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MINUTES

Bob Roos
Doreen Liberto-Blanck
Penny Rappa
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, APRIL 14, 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
Brian Pedrotti, Current Planning
Stephanie Fuhs, Current Planning
John McKenzie, Environmental Division

OTHERS: Jim Orton, County Counsel
Richard Marshall, Public Works

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 April 14, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Call to Order	
Roll Call	All Commissioners present.
Flag Salute	
PUBLIC COMMENT PERIOD	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	Poses question regarding submission of the Estero Area Plan to the Coastal Commission, and the Habitat Conservation Plan on which he states CSD is the lead agency. Wishes to know what steps the county should be taking for the plan to move forward.
PLANNING STAFF UPDATE	
Warren Hoag, staff	Discusses County-wide Design Guidelines literature that was distributed today, and

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	states Chapter 9 of the LUO also covers design guidelines. States the Coastal Commission meeting is being held today. The Cambria Community Services District Pine Knolls project and the Los Osos sewer project are being heard today. Responds regarding Estero Area Plan, stating response is awaited from CCC.
Chairperson Liberto-Blanck	States Mr. Greening's questions will be addressed at the next meeting, with Mr. Greening responding.
Commissioner Roos	Attended Planning Commissioner's Training Conference and it was very informative.
Chairperson Liberto-Blanck	States she attended and thanks staff.
Commissioner Christie	States her agreement.
Commissioner Mehlschau	States his agreement.
Warren Hoag, staff	Responds to comments, stating staff plans to hold such training annually, and it was offered to other jurisdictions, and it is planned to be so offered in the future.
CONSENT AGENDA	
Public Testimony	No one coming forward.
MOTION	Thereafter, on motion by Commissioner Christie, seconded by Commissioner Mehlschau, and unanimously carried, the Consent Agenda is approved, as follows: a. **TRACT 2312 (S980065U)** Request from **HOWARD MAGER/KING VENTURES** for a **4th time extension** for vesting tentative Tract Map 2312 (S980065U), a request to subdivide the 10.75 acre site into 12 parcels, ranging in size from 6,000 square feet to 5.60 acres each. The project is located in the Commercial Retail/Central Business District land use category. The site is located west of South Frontage Road between Hill Street and Grande Avenue in the community of Nipomo in the South County Planning Area. Supervisorial District 4.
1. GODFREY, County File No. S030062T / TRACT 2574	This being this 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	States a continuance of at least 60 days is requested, to June 9, 2005 PC meeting.

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Commissioner Christie	Requests staff look at the issue of cumulative impacts, stating there is growing concern in this regard.
Mark Godfrey, applicant	States he agrees with the continuance.
Bruce Smith	States he lives adjacent to the proposed subdivision, and he is not against the project. States Mr. Godfrey has asked his opinion on all details.
Commissioner Christie	Asks Mr. Smith the size of his parcel, with Mr. Smith responding.
Carolyn Underwood	States she lives at the end of Fox Lane, which is not adjacent. States she and her husband bought this lot from Mr. Godfrey. Describes their experiences, stating that drainage was problematic. States they moved here to get away from the city, and believes Mr. Godfrey should downscale his project, making larger lots, assuring good building sites. Suggests 5 acres has worked elsewhere.
Susan Patton	States her property adjoins the project area. Wishes an EIR be prepared, stating the Negative Declaration was based on insufficient data. States wetland and geology need complete investigation. There are vernal pools that samples should be taken from to assure there are no protected species. Discusses neighbors' attendance, zoning, fire protection, roads, schools. States most lots in the area are larger than 3 acres and discusses the designs, stating large multi-story homes are not in character with the neighborhood.
Craig Harvey	States they live next to the development. States he wishes an EIR be done. States Badger Canyon Road, a pasture area at Corbett and Badger Canyon provides year around pasture for horses. That issue should be investigated, as well as drainage on Badger Canyon Road. States an individual in that area did not receive notice.
Lou Ferrigno	States he lives on Fox Canyon and he enjoys his home because of the environment and quiet. Does not wish to see the environment destroyed. Wants to see the development stopped.
Commissioner Christie	Requests staff respond regarding property owners who may not have received proper notice, with staff responding.
Kami Griffin, staff	States staff prefers continuance to June 23, 2005.
MOTION	Thereafter, on motion by Commissioner Mehlschau, seconded by Commissioner Roos, and unanimously carried, to continue the above referenced matter to Thursday, June 23, 2005.
2. Carpenter Canyon Estates, County File No. S020346T / TRACT 2542	This being the time set for hearing to consider a request by **Carpenter Canyon Estates/Engineering Development Associates** for a Vesting Tentative Tract Map to subdivide an existing 27.4 acre parcel into nine parcels of between 2.5 and 4.2 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Highway 227. The project will result in the disturbance of approximately 10 acres of a 27.4 acre parcel. The division will create one on-site road. The proposed project is within the Residential Suburban land use category and is located at 757 Carpenter Canyon Road (Highway 227), on the west side of Carpenter Canyon Road, approximately 1/2 mile north of Printz Road, approximately 1/2 mile north of the City of Arroyo Grande, in the San Luis Bay (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., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Geology and Soils, Noise, Public Services and Utilities, Wastewater and Water **County File No: Tract 2542 (S020346T)**. APN: 047,137,021. Supervisorial District 4. Date Accepted: October 28, 2003.
Stephanie Fuhs, staff	Gives the staff report. Displays maps and photographs overhead. States slopes are over 20% in many locations. Describes areas where mitigations are recommended. Discusses changes.
Commissioner Mehlschau	Requests clarification regarding hand weeding, stating that OSHA on March 17, 2005 put new regulations on hand weeding. States it is intended to govern employees and employers, however, the government should consider. States hand weeding now has restrictions on how it can be carried out. Pges 2-9, 2-17 and 2-25. Suggests a change to handweeding statements on these pages.
Warren Hoag, staff	States "consistent with OSHA regulations" can be added where appropriate, with Commissioner Mehlschau agreeing.
Commissioner Roos	Page 2-4 Finding G. Requests clarification of location of mitigation plan, and further, asks questions regarding septic system and geology,with staff responding.
Richard Marshall, Public Works	States the Department of Environmental Health is knowledgeable regarding septic systems.
John McKenzie, staff	States requirements for creating lots, stating this area does have shallow depth to bedrock. Suggests seepage pits can be used.
Commissioners and staff	Discuss the issues raised by Michael T. Clark's letter of February 16, 2005 on page 2-48 of the staff report, and his letter of July 21, 2004, on page 2-55; tree removal, replanting and monitoring period; that this is a vesting map that was approved at the end of 2003 and is governed by rules in place at that time, conservation easements, mitigations, open space easements, differences between definitions, and procedures, legal requirements of maps and development plans.
Jim Orton, County Counsel	Offers Commission a study session, with Commissioners agreeing.
Commissioners and Staff	Discuss habitat, whether there are any wetlands on the property, species that may be present, and the findings in Exhibit A, with staff responding.
Kami Griffin, staff	States there are no outstanding violations on the property, and no enforcement cases were opened on this property.
Commissioners and staff	Discuss various issues, including traffic, traffic mitigation fees, and fire fees. Further questions are posed regarding agreements between the County and City on development, and whether this project meets the standards in the MOU between the City and County, with staff responding.
Public Testimony	
Mike Bernacini, EDA Design Professionals, Agent	Thanks County staff for excellent work. States building sites have been strategically located to consider the environment. The Conditions and Developer Statement are extensive. Wishes to introduce investors in the project.
Eric Schaefer, Developer staff	Thanks planning staff. States they acquired the project in November 2004 and all documents available were reviewed. States this group of investors represent a cross-

	section of the community who are equally concerned with environmental issues. States the investors are opposed to poor grading, and they wish a proactive role in the development process. Discusses letters from the neighbors, which were taken seriously, and contact with neighbors made. A landscape easement will serve as a buffer to protect neighbors' views, and serenity. Discusses visual impacts that will be covered in the CC&R's.
Jonna Otto, Geosolutions	States they are doing a complete septic analysis on every lot, and a preliminary report has already been done on some lots, with typical outcomes for the area, and gives the measurement. Gives information about underlying soils. States septics will be larger, and may be deeper, which is typical of many areas within the county. States no problems with conventional systems are anticipated.
Commissioners, Ms. Otto	Discuss what can be done about the water flowing downhill because of the impervious layer, required distance between well and septic.
Commissioners and Mr. Bernacini	Discuss preferability of individual wells or community water system, trees, clustering of residences.
Jason Kersenstein, Consulting Biologist	States the site does not support any potential habitat for any designated species. Discusses the road, that there is no perenniel water source. The nesting birds issue has already been addressed. The movement corridor is large with 60% to 70% of the site covered, and is a common corridor for various species. States the dense oak woodlands and the moderate ones have been preserved, as well as some of the grasslands.
Public Testimony	
Fred Ripley	Lives on Carpenter Canyon ner Hwy 227. Wishes to know, on the open space behind his house, whether clearance can extend into the open space. Gives short history of vegetation trimming in cooperation with his neighbor, and wonders whether they will continue to be able to do so.
Kim Kubasek	Lives in Prince Road, adjacent to the project. States the easements behind his home have been requested to be open space easements, and points out areas on the overhead map. Discusses landscape easements and what they allow, including dogs, stating that would be a problem for wildlife trying to move through the area. Wishes the impacts of the development be a minimum to preserve the lifestyle of those already in the area. Requests clarification of how rules for the non-buildable areas will be enforced, and suggests an alternative.
Mike Clark	Thanks staff for helpfulness and for keeping neighbors aware. Gives some history with previous principals. Reads his letter into the record. States fewer and larger lots are considered better by the neighbors. States he will support the project, if such a change is impossible. Discusses water drainage and seepage in the area, stating there are problems, but he is unsure of the cause. States a plant survey was done, but no official animal survey. Discusses the deed restrictions in the CC&R's and whether these provisions are sufficient to protect the property in perpetuity. Suggests "more muscle" to keep developments viable.
Eric Greening	States there is not enough information before the Commission to certify an EIR. States the standard of compliance for a negative declaration is high, despite that there cannot be certainty regarding whether every impact can be mitigated. Based on lack of a survey, it is speculated that some common animals will benefit from this design. Discusses fire safety. Wonders where the cover now used by wildlife will be, stating

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	that wildlife rarely use ridgeline trails, relying as they do upon cover. States thinning based on vegetation management to reduce fire problems can affect wildlife. Discusses geological review, stating moisture and septage on other properties should be considered prior to certification of the environmental document. More information is needed.
Thomas Young	Lives in Arroyo Grande, is a neighbor. Reads a letter into the record. States 15 families are a group called "Friends of Carpenter Canyon" and recalls past events. States the present developer is a lifelong resident of the county, works well with the neighborhood taking their concerns into consideration, thanks planning staff and the Commission for taking their issues seriously and trying to solve the problems. Concern is with cumulative effects of ongoing fracturing of rural lands. Future subdivision in the same fashion as has been taking place is ultimately not sustainable.
Terisue Harvey	States she is from Corbett Canyon. Wonders if a second unit will be allowed on each of the proposed parcels, which will increase traffic in the future. Requests definition of "non-buildable" stating if barns are allowed, for example, that will not be good for wildlife. States there are no bicycle or horse trails shown in the proposal. Describes the current situation in the area. Wonders about fences interrupting the wildlife corridor, stating often people plant oleander to discourage wildlife, and it is very toxic. Describes a wildlife event and speculates it was from disturbed natural habitat. States the best way to survey movement of animals in the area is to ask the residents.
Lindy Althouse, Consulting Biologist	States she has worked on this property since 2002. Discusses rare species and wetlands, stating the wetlands was a small puddle that formed because of a berm in the area, and there were frogs and wetland plants. The following summer the berm had been breached. Discusses plants and animals that will be mitigated for. Discusses oak trees on the property, pointing to the overhead map, and eucalyptus trees and owl nests.
Commissioner Roos	Requests Ms. Althouse comment on wildlife on the site.
Lindy Althouse, Consulting Biologist	States a formal wildlife survey was not done, but she was on the site often.
Commissioner Christie	Requests clarification regarding photos of the road in the staff report, as far as the wetland is concerned, with Ms. Althouse responding. States the wetland being discussed is not one the Department of Fish & Game would take over.
Eric Schaefer, Agent	States the list of issues agreed to among the developer and neighbors is in the County file.
Chairperson Liberto-Blanck	Requests staff respond regarding the MOU discussed above, with staff responding.
Commissioners and staff	Discuss a sphere of influence update, which is an agreement between the County and City regarding future development, limitations on the intensity of land uses in the area, conditions regarding tree-trimming and aesthetics, open space easements, which the Board of Supervisors can modify at its discretion, despite Planning Commission recommendation, and the mitigation plan in Condition 29. Further discussion takes place regarding uses in the "gray" open space area that will be allowed, as well as what provisions are being made regarding fencing, and requirements for septic.
Laurie Salo, Environmental Health	Describes the process used for gathering information, percolation rates, timing of information receipt prior to recordation, what happens if problems are found in borings, when the County geologist would be contacted, why wells are encouraged in some

	cases and community wells in others, that the area plan uses the term "recommend" when referring to water sources.
Commissioners and Ms. Salo	Discuss the kind of systems to be used in various circumstances and the reasons, as well as how these relate specifically to this project.
Commissioners	Discuss mandatory requirements of the Area Plan for new subdivisions, how the staff reports addresses these issues, whether the analysis is adequate, whether the mitigations are adequate as regards cumulative impacts to air quality, water availability, CEQA required mitigations, wildlife, migration, foraging requirements, the amount of data available and whether it is sufficient for a decision to be made, compliance with SB 1334 relative to oak tree mitigation,
Motion	A motion by Commissioner Mehlschau, seconded by Commissioner Rappa is discussed. Thereafter, motion maker and second do not amend their motion, and on motion by Commissioner Mehlschau, seconded by Commissioner Rappa, and carried, with Commissioner Christie and Chairperson Liberto-Blanck 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-~~008~~ 009 granting a Vesting Tentative Tract Map to CARPENTER CANYON ESTATES / ENGINEERING DEVELOPMENT ASSOCIATES for the above referenced project, based on the Findings in Exhibit A, with the following changes: In Condition G, delete "add specific reason" and replace with "a significant amount of the site is protected as open space and the property does not include any surface water bodies or other wet areas that may support CRLF habitat and the NDDB did not identify any threatened or endangered species on the project site." and subject to the Conditions in Exhibit B, with the following changes: in Conditions 12 add "New" to the beginning of the sentence; in Condition 13, add "New" to the beginning of the sentence; in Condition 19, revise the first two sentences to read: **Prior to recordation of the final map,** an open space easement be recorded for the open space parcels. It is to be held in single ownership." and add parcel 8 in the last sentence; in Condition 21, change "8" diameter" to "5" diameter"; in Condition 23, change "for no less than five years" to "for no less than seven years" at the end of the first sentence and in the last sentence; in Condition 24, change "five years" to "seven years"; in Condition 27, insert "consistent with OSHA regulations between ":shall be completed" and "for each new plant" at the end of line 5; in Condition 27.b., change "6 inches" to "5 inches"; in Condition 30.g., change "work for at least 3 years" to "work for at least seven years"; in Condition 35.c., add the following sentence "No fencing within and between properties within the landscape easement shall be allowed."; in Condition 35.h., change "a five-year monitoring program" to "a seven-year monitoring program"; in Condition 35.p. add "consistent with OSHA regulations" following "shall be done by hand"; in Condition 35.s., change "three" to "seven" in line 6 and in the last sentence of that subparagraph; in Condition 35.u., add "consistent with OSHA regulations" following "or hand removal of weeds; in Condition 35.w., change "6 inches" to "5 inches"; in Condition 36.d., add "No fencing within and between properties within the landscape easement shall be allowed." to the end; in Condition 36.i. change "five-year monitoring program" to "sever-year monitoring program" and add parcel 8 near the end of the subparagraph; in Condition 36.t., change "for no less than three years" to "for no less than seven years" in line 6 and change "The cost for the three-year monitoring" to "The cost for the seven-year monitoring" in the last sentence of the subparagraph; in Condition 36.v., add "consistent with OSHA regulations" following "or hand removal of weeks"; in Condition 36.x., change "6 inches" to "5 inches"; and in Condition 36.ll. add parcel 8;

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	adopted.
3. CONTINUED STUDY SESSION	This being the time set for continued study session. Transfer of Development Credits (TDC) – Overview.
Warren Hoag, staff	Provides opening remarks regarding what action can be taken today, reminding Commissioners that no action is agendized today, but direction can be given for staff to return with a letter on which the Commission can take action at the next meeting on April 28, 2005.
Karen Nall, staff	States the CCALP recommendations were addressed one by one. Synopsizes recommendations of the grand jury. States the Board of Supervisors responded to the grand jury report. Discusses whether Agriculture zoning should be designated only as sending sites. Discusses a 10-mile circle for receiver sites, which was modified to 5-miles but restricted. Bonus credits were eliminated last August, and credit prices are determined between willing seller and willing buyer. States there is agreement that coordination with communities for community based programs is desirable. States the County-wide program is voluntary. A community-based program developed for specific communities would be required for a mandatory program. States additional staff would be needed to assist communities develop community based programs.
Warren Hoag, staff	States the Agriculture Liaison Committee will be consulted, as will other advisory groups, with some time in late fall expected to be the review period.
Discussion takes place	Among Commissioners and staff regarding time lines, that there is sufficient time for Commission recommendations to be included for consideration by the Board of Supervisors, how credits are determined, with staff explaining procedures, cost of a TDC being based on "lost" development rights, whether there are underlying lots, or subdivision potential, whether a property is already subdivided or will potentially be and how that is considered, the value calculation of a property, the value once the easement has been applied. Further, a hypothetical situation is discussed, where there is a granted entitlement with an unrecorded map, and how that would be appraised, the situation that might apply without any tentative map, whether the county gives specific instructions to an appraiser, what an appraiser considers, what would be allowed in specific zoning. Another hypothetical situation is discussed as to possible outcomes in the TDC program and appraisal under various circumstances, including maximum buildout, the County's degree of participation, standard appraisal practices, and how the determination is made of the number of credits from a sender site, that the County maintains an inventory list, that there are very few sending sites in the county, that a transfer is made in order to create another parcel, not a residence, and that the regular approval process must be pursued to approve a new residence.
Chairperson Liberto-Blanck	Describes procedures to be followed.
Richard Pettit	Resides in Paso Robles. Discusses Board of Supervisors decision regarding TDC's, including preventing fragmentation of agricultural land. Describes a neighboring property, which was given a TDC receiving site, and now there is the possibility of 6 homes on the same acreage. States the population is not very dense, but can change. States zoning laws were made for protection, but allowing TDC's to be used to develop agricultural land is a bad idea. States the atmosphere of the central coast will be urban sprawl.
Richard Hawley	Lives in Cambria. Shows slides of Bonheim Ranch, stating oak trees were removed, and the site has a conservation easement. Wood is being sold. TDC credits are being

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	sent elsewhere. States a conservation easement is only as good as the paper it is written on. Resources are not being protected as they should be. States the photographs were taken only months ago, but neighbors say chain saws have been cutting there for years. States the spin he has heard is that range land is being improved. States he wishes to emphasize the importance of protecting the land with conservation easements. States in Cambria TDC's are put on houses at coastlines where public views are blocked. States TDC's have become a tool of developers and haves the potential to ruin many sites.
Commissioner Christie	Thanks Mr. Hawley for his presentation. Requests clarification of some scenes in the photographs, with Mr. Hawley responding. Requests clarification of tree cutting and whether the use for the felled trees is for firewood, with Mr. Hawley responding. States cutting trees for firewood is prohibited by the County on conservation easements. Requests clarification of whether the purpose of felling the trees might possibly be something else, with Mr. Hawley responding.
Kathy Barnette	States she is a member of Paso Watch, and is reading this statement on behalf of another member, and gives the name. The letter states extensive cutting of woodlands has occurred on the Bonheim Ranch and blames this on TDC's. States nothing of public interest has been preserved in the Bonheim easement. States the underlying easements have not been merged, but remain 52 separate parcels. Discusses the Bonheim easement, and its history. Letter states the county must assure its stated goals are achieved by the TDC program. Describes a problem in Paso Robles with oak trees not being able to be replaced when cut down for development.
Andrew Christie	Sierra Club. States they support the Commission to encourage viable agricultural land. States a statement by another individual is being read into the record. That statement includes that a new study would result in further damage while the study is done. A moratorium should be put into place to prevent any TDC's being granted until after sufficient study has taken place.
Sheila Lyons	Creston Citizens for Agricultural Land Preservation. There is a need for amendments to reform the TDC program. It is urgent. Discusses the Board's decision and that no changes have yet been adopted. The TDC program is a loophole through which developers can jump to develop agricultural land. A community-based plan is being discussed in many communities. Such plans should be well thought out, and not implemented under duress. States the Planning Commission can kill the program. States the Rural Land Use Ordinance Amendment will further complicate the situation.
Audrey Beattie	Creston. States she wishes to present Creston's own plan, which was presented last night to SMAC. States the Creston community meeting was very well attended, and advice was provided by Mike Ryan, past Board of Supervisors member.
Maria Lorca	Creston. States she reads a letter from Christina Aguirre from South Atascadero. States some problems with the TDC program is that one sending site can send to several receiving sites. States people are purchasing land with the purpose of subdividing by using TDC's. A community-based TDC plan can be developed. Requests that the Board of Supervisors put in place a moratorium.
Kathryn Sweet	South Atascadero. States they do not wish to be part of the TDC program. They wish a moratorium until South Atascadero has a community based program in place that serves their needs. States San Luis Obispo County should not be turned into something no one wants.
Eric Greening	States he agrees with the communities' recommendations. States SLOCOG is not in

	land use planning. The need to look at the stewardship of the sender site is a very important aspect. Community based programs are essential for both sending and receiving sites and should be in close proximity to one another. States there is no benefit except to the seller of the firewood in the case of the Bonheim Ranch. States the moratorium is the most important single action the Commission could take. Each community should have the opportunity to assess the resources they wish most to protect, where can development take place. This should start at the local level. Discusses rural settlement plan.
Charlie Whitney	Santa Margarita Area Advisory Council. Refers to letter distributed this morning. Ag to ag transfers is the most contentious. Overall environmental impacts of TDC's and secondary dwellings in South Atascadero have the potential for increasing development dramatically, and the impacts could be significant without guidelines put into place. The TDC program has merit but seems to have strayed from its original intent. A moratorium for new applications in their area could be desirable. Speaks now as an individual, stating no one is speaking in favor of the present program, though usually there would be some people in favor and some against any given
Emily Coombs	States she is in favor of a moratorium, which is a good temporary solution until a good program can be crafted.
Dorothy Jennings	Templeton Area Advisory Group. Annual review of TDC last time was June 2004, so the next one will be coming soon, and is an informational report. States there is no advice to change the divisor as was discussed earlier today to figure the number of TDC's one can have available. States TAAG's primary recommendation. States a moratorium should be put into place.
Commissioner Roos	Requests clarification from Ms. Jennings regarding specific issues wished to be discontinued, with Ms. Jennings responding.
Brian Stark	States the Land Conservancy has been involved with TDC's since the early days. States the TDC program allows an opportunity for development now possible in rural areas to take place elsewhere. Support is for local communities working with local programs. States Nipomo's TDC-based program has been worked on this past year. The Land Conservancy is a sender site for parcels they own. An internal moratorium has been put into place.
Commissioner Christie	Requests clarification of the Land Conservancy's position, with Mr. Starr responding. States the value of the credits is established by the Board after an appraisal, and states an appraiser's valuation does not assure an given number of credits. Suggests the Commission hear from a professional appraiser. Requests clarification of whether the Land Conservancy owns the Bonheim easement, with Mr. Staff responding. Further requests information from County Counsel regarding the County's position on the tree cutting on the Bonheim easement, with County Counsel responding.
Chairperson Liberto-Blanck	Requests that information be provided to the Commission regarding the Bonheim easement and what is happening there, with staff responding.
Discussion takes place	Among Commissioners and staff.
Robert Hill	Provides some information regarding management of the Bonheim easement. 500 acres are in a conservation easement, with a couple thousand not covered by a conservation easement. Timber production and management are allowable uses on the property. States the Bonheim Ranch remains a working cattle ranch, as it has been

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	since 1918. States that as of today, one contact only has been made. Requests any individual with questions to call the Land Conservancy at 544-9096.
Commissioner Christie	States oak trees are not considered timber, and there is no definition of timber management, and requests Mr. Hill state how he makes the judgment call regarding cutting down oak trees, with Mr. Hill responding. Elaborates on the responsibilities of the Land Conservancy, and the meaning of conservation easement, with Mr. Hill responding.
Robert Hill	States the Board of Supervisors both reviewed and approved the Bonheim easement.
Dolores Simons	Lives in South Atascadero, and has lived their since 1975. A community based TDC program for South Atascadero was desired, but after hearing testimony, it now sounds like a moratorium would be desirable. Describes her own property, which is sandwiched between two lots, one of which wants a TDC-split, and she has "had it up to here with TDC's."
Bill White, delegate on TAAG	States he thinks transferring development is not the goal of the program, but the stated goal is to retire lots. States the real problem as far as he sees is that the currency of the TDC program is wrong -- in other words, the currency to pay for the program is increased density. One sending credit creates more than one receiving credit, but even if it were not, additional density would happen, and explains. States the additional density is "paid for" by neighbors who "wake up one day and see additional density next to them." Thus, the program is paid for by only a few people. The real solution is to make the "currency" tax credits, rather than increase development, and explains why that is preferable. No matter what the Commission prefers, an immediate moratorium is necessary.
Anne McMahon, Santa Margarita	Thanks Commission for time and energy. Unintended consequences are coming out of this program, although those were not predicted. States there is pressure to develop, and programs should be carefully considered. States her hope that dialog such as today will take place in other areas as well.
Jamie Kirk	Kirk Consulting. States she has attended TAAG and SMAAC. States she supports the TDC program, and explains that community-based program rules are supported by planning consultants because these will be provided to new buyers and states it might be a good idea to get cooperation with cities established for TDC programs, so that some development can take place inside cities. Worries that so many problems will end the TDC program, which will reduce the incentive not to develop ag lands.
Commissioner Rappa	States the original purpose of the program and the relationships necessary for that goal to be met should be part of the recommendation to the Board. The City of San Luis Obispo is in a position to cooperate with the County. If the goal of retiring lots and relocating development to urban areas, then discussions should be begun with cities. Community-based programs are important to the program, but having observed operating programs, it is clear that identifying receiving sites is difficult. Community-based programs should identify sending and receiving sites. Today should focus on the puropse of the program, parts that have not been completed, what lessons we have learned.
Commissioner Roos	Indicates his agreement with Commissioner Rappa's statements. States the annual review is simply a status report. States a broad brush recommendation to the Board can draw attention to the issues. States his suggestion of 3 points. First, the TDC program is not meeting its objectives. Gives reasons. The TDC program is not fulfilling goals stated, and gives reasons. That TDC . . . established TDC sending sites will

	remain. This will do four things: (1) (2) The Board of Supervisors can establish (3) (4). Second, . . . so we should tell the Board . . . Third, the long-term strategy . . . , and Last, . . . States the existing sending criteria do not adequately serve and should be modified.
Chairperson Liberto-Blanck	Requests clarification from Commissioner Roos.
Commissioner Roos	The County Program should be discontinued. There is nothing to prevent those who live in east Paso Robles from having a community-based program, the Board of Supervisors can implement new receiver sites, existing sending sites can still have a market, and if a program can be worked out with the City, it can become part of a General Plan Update, and we can still meet the original objectives. A ratio closer to 1:1 should be developed.
Commissioner Christie	States she agrees that benefits are being realized by the TDC program. It is not necessary that property immediately adjacent to any given person be the property that is preserved. However, the Board of Supervisors must be able to rely on the Commission having discussed the issues in great detail, and the opportunity must be taken now to recommend what the Board's action should be. Elaborates. The program should be tightened down to prevent speculative development. Further, the Board should be informed that problems have been associated with the Bonheim conservation easement. Standards should be tightened down as to what is permissible activity. Suggests this Commission review the language of conservation easements. States she can support an interim moratorium, and that working together with cities is important.
Discussion takes place	Among the Commissioners regarding content of a letter of recommendation to the Board of Supervisors.
Chairperson Liberto-Blanck	Summarizes the two approaches suggested for the recommendation letter to the Board.
Further discussion takes place	Among the Commissioners regarding the content of said letter to the Board.
Jim Orton, County Counsel	States that subdivisions are governed by the rules in place on the date the application is deemed complete, and that must be considered.
Commissioner Roos	Suggests the letter be prepared by the Chairperson and one other Planning Commissioner with the assistance of staff. Summarizes his points.
STRAW VOTE	(1) Temporary Moratorium - 4 yes. 1 no. (2) Revise system of determining TDC's to more closely approach 1:1 - 4 yes 1 no.
Commissioner Roos	Reads the questions that must be answered from the TDC report from 1995 that was not adopted, but which preceded the adopted document, and the TDC program should be modified so that those questions get answered. States the Commission's letter should recommend to the Board to tighten up the program, and the language can be nailed down later on.
Discussion takes place	Among Commissioners and staff regarding past Board of Supervisors decisions and what should be done today.
STRAW VOTE	5 yes to send a letter to the Board of Supervisors suggesting that the third point should suggest the Board tighten down the requirements.

Commissioner Christie	Suggests that a point be included that the Commission requests authority to review conservation easements.
Discussion takes place	Among Commissioners and staff regarding conservation easements as opposed to open space easements.
Commissioner Christie	Suggests a point be made in the letter that once a sender sight has sent credits, the underlying parcels must be merged.
Discussion takes place	Among Commissioners regarding Commissioner Christie's suggestion, with advice by County Counsel.
Jim Orton, County Counsel	Describes the procedures to be followed, and prohibitions on uses. States both conservation easements and open space easements have been used in the past, and each prohibits building of a residence. Elaborates on other structures that could be allowed under certain circumstances.
Further discussion takes place	Among Commissioners regarding the wisdom of requiring merger of underlying lots once all TDC's have been sold, with County Counsel cautioning the Commission regarding such a requirement.
STRAW VOTE	As to whether to recommend to the Board in the Commission's letter to investigate requiring merger as above, with input from County Counsel regarding the difference between voluntary and involuntary mergers and the possible consequences in the future. Yes - 3 No - 2
STRAW VOTE	As to recommend to the Board that they review allowable uses to strengthen language in conservation easements in conservation easements - Yes: 5 No:0
STRAW VOTE	That conservation easement come to the PC – Yes: 1; No: 4
Discussion takes place	Among Commissioners regarding how to make the Commission's recommendation to the Board.
STRAW VOTE	To recommend to the Board that merger following selling of all TDC's be considered. Yes: 3; No: 2.
Further discussion takes place	Among Commissioners regarding encouraging cooperation with cities so that receiver sites can be located within cities.
Chairperson Liberto-Blanck	Directs staff to prepare a draft letter to include the above points. Thanks staff for the study session.
MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and unanimously carried, to take into the record all documents submitted today.
Adjourned	

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission