Chairperson Liberto-Blanck, is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Christie, seconded by Chairperson Liberto-Blanck, to approve the above referenced project with the requirement that all 15 units be deed restricted for low income in perpetuity is withdrawn by motion maker with agreement of second. |
| MOTION | Thereafter, motion by Commissioner Christie, seconded by Chairperson Liberto-Blanck, to continue the above matter to April 14, 2005, fails on a vote of 3 to 2. |
| MOTION | Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Roos, and carried, with Chairperson Liberto-Blanck and Commissioner Christie voting no, to consider and rely on the previous Negative Declaration and **RESOLUTION NO. 2005-004** granting Vesting Tentative Tract Map 2671 to CITY MINISTRIES OF THE CENTRAL COAST / WESTLAND ENGINEERING for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, revised as follows: in Condition 1, change "15 parcels" to "15 units" and insert "condominium" in the last sentence following "individual."; in Condition 2.a., change "Road" to "Avenue", and insert the following at the end: "including minimum 4-foot trail to A-1(x) standard |

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| | which can be included in the 8-foot parkway."; and in Condition 16.a., change "lot(s)" to "unit(s)"; and **RESOLUTION NO. 2005-005** granting a Conditional Use Permit to CITY MINISTRIES OF THE CENTRAL COAST / WESTLAND ENGINEERING for the above referenced item, based on the Findings in Exhibit C and subject to the Conditions in Exhibit D, revised as follows: in Condition 1.a., insert "condominium" following "individual", adopted. |
| 5. Schaefer, SUB2003-00327 / TRACT 2523 | This being the time set for hearing to consider a request by **William Schaefer** for a Vesting Tentative Tract Map to subdivide an existing 2.5 acre parcel into seven parcels ranging in size from 10,021 square feet to 35,031 square feet each for the purpose of sale and/or development. The project includes off-site road improvements to South Tejas Place and Cyclone Street. The proposed project is within the Residential Single Family land use category and is located on the west side of Cyclone Street (at 230 Cyclone Street), in the community of Nipomo. The site is in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in compliance with the California Environmental Quality Act, Public Resources Code Section 21000, et seq. Mitigation measures are proposed to address Population/Housing, Recreation, Wastewater and Water. APN: 092-123-007. **County File No: SUB2003-00327 / Tract 2523**. Supervisorial District 4. Date Accepted: August 18, 2004. |
| Stephanie Fuhs, staff | Gives the staff report. States Condition 15 should add date of letter received from CDF, as well as 20.d. Recommends approval. |
| Commissioner Roos | Requests further information about drainage basin and the lots on which it will be located, CC&R requirements for maintenance. |
| Jim Orton, County Counsel | States usually maintenance is done by the owner on whose lot the basin is located. |
| Commissioner Roos | Requests further information about Condition 5g and the statements in the Negative Declaration, page 5-33, with staff responding. |
| Commissioners | Discuss required improvements and agreement between conditions and the Negative Declaration, CC&R's. |
| Bill Sommermeyer, Project Engineer | States there is no problem with the additional conditions and the map sheet additions. Does not like the idea of requiring certain kinds of fixtures. Enforcement will be difficult. States he will follow the dictates of the Planning Commission, but does not agree with them. |
| MOTION | The matter is fully discussed, and thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Christie, is unanimously carried, 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. 2005-006,** granting Vesting Tentative Tract Map 2523 to WILLIAM SCHAEFER for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: Condition 5.g., insert "(4) low water-use landscape [limited landscape area; limited turf area; low water-use plant materials]; hardware [soil moisture sensors; drip irrigation system; and (5) separate meters for outdoor water usage." following "(3) . . . where feasible"; in condition 15 add "per CDF letter dated March 1, 2005" at the end; in Condition 20.d., add "in the letter dated March 1, 2005" following "established"; revise Condition 20.e. add "Automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems shall also be used." as sentence 3.; add new Condition 20.f. as follows: "**Prior to issuance of construction permits,** the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low |

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| | water use techniques (e.g., drip irrigation); (2) residential irrigation shall not exceed 50 percent lawn surface with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible (4) low water-use landscape [limited landscape area; limited turf area; low water-use plant materials]; hardware [soil moisture sensors; drip irrigation system; and (5) separate meters for outdoor water usage."; and revise Condition 21 as follows: delete subparagraph 21.a. and insert new subparagraph a. to read: "That the owner(s) of lot(s) 3 is responsible for on-going maintenance of drainage basin fencing in perpetuity, if the basin is fenced."; insert new subparagraph b. to read: That the owner(s) of lot(s) 3 is responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity."; and add new subparagraph d. to read: "**Prior to issuance of construction permits,** the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential irrigation shall not exceed 50 percent lawn surface with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible (4) low water-use landscape [limited landscape area; limited turf area; low water-use plant materials]; hardware [soil moisture sensors; drip irrigation system; and (5) separate meters for outdoor water usage."; adopted. |
| 6. Godfrey, County File No. S030062T / TRACT 2574 | This being the time set for continued hearing to consider a request by **Mark Godfrey** for a Vesting Tentative Tract Map to subdivide an existing 19.2 acre parcel into seven parcels of between 3.15 and 2.50 acres each, for the sale and/or development of each proposed parcel. The proposed project is within the Residential Suburban land use category and is located at the northeast corner of Badger Canyon Lane and Fox Canyon Lane, west of Corbett Canyon Road, approximately 1 mile north of the City of Arroyo Grande. The site is in the San Luis Bay (Inland) planning area. APN: 044-501-004. 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, biological resources, geology and soils, public services/utilities, recreation, wastewater, and water. **County File No. S030062T / TRACT 2574.** Date application accepted: November 4, 2003. Supervisorial District 4. |
| Brian Pedrotti, staff | Gives a short report, stating some documentation has just been received and there has not been sufficient time to process those. Therefore a continuance is requested to April 14, 2005. |
| Chairperson Liberto-Blanck | States staff accompanied herself and Commissioner Christie on a trip to view the site. States that was helpful in understanding the project. |
| David Marshall, Agent | States that due to weather and scheduling, the wetlands report was just received and turned over to the Planning Department. |
| Susan Patton, neighbor | States her concerns include a change to the rural ambience. Most homes in the area are rustic. Density is a problem. The area is clearly rural. Preservation of species and habitat is important. Erosion is a problem. Natural vegetation was bull dozed. Additional traffic will be a larger problem, already being a problem today. Air, noise and water pollution will become a problem. Open catch basins will complicate the pollution problem and encourage vectors. Paving will deplete the aquifer. Fire service is already marginal and a good reason why the project should not be approved. There is disagreement about lot lines, and there are surveying difficulties. This project should be |

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| | denied. States the City of Arroyo Grande and most local residents agree. Alternatively, if a split is allowed, it should be fewer lots and no second unit on any lot under 3 net acres. States they wish to preserve the topography and habitat in its present state. |
| Craig Harvey | States his property borders the Godfrey property. States he agrees with previous speaker. States the tract map does not show water retention. Wishes clarification. States no adjacent property owners have been contacted to help resolve issues. |
| Andrew Christie | States staff should be directed regarding steep slopes, erodable soils, native tree impacts, grading, detention basins for each home. States all these things should indicate a project that is too large. States the Negative Declaration is insufficient, and an EIR should be done. States staff should consider as a primary factor something other than the desires of developers to go forward despite such problems. |
| Mark Godfrey, Applicant/Owner | States the issues raised today were raised before and addressed. States it is only 7 lots. States the project has been reviewed in detail with staff. States he has attempted to talk with neighbors but has been unable to do so. Gives account of the water basin. States no one has contacted him to discuss their concerns. |
| Teresa Harvey | States their property is adjacent to the applicant. Has concerns about Lot 6, wildlife, water resources. States the natural direction of the water has been as it is for over 30 years. States staff can visit, as can Commissioners. Within 5 feet of the property line, there is a drop of 30 feet. States a ravine has been filled in over the past few years, but there are catch basins on top. |
| Commissioners, Applicant, and staff | Discuss horses and livestock not being allowed, the number of units being proposed, requirements for secondary units, procedures for determining whether and EIR or ND is required. |
| MOTION | Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, unanimously carries to continue this item to April 14, 2005. |
| 7. STUDY SESSION | STUDY SESSION. Transfer of Development Credits (TDC) – Overview. |
| John Euphrat, staff | Provides a short history of the TDC program. Discusses the topics that will be covered today. States the program is voluntary, market driven. States approval is discretionary. The attempt is to make the program work for all the communities in the County. It is a difficult task. Cites an example project. States a Power Point program will be presented, and a representative from the Agriculture Commissioner's office is present. |
| Karen Nall, staff | Provides an introduction, including historical background of the program. Phase 1 was completed in 1990. Phase 2 was completed in 1991, and made recommendations. The third phase was adopted in 1996 and became the County's TDC program. Describes the process that the program went through. Provides results of the program, including number of acres in conservation easements, the number of sending sites, receiving sites, approvals and disapprovals, and those pending. Describes the TDC areas, giving specifics of TDC activity. Shows maps of areas that do not qualify for TDC sending or receiving. States in August, the ordinance was changed. The goal of the TDC program is to retire lots. Describes sending site process, including the requirement for a conservation easement. Describes receiving site process as being same as the land division process. States if unmitigatable impacts are associated with the increased density, then the receiving site would not qualify to be a receiving site. |
| Commissioners and staff | Discuss TDC program in Cambria, possible expansion of Lodge Hill, criteria for land conservation easements. |
| Chairperson Liberto-Blanck | Requests input from the Agriculture Department as to whether they support the TDC program. |
| Lynda Auchinachie, | States some sites have been protected by being agricultural sending sites. However, |

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| Agriculture Commissioner's Officer | lately, the majority of receiving sites have been on agricultural land. The community has gotten involved. Agricultural lands have not been protected by being receiving sites, and it is likely that rural residential parcels are being created. States TDC use is effective if density is moved to urban areas. |
| Chairperson Liberto-Blanck | Discusses the process and how the General Plan is affected, requests clarification of whether the TDC program is a way to allow subdivision in agricultural areas. |
| Lynda Auchinachie, Agriculture Commissioner's Office | States the whole spectrum has been seen, and there are many "loopholes" whereby smaller parcel sizes are being introduced where parcels can support agriculture, which will ultimately affect agricultural production. States the process is consistent with the General Plan, and explains how this can be consistent and at the same time can lead to undesired results. |
| Commissioners and staff | Discuss how the details can work out differently from how they may appear to work out. An example is given. Further discussion takes place regarding getting a General Plan Amendment, and that process, as well as why there are now many applications for TDC receiver sites. A hypothetical situation is described, with staff requested to comment. Further discussion takes place about how guidelines are applied and how one arrives at the number of TDC's of sending sites. |
| PUBLIC TESTIMONY | |
| Sheila Lyons | States this Power Point is the Citizen's View of the TDC Program. States Maria Lorca is the public contact from their Group. Gives background of formation of the group. States TDC Area 1, North County, is the most active. States the 40 Bonheim lots have resulted in 173 new lots. Displays a map showing where all the credits have gone. States 116 credits were used on previous agricultural land in Templeton. The goal of reducing sprawl has not been achieved. 252 new lots have been created. The bonus credit leads to an undesired goal. States reducing the radius and including the radius around communities is inconsistent because of the different populations of the communities. States 1000 acres of agricultural land have been fractured into smaller parcels. States the Bonheim site has most land in rural lands, not agriculture. States primary residences are restricted but many other forms of development are allowed. States only 40 lots should have been developed, not 173. Recommends establishing a 1:1 transfer ratio; making sending sites Ag only; TDC prices should move with the land price; community based programs should be implemented; procedures and incentives should be established for requiring the use of TDC's; wishes the county to put a hold on new applications and budget planning staff time for this subject. |
| Commissioner Roos | Requests clarification of how the credit price should move with the land price, with Ms. Lyons responding. |
| Dorothy Jennings, Chairperson of Templeton Area Advisory Group | States Templeton has not been protected by TDC's. Wonders how many new houses will be allowed. Wonders whether an analysis has been done. States the town is effectively expanded to much larger. States the ordinance should be overhauled or killed. At least, it should be revised to reflect community desires. Refers to handout provided regarding agricultural land not being considered as receiver sites. Describes correspondence received by TAAG on this subject. |
| Eric Greening | States his agreement with the recommendations of the Power Point, except he would make the radius around urban reserve lines smaller. States SLOCOG is not geared to land use planning. States the goals of transportation planning is what SLOCOG is supposed to be adhering to. States the leapfrogging must be stopped. The argument of using unviable agricultural land as sending site is not a good argument. |
| Commissioner Roos | States no action can be taken, but recommendations can be made. |
| Commissioners and | Discuss procedures for study sessions, whether proposed changes will come before |

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| staff | the Planning Commission, the scope of this study session. |
| Chairperson Liberto-Blanck | Requests staff clarification regarding what is involved in agriculture to agriculture issues, and what is involved in TDC's issues that are not agriculture to agriculture. |
| Commissioners and staff | Discuss changing the radius, and the Board's direction to staff to come back with criteria for using TDC's in agriculture, the success TAAG is seeing, whether the community desires a greater scope of work than the Board. |
| Commissioner Roos | Suggests sending a letter to the Board suggesting changes to the Board on the TDC program, including 1:1 ratio and community based programs. |
| Victor Holanda, Director of Planning and Building | States the considerations must be dealt with sequentially. If the Department follows the suggestions just given, public notice problems can result. Due process must be provided. Discusses having this agendized, and a letter could be presented to the Board of Supervisors. |
| Commissioners and County Counsel | Discuss what and how the Commission's desires should be brought to the Board. |
| MOTION | Thereafter, motion by Commissioner Roos, seconded by Commissioner Christie, is unanimously carried, to bring the TDC issue back as an agenda item at the April 14, 2005 Planning Commission meeting and consider preparation of a letter to the Board of Supervisors stating the Planning Commission's recommendations. |
| 8. STUDY SESSION. | STUDY SESSION. Planning Commission discussion of possible topics for future study sessions. |
| John Euphrat | Answers questions from Commissioner Christie about when an in depth study could be done on TDC's, with Mr. Euphrat stating it could be done this year. Community input will be required, with Planning Department going into the community as opposed to having all attend meetings in this Chambers. |
| Jim Orton, County Counsel | States substantial work has been done on the agriculture issues, and these can be wrapped up prior to getting deeply involved in other issues. |
| Discussion takes place | Among Commissioners and staff regarding timelines, expectations of community group involvement, dark sky issues, changes required to the ordinance, water retention, BMP's (best management practices), pre- and post-construction requirements, EIR process, stormwater, time limits, including community advisory groups,. |
| John Nall, staff | States 6 months is a reasonable time line, and advisory groups will be included. States Advisory Council training takes place on May 14, 2005 with a section on environmental review. A Commissioner study session could be held following that. This Commission can be invited to the Advisory Council training, and the program can be forwarded to the Commissioners as well. |
| Chairperson Liberto-Blanck | States no one is present from the County Fire Department. Requests discussion of Senate Bill 18. |
| John Nall, staff | Discusses SB 18, stating certain time frames are set up for review and comment by tribes on General Plan Amendments and Specific Plans. Publicly initiated general plan amendments and private ones are different. |
| Victor Holanda, Director of Planning & Building | The State released guidelines March 1, 2005 and these are in the process of being interpreted. Implementation of the new law is discussed. The Commission will be briefed on its role. |
| Chairperson Liberto-Blanck | States the process for conformity reports will be discussed at this time. Recalls her own confusion when first appointed to the Commission regarding conformity reports. Observes there are now 2 new Commissioners. Clarification is needed. Suggests it may not be necessary to receive and file. |

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| Jim Orton, County Counsel | States a separate, short study session on requirements of the Government Code could be helpful. There is a 40-day time period in which to act on these referrals which may play a part in the Commission's role. |
| Warren Hoag, staff | States there were specific reasons for giving Planning staff the authority on conformity reports, through Framework for Planning. Discussion can take place regarding what changes could or should be made and how those can be made. Suggests 90 days is a reasonable timeframe. |
| Commissioner Rappa | States the Parks & Recreation Element is in the process of being updated. |
| Dorothy Jennings, TAAG | States maintenance and operational costs are funded through the General Fund. To provide the service, it must be budgeted. States Jan DiLeo is very aggressive in applying for all grant monies that are available, particularly for capital maintenance. That does not encompass the ongoing maintenance money for such as came before the Commission today. |
| Commissioner Christie | Speculates regarding future complaints that may be heard, such as there being no fund for developers to pay into to cover maintenance costs, such as for regional trails. States a study session on the subject might be appropriate. |
| Dorothy Jennings | States such a study session on the Parks & Recreation Element would not address general fund budget issues. Gives location and time of community group meetings on this topic. |
| Victor Holanda, Director, Planning & Building | States the trails the community wants will have to be analyzed as to cost, and if there will be a nexus between development and the trail, the long-term operation and maintenance will have to be considered, as well as Risk Management. There is tremendous potential liability for the county for trails and trails maintenance. States he regularly meets with Public Works to coordinate efforts and financial considerations. |
| Jim Orton, County Counsel | Discusses fees allowed for capital improvements. Maintenance is an area with no express authority to collect fees. States we are in litigation regarding some fees at this time. |
| CONSENSUS | To look at this issue as part of the upcoming Parks & Recreation Element. |
| Chairperson Liberto-Blanck | Wishes future discussion of issue of apartments converted into condominiums. |
| Matt Janssen, staff | States he is still working on the substantial conformity staff report. It will come before the Commission possibly in May or later. |
| Commissioner Roos | States he wishes instruction about Developer Statements. |
| Commissioner Christie | States she wishes to have included discussion about how proposal to the developer works when an EIR is required, with staff responding. |
| John Nall, staff | States the decision to require an EIR is appealable, and is decided by the Board of Supervisors. |
| Commissioners and staff | Discuss various aspects of the EIR process, including how many projects have been dropped due to EIR requirements. |
| Chairperson Liberto-Blanck | Discusses Design Review item from the study session matrix. |
| Commissioner Rappa | Requests clarification of whether graphics can be sent to Commissioners via email, with staff responding. Further, regarding additional design review, requests clarification of whether the projects before the Commission have advisory group prior review, with staff responding affirmatively. However, it is an informal procedure. The County does not have a design review commission. |

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| Eric Greening | States he wishes a study session on the Ag & Open Space Element. States many policies have been implemented, but some of the most protective policies have not. Gives examples. States the Michaud project discussion illustrates how we are suffering because of this. States the wildlife have paid the heaviest taxes in the form of habitat. In the long run, the Commissioners' work will be easier if such a study session takes place. |
| Commissioner Christie | Requests clarification from Mr. Greening as to whether or how kit fox would be protected by his suggestions. |
| Eric Greening | Responds and states further that the open space policies are the ones that have not been implemented. |
| Commissioner Roos | States the Commission should be careful not to try to make determinations on subjects where the authority lies in the Board of Supervisors. |
| Warren Hoag, staff | States there are major budget implications in doing the additional work. |
| Discussion takes place | Among staff and Commissioners regarding implementation of policies, other Elements that may not be implemented. County-wide Elements are discussed, with Commissioners requesting to know how many there are, with staff responding and elaborating. Partnerships for implementing the Elements are discussed as to whether this would be possible. Kit fox discussions are requested. |
| Dorothy Jennings, TAAG Chair | Reads from a composition. Discusses TDC program in South Atascadero, stating two ordinances interact. Interaction of all ordinances should be considered. |
| Susan Harvey, Paso Watch | States her hope that staff may be able to provide the Commission with information about how much of the Housing Element policies have been fulfilled. States progress is not being made in density or better priced housing, whether rental or for sale. Wishes the Commission to inquire, following conversion to condominiums, how high rents go in the case where the buyer rents the condo to another. Discusses the kit fox corridor, stating the Paso Robles government always says they will make one when someone else does. Encourages the Commission to do so. States the General Plan is a wish list. A system to decide which policies take precedence is required. |
| MOTION | Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Roos, unanimously carried, to take into the record all documents submitted today. |
| | Respectfully submitted,<br>Lona Franklin, Secretary<br>County Planning Commission |