N-1

MINUTES

San Luis Obispo County Planning Commission

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

MEETING DATE: THURSDAY, JUNE 9, 2005

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, JUNE 9, 2005

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

ABSENT: None

STAFF: John Euphrat, Long Range Planning
Susan Callado, Planner
James Caruso, Planner
John Nall, Principle Environmental Specialist

OTHERS: Richard Marshall, Public Works
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 June 9, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Time	Speaker	Note
8:52:01 AM	Call to Order	
8:53:41 AM	Public Comment	Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

8:53:45 AM	Eric Greening	Discusses draft budget, to be acted on June 21 and 22, 2005. Discusses continued funding for County Geologist, and that it should include County Biologist. Discusses habitat loss and how the County should deal with that. States a Marine Biologist, Terrestrial Wildlife Biologist, and others should be hired. Discusses wildlife corridors, agriculture policies that have been implemented, and that open space policies are often ignored. Wonders about forward movement in implementation of Agriculture and Open space Element. States it is equally important to Agriculture policies.
8:57:31 AM	John Euphrat, staff	Gives Staff Update. States the Environmental Division has positions of the kind discussed by Mr. Greening. Discusses next year's budget. Discusses Smart Growth, and the Board of Supervisors decision to endorse those. Funds are set aside for public outreach. Discusses public workshops that took place.
9:00:09 AM	Chairperson Liberto-Blanck	Discusses Smart Growth that was acted on, and whether this is a component of the Ag and Open Space Element, with Mr. Euphrat responding.
9:01:47 AM	Commissioner Christie	Discusses the Board Resolution, and how the goals can best be implemented, how the goals should be prioritized, with Mr. Euphrat responding.
9:04:09 AM	John Euphrat, staff	Continues the staff update, displaying the Planning Department newsletter, offering same for anyone who wishes one, and provides planning website, where newsletter can be reviewed, www.sloplanning.org. Discusses the Substantial Conformity topic that is agendized for today.
9:05:33 AM	Commissioner Roos	Requests the website address for finding the General Plan, with Mr. Euphrat responding. The entire General Plan is expected to be available on the website shortly, but many parts are available now.
	John Euphrat, staff	States the entire General Plan is expected to be available on the website shortly, but many parts are available now.
9:08:27 AM	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.
9:08:33 AM	Susan Callado, staff	Gives the staff report. States the project was revised. Displays site map and photographs overhead. Discusses project details. Discusses differences from original project. Recommends approval. States the Agriculture Commissioner's office is in disagreement with the Planning Department's recommendation.
9:13:37 AM	John Nall, Principal Environmental Specialist	Discusses the mitigated Negative Declaration. Discusses grade, structures on the site, visibility to travelers being 1.5 miles both east and west bound. Discusses exterior building materials, colors. Displays a chroma scale. Discusses lighting, night sky, traffic study, cumulative impacts, possible dedication of right-of-way. Discusses off site road improvements to be required. Discusses Cal-Trans' opinion regarding level of service.
9:23:01 AM	John Nall, staff	States condition 1.g. is changed. Introduces Lynda Auchinachie of the Agriculture Commissioner's office.
9:23:33 AM	Commissioner Christie	Requests clarification regarding traffic and the study, and the position taken by Paso Robles, with Mr. Nall responding. Further discussion takes place regarding mitigation measures.
9:27:57 AM	Commissioner Roos	Suggests the proposed language does not clearly solve the problem, giving reasons.
9:28:46 AM	David Murray, Branch Chief, Planning, District 5, Cal-Trans	States the additional traffic generated by other winery activities besides events will be insignificant, in Cal-Trans view. States they are interested in comprehensive improvements to the corridor, including the Hwy 101-Hwy 46 interchange. The restriction on event traffic sufficiently mitigates the traffic for this project. Dedication of a right-of-way adequately mitigates.'
9:30:36 AM	Commissioners and Mr. Murry	Discuss peak traffic periods, highway widening, critical movement periods in the project area, Cal-Trans letter of 2004 and whether the concerns stated in that letter are sufficiently met.
9:33:33 AM	Lynda Auchinachie, Agriculture Department	Compliments staff and the report. States the concerns are in regard to special events, which are outside typical agricultural realm. This proposal is one of the first submitted since the Laird Bill. States preservation of the Williamson Act Contract is the main concern of the Agriculture Department. The special events facility and office facility are of concern. Explains. Discusses interpretation of secondary and incidental. Discusses food service, visitor-serving intent, standard used by the Agriculture Commissioner's office. States the office supports this project.
9:38:57 AM	Chairperson Liberto-Blanck	Requests discussion of Williamson Contracts and the Laird Bill, with Ms. Auchinachie responding.
9:40:04 AM	Terry Wahler, staff	Discusses the Laird Bill, to curtail improper use of agriculture. States the contract for this property is 600-plus acres. The landowner owns other property in the area. Discusses the basic provisions of the bill.
9:42:40 AM	Chairperson Liberto-Blanck	Requests information about why the bill was needed in the first place, with Mr. Wahler responding.

9:44:04 AM	Commissioner Christie	Discusses language of the statute regarding total area of each building, minimum penalties for breach of contract and whether local government is subject to such penalties under certain circumstances, with County Counsel responding.
9:45:51 AM	Jim Orton, County Counsel	Discusses when the Laird Bill is triggered, and language within the Bill. Discusses the determination of incidental or secondary that is made by the Planning Commission.
9:50:18 AM	Commissioner Roos	Requests clarification of where the Ag Preserve Review Committee comes in, with County Counsel responding.
9:51:34 AM	Commissioners, Agriculture Commissioner's representative, staff	Discuss the Agriculture Commissioner's recommendation, the 800-square foot standard, special events requirements, the secondary or incidental determination and what that should be based on, the visitor-serving component, the administrative/office building, flexibility for agriculture processing on lands not otherwise engaged in agriculture, Williamson Act Table 2 Rules of Procedure, intent of the owner in putting in olive trees, compatibility of use, that agricultural processing is an agricultural use, that the applicant has a use permit for future pesticide use, whether there is an intent to plant grapes on the site, non-allowed uses in Agriculture Land Use Category, whether a condition prohibits live performances, public gathering use, special events use, monitoring ability, enforcement, a possible fund to be set up for monitoring outside of the code enforcement process, definition of winery events as opposed to special events, uses in banquet pavilion.
10:26:24 AM	Chairperson Liberto-Blanck	States the agenda will be re-ordered.
10:27:56 AM	Chairperson Liberto-Blanck	Requests input from anyone objecting to item 5 being moved to right after item 1.
	Public Testimony	No one coming forward.
10:28:38 AM	Tim Woodle, Pults & Associates, agent	Thanks staff. States staff presentation was very good. In regard to traffic, discusses traffic study that did not fully address cumulative impacts. There may have been miscommunication, but the issues have been worked out to satisfaction of both. Client will provide cumulative impacts analysis. States increased restrictions on peak period traffic times is agreeable to the applicant. Discusses Laird Bill. States this site is planted with olive trees, some acres are to be planted with vines, some acres are planted in Shandon area, and Arciero Farms has other plantings elsewhere. Discusses special events, stating the proposal is not for an events center. Non-winery related events are not requested, though special events are proposed.
10:36:21 AM	Rachel Dumas, agent	States most wineries in the area are very small. Retail is relied on by small wineries to support their business. Larger wineries rely on distribution. Describes Arciero business and distribution. Displays photographs of other wineries, comparing and contrasting to the proposal. Displays statistics on wineries in the county. Discusses vineyards on site, stating much crop goes outside the county, but it is better for the industry for the crop to remain at home. Discusses the restaurant idea, stating this cannot take place at a winery due to the serving of other wines that would be necessary. Discusses the banquet facilities for larger events.

10:41:36 AM	Commissioners and Ms. Dumas	Discuss international sales, buyers, the sales-marketing experience, event weekends and wine sampling, training for sales staff, safety meetings, what drives the need for a facade, how important image is in the wine industry, quality of wines, the wine grape glut, the requirement for planting grapes on this property, whether vineyards are needed for the project.
10:46:48 AM	Tim Woodle, Pults and Associates, Architects	Clarifies that this project was submitted in 2003 and the Laird Bill became law in 2004.
10:47:26 AM	Commissioners and Mr. Woodle	Discuss conflicts with bringing in trade and marketing people from overseas, where employee related events will take place,
10:48:37 AM	Rachel Dumas, agent	States events with less than 50 people that are not advertised to the public do not require a permit. Discusses Condition 1.b.
10:49:18 AM	Commissioners and staff	Discuss special events and what is intended to be allowed.
10:50:50 AM	Tim Woodle, Pults & Associates, Architect	Requests change to Condition 1.e., reading requested change.
10:51:50 AM	Eric Greening	Discusses what is different about wine in agriculture and other crops. States today concern has been expressed about wine grape glut, and there is reluctance to put the wine grapes within sight of the project requesting approval. States he wishes kit fox to be discussed, and states there is little real mitigation for that animal.
10:55:05 AM	Irv McMillan, Shandon	States he is on the committee that oversees the Williamson Act. States that as a farmer, he has a Williamson Act contract himself. States this project is being subsidized by the general public, and wonders if this can be considered bona fide agriculture. States there is no overview of what is happening on the property or what happened in the past, that there has been little said about the adjoining parcels, whether the agriculture operation is required along with the building, wondering if a parcel can be sold. Refers to the picture of the anticipated building.
10:58:54 AM	Commissioner Roos	Requests comment by Mr. McMillan.
10:59:28 AM	Greg McMillan, Vice Chairman, Shandon Advisory Committee	Discusses concern about the traffic study, stating the firm publishing the study did not have knowledge of traffic conditions in Shandon area. Gives examples. Discusses Highway 46 traffic on weekends, the McMillan Road intersection, CDF's ability to respond in that area, piecemeal planning in the community. States all projects will affect and be affected by Shandon and its community plan. Requests continuance for additional consideration by staff.
11:02:02 AM	Nick Valdez	States he has attended meetings here and in Shandon, stating he looks forward to growth in Shandon because he wishes to live there, and many others share his views. As far as traffic, other wineries in the area have as many as 900 people at events and there has not been a problem in his experience. States too much government control is not desired, and may be feared by many people. States Shandon can be a beautiful

		community.
11:04:05 AM	Ella Honeycutt	States she has been in agriculture nearly 30 years. Discusses Williamson Act, and her part in it. States it has been difficult and requires diligent effort. States misuse of it risks losing its benefits for everyone. States this project is commercial, not agricultural. Compares it to interstate agricultural operations. Reads a letter regarding support of some projects, but not this one, and gives reasons. Discusses Ag Policy #6. It is very important to retain the Williamson Act, and that could change.
11:06:48 AM	Commissioner Rappa	Requests clarification from Ms. Honeycutt regarding appropriateness of placing large wineries into Williamson Act contracts, with Ms. Honeycutt responding. Mr. Honeycutt states the general public's idea of agriculture does not include commercial operations that concentrate on special events, and public funds are being spent.
11:08:03 AM	Chairperson Liberto-Blanck	Requests Ms. Honeycutt comment on the uses that are no compatible with agricultural uses, with Ms. Honeycutt responding.
11:09:19 AM	Susan Harvey, Paso Watch	Reads a letter into the record. States the property is more suitable to dry farming. Gives other options that could take place on this site. States the nearest sheriff's station is far away. Discusses the crops that are growing and will be grown on the site. Discusses preservation of agriculture and open space land. Defines incidental use. States the project is solely commercial, and requests denial of the project.
11:12:49 AM	Maria Lorca, Creston Citizens for Ag Land Preservation	States their interest in the intersection of the Laird Bill and Williamson Act, including hospitality issues. States it does not seem that the olive trees planted on the site can provide enough money to improve the intersection. States review by the Department of Conservation may be appropriate. Requests the Commission look more closely at these issues.
11:14:50 AM	Tim Woodle, Pults & Associates, Architects	Thanks staff. Clarifies the Williamson Act contract is for 4 parcels. There are 250 acres of grapes planted, and more are planner. There are the 4000 olive trees previously mentioned. Discusses Hwy 46 widening. States they have agreed to everything Cal-Trans has requested. Discusses the make-up of the Shandon Area Advisory Group comments, shown on page 1-115 of the staff report.
11:17:16 AM	Greg McMillan, Shandon Area Advisory Committee	States there have been changes on the Committee. States they wish a more comprehensive planning approach.
11:17:59 AM	Tim Woodle	States the project was submitted in 2003. It has undergone thorough review. Requests approval.
11:18:17 AM	Chairperson Liberto-Blanck	Requests staff clarification regarding assessor parcel numbers of this project, and whether any of the lots could be sold separately, with staff responding.
11:19:09 AM	Terry Wahler, staff	Discusses the Laird Bill analysis that is done, and how it affects the evaluation. States lots can be sold within certain limitations. 40 acres is minimum parcel size in the old contract.
11:21:03 AM	Tim Woodle, Pults & Associates	States the Arciero family owns the property previously referred to.

11:21:39 AM	Commissioners, staff, County Counsel	Discuss whether property owner requested looking only at 160 acres, the need to apply for a Conditional Use Permit, evaluation of the proposal, evaluation of the entire contract, the size of the parcel where the structure will be located, the minimum parcel size for an agricultural parcel in this area (for purposes of subdivision), that the Williamson Act is more permissive, with 40 acres in this case, whether the Laird Bill is the pertinent part, whether the Ag and Open Space Element is the pertinent part, traffic as it will appear if the project is approved.
11:26:05 AM	Richard Marshall, Public Works	Discusses the improvements required by Condition 13. States the traffic study has made calculations, which will be shown on permit application.
11:27:34 AM	David Murray, Cal-Trans	Discusses standards for left-turn lane.
11:29:16 AM	Commissioners, Public Works and staff	Discuss when road improvements will be made, inspection by Cal-Trans.
11:30:16 AM	Robert Lewin, CDF/County Fire	Responds to Commissioner Roos regarding fire and safety requirements. Discusses Highway 46/41 interchange, which is dangerous.
11:32:59 AM	Commissioner Christie	Requests staff discuss kit fox issues. Requests clarification of whether a kit fox has been spotted in this area, with staff responding.
11:33:30 AM	Julie Eliason, staff	Confirms a recent sighting, but does not know the location.
11:33:48 AM	Greg McMillan	States a kit fox was trapped and radio collared at Hunter-Liggett and migrated to Carrizo Plains. It had set up residency across the river, but it is unknown whether the den is active.
11:34:25 AM	Julie Eliason, staff	States two kit fox from Camp Roberts were radio collared, and one was relocated, and the other hasn't been heard from for years. However, there may have been a more recent sighting.
11:34:59 AM	Irv McMillan, Shandon	States the kit fox that was sited was in Post Gulch along San Juan Road about a mile east-southeast of Shandon.
11:36:02 AM	Commissioner Christie	Discusses whether kit fox habitat may be on this site, with staff responding. Further discusses kit fox multiplier for habitat disturbed, and whether true habitat calculations may be better to use for the multiplier, and whether a conservation easement should be recorded for the site to preserve habitat, with staff responding.
11:42:32 AM	Julie Eliason, staff	States she is not familiar with the project site; a kit fox sighting must be within 3 miles of a project site and gives the required mitigation ratio.
11:43:41 AM	Commissioner Rappa	Discusses the Laird Bill size requirements, whether Williamson Act contract requirements have changed, the original intent of the Williamson Act. States the Commission must met its obligation under state law to approve the project, and her feeling this project has been adequately considered.
11:45:44 AM	Commissioner Mehlschau	Discusses kit fox rules developers must follow, that the Commission cannot micromanage. Discusses whether the operation is commercial or agricultural.
11:46:38 AM	Commissioner Christie	Discusses whether the project is legally approvable under the Williamson Act, whether it is designed and conditioned appropriately, Williamson Act history, farming generally, taxpayer relationships with farmers,

		requirement for developments in agriculture to be consistent with Williamson Act language, colors and visual impacts, that legal requirements for compatibility have not been met on this project, and that she would support denial of this project on that ground.
11:51:05 AM	Commissioner Roos	Requests clarification regarding the mechanism for tax relief under the Williamson Act, with Terry Wahler, staff, responding. Commissioner Roos continues, discussing whether the project is agriculture compatible, whether it is incidental to agriculture, discussing activities necessary to market the crops grown.
11:53:12 AM	Chairperson Liberto-Blanck	States she will support the Agriculture Department, that the Agricultural Commissioner's office supports the project, and the Planning Department, and Department of Conservation support the project.
11:59:14 AM	Tim Woodle, Pults & Associates	Offers to redo the kit fox survey, if necessary.
12:00:55 PM	James Caruso, staff	Discusses Condition 29.
12:02:28 PM	John Nall, staff	Discusses Condition 1.g.
12:04:01 PM	Commissioner Mehlschau	Requests clarification of how the number and types of events compare to other wineries in the area, with staff responding.
12:07:19 PM	Susan Callado, staff	Responds to Commissioner Rappa, stating special events are limited to 40 days per year, under the ordinance. Individual events would not be required to gain further individual permits.
12:08:34 PM	Tim Woodle, Pults	Offers to reduce the 150-people events to 12, and the 300-people events to 2, making the total events 24.
12:09:30 PM	Irv McMillan, Shandon Area Advisory Group	States he is concerned about the traffic problem, and that 24 events is better than 36, but he is concerned that traffic accidents will happen as a result. States a left-turn lane long enough to accommodate 100 cars would be impossible. States as an individual, he would prefer no events be held there.
12:11:27 PM	Terry Wahler, staff	Requests additional findings, and summarizes. Discusses 3 principles of compatibility, and proposed compatibility findings.
12:16:51 PM	MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, is discussed.
12:17:22 PM	MOTION	The matter is thoroughly discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries, 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. 2005-020**, granting a Conditional Use Permit to ARCIERO FARMS for the above referenced item, based on the Findings in Exhibit A, with the addition of new Findings G, H, and I, as follows: "G. The proposed agricultural processing, wine tasting and special events uses will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel (or parcels) or on other contracted lands in the Agricultural Preserve

		because: the property under land conservation contract pursuant to the Williamson Act consists of approximately 640 acres of land and the landowner has an additional 900 acres of adjacent land currently planted in vineyard; the amount of land proposed for the use is insignificant relative to the total land area farmed and is therefore incidental to the primary agricultural use of the land; and adjacent contracted land will not be impacted by the proposed use due to its location away from adjoining properties as well as the limited land area involved and the types of uses proposed. "H. The agricultural processing, wine tasting and special events uses will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel (or parcels) or on other contracted lands in the vicinity because: the amount of land needed for the proposed uses is insignificant relative to the total acreage of the contracted parcel, the area where the buildings would be located is not currently under cultivation; and the proposed uses are compatible with the agricultural and uses on adjoining parcels because the project will provide additional processing and promotional facilities for agriculture in the vicinity. In addition, should the proposed uses displace agricultural operations on the subject contracted parcel or parcels they may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing or shipping. The proposed uses are compatible because they will support agricultural production on the site and the surrounding area by providing processing facilities for agricultural products. "I. The agricultural processing, wine tasting and special events uses will not result in the significant removal of adjacent contracted land from agricultural or open-space use because: the types of land uses proposed will not limit or interfere with the production of agricultural crops on adjacent land and the nature of the proposed uses will enhance agricultural production by increasing local demand for agricultural products.", and subject to the Conditions in Exhibit B, with the following changes: in Condition 1.b., add "such as a restaurant and/or conference center," following "events" in sentence 2; in Condition 1.e., add "if required by CDF" following "creek crossing" in line 2; in Condition 1.g., add "None of the annual events will begin or conclude on Fridays between the hours of 3:30 p.m. and 6:30 p.m. When a holiday falls on a Friday, none of the annual events will begin or conclude on the Thursday before the holiday between the hours of 3:30 p.m. and 6:30 p.m. On Monday holidays, none of the annual events will begin or conclude on the Monday holiday between the hours of 3:30 p.m. and 6:30 p.m." at the end; and in Condition 29, add "A revised Kit Fox Evaluation will be completed prior to issuance of a grading permit to be based on current information and any change in the project score shall be reflected in the mitigation ratio." following the last sentence.", adopted.
12:19:18 PM	5. Study Session	This being the time set for a STUDY SESSION – Cambria and San Simeon Community Plan.
12:19:53 PM	John Euphrat, staff	Discusses sequence of events for the Cambria and San Simeon Community Plan approval process. Discusses dates for chapters to be discussed. June 23 for chapters 1 through 4; July 14 for Chapters 5 through 7 2005 will have chapter discussions.
12:21:26 PM	Martha Neder.	Notes the areas covered by this Community Plan. Gives parts included in

	staff	community plans, displays site map. Answers the question of why the plan requires update. Discusses the update process. Provides background since the year 2000. Discusses the approach taken by staff to preparing the update, key features and organization, goals for planning including balancing growth and resources. There is a new Coastal Access chapter, and an appendix with Coastal Access inventory. The standards of the Cambria Design Plan amendments are integrated into the community plan, as are Coastal Zone Land Use Ordinance amendments. There are mapping changes, such as pine forest mapping among others. Discusses major issues, including buildout and residential design. Water supply is the potential significant but unavoidable impact.
12:32:52 PM	Commissioner Christie	Requests schedule be displayed, with staff responding.
12:34:53 PM	Eric Greening	Discusses original environmental impact report, wondering what has changed since that was written.
12:35:25 PM	Martha Neder, staff	States the draft EIR is out for public review. These issues were found to be mitigatable to less than significant. Reminds this is a draft document.
1:35:41 PM	Vice Chairman Roos	Chairperson Liberto-Blanck will be absent from the afternoon session. Vice Chairman Roos assumes the chair.
1:36:07 PM	John Euphrat, staff	Summarizes the Cambria/San Simeon Community Plan as presented this morning.
1:38:42 PM	2. ANDERSON FAMILY TRUST, County File No. SUB2003-00307 / TRACT 2598	This being the time set for hearing to consider a request by the **ANDERSON FAMILY TRUST** for a Vesting Tentative Tract Map to subdivide an existing 4.32-acre parcel into six parcels of 0.49, 0.51, 0.58, 0.59, 1.03, and 1.08 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Cressy Street. The project would result in the disturbance of approximately 3.7 acres of a 4.32-acre parcel. The division will not create any new roads. The proposed project is within the Residential Single Family land use category and is located on the west side of Cressey Street (at 6393 Cressey Street), immediately north of Fourth Street, approximately 350 feet northwest of Highway 229 in the community of Creston, within the El Pomar planning area. **County File Number: SUB2003-00307 / TRACT 2598.** APN: 043-071-001. Supervisorial District: 1. Date Accepted: July 22, 2004.
1:38:51 PM	James Caruso, staff	States the applicant's agent has requested a continuance of this item to a date certain. Requests Commission consider continuance and date to be continued to.
1:39:51 PM	Commissioner Christie	States she has had sufficient time to consider this project and does not wish a continuance.
1:40:39 PM	Commissioners	Discuss whether or not they wish to continue the project to a date certain.
1:41:55 PM	Sue Harvey, President, Paso Watch	States the project has been in process since 2004. States she does not think this project should be continued.
1:42:29 PM	MOTION	Thereafter, motion by Commissioner Rappa, seconded by Commissioner Christie, carries, in the absence of Chairperson Liberto-Blanck, to continue the above-referenced item to August 25, 2005.

1:43:49 PM	3. TAKKEN DEVELOPMENT CO., County File No. SUB2004-00214 / TRACT 2717	This being the time set for hearing to consider a proposal by **Takken Development Company** for a Tentative Tract Map / Conditional Use Permit to allow for the subdivision of a 0.75-acre parcel into fourteen parcels and construction of twelve residences as a planned development. The proposed residential parcels range in size from approximately 1,878 to 2,799 square feet each. The proposed residences would be two-story, include an attached garage, and range in size from 941 to 1,018 square feet each. The proposal includes two lots 3,409 and 3,454 square feet each for access, and landscaping along the perimeter of the parcel, and in between residences. The proposed project would result in the disturbance of the entire site. The project site is in the Residential Multi-Family Land Use Category and is located on the southeast side of Belridge Street, immedately west of the Belridge Street and 13th Street intersection (at 1260 Belridge Street), in the community of Oceano, in the San Luis Bay (Inland) Planning Area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item, pursuant to the California Environmental Quality Act, Public Resources Code Section 21000, et seq. Mitigation measures are proposed to address Air Quality, Biological Resources, Hazards/Hazardous Materials, Public Services/Utilities, and Recreation. **County File Number: SUB2004-00214 / TRACT 2717.** APN: 062-271-038. Supervisorial District: 4. Date Accepted: January 29, 2005.
1:43:59 PM	Brian Pedrotti, staff	Gives the staff report, displaying maps and photographs overhead. Discusses commonly owned lots. Recommends adoption of the negative declaration, and approval of the project.
1:50:32 PM	Vice Chairman Roos	Requests clarification of 15.4 units per acre density that appears to be the mathematical result.
1:51:41 PM	Brian Pedrotti, staff	States he will check the calculations again, but his understanding was the density would be 15 units per acre.
1:52:08 PM	John Euphrat, staff	Rounding rule would apply in this case. Normally, 43560 square feet divided by 15 equals 2,904 for a total site area, and divide into the total area of the site, and then the rounding rule applies.
1:55:30 PM	Brian Pedrotti, staff	Discusses density.
1:56:15 PM	Commissioner Mehlschau	Requests clarification of who will follow up on Condition 7 of Exhibit D, regarding trash facilities, specifically recycling, with staff responding, and Commissioner Rappa stating the trash contractor will follow.
1:58:44 PM	Jim Orton, County Counsel	Requests clarification of how common area will be maintained. Requests staff specify area to be maintained, with staff responding. Counsel states verbiage is required.
2:00:57 PM	Commissioners and County Counsel	Discuss planned unit development legal definition. Discusses how past projects have been handled, that lot numbers for the commonly owned areas should be included in the CC&R's, how owners of the open space parcels benefit, that the two parcels are of an adequate size to provide benefits to the owners, maintenance of the open space. Further discussion takes place regarding fire protection, requirements of the Oceano Specific Plan.
2:14:36 PM	John Euphrat, staff	Discusses the Oceano Specific Plan guidelines, stating oftentimes, a project does not have to comply with every one. Discusses specific plans

		generally. Some details may not be appropriate for every project.
2:16:06 PM	Richard Marshall, Public Works	Discuss urban street improvements, and defines the kind of service to be provided. The Belridge intersection is monitored. The collision history is not substantial at all, and all-way stop control is not required. Monitoring continues. This project does not pose substantial problems for traffic at this location.
2:20:04 PM	Casey O'Connor, agent	States he can answer questions, Requests approval.
2:20:31 PM	Robert Moyle	States he and his neighbors are concerned about this intersection, because it is a blind intersection leaving the development. Three entrances and exits are on Belridge. If there is on-street parking between those entrances, that is of concern. They wish a block wall to separate the development, instead of wood fencing. Traffic is a concern. The corner is not a 90 degree turn. Only 4 parking spaces within the development will cause those residents to need to park on the street. States they want a 6 foot block wall, review of on-street parking, adequate on-site parking, and a traffic study for Belridge, with stop signs on 13th Street intersection.
2:25:01 PM	Vice Chairman Roos	Requests clarification of the reason a block wall is desired, and why a fence between the developments is desired, with Mr. Boyle responding.
2:26:26 PM	Casey O'Connor, agent	States there is no fence there now. Children use the area for a shortcut. States they wish to be good neighbors. Requests clarification about gate on 13th Street that is not used. A block wall is not desired to be put in, and the maintenance of the fence will be part of the CC&R's. All garage doors will have automatic openers. Also, use of garage to be for parking and not storage will be included in CC&R's. States 2-car garages are usable, because utility areas are included for washers and driers, and that is in addition to the space needed for two cars. There are more parking spaces than required by the code. States there is presently street parking, and the applicant will be putting in curbs, gutters and sidewalks on Belridge.
2:30:14 PM	Richard Marshall, Public Works	Discusses parking on Belridge Stret, which will include creation of a parking lane, and parking is likely to be permitted on Belridge. States he would not support a request to eliminate that. States the intersection meets sight distance standards and is in full compliance with County standards, and the project is properly conditioned.
2:35:36 PM	Jim Orton, County Counsel	Discusses Condition 21, and language from Condition 8. "Prior to filing the final map" is more appropriate for Condition 21, so the trigger for satisfying the requirements of the fire safety plan is "Prior to filing the final map."
2:38:51 PM	MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, carries, in the absence of Chairperson Liberto-Blanck, and with Commissioner Roos 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. 2005-021 granting a Tentative Tract Map to DAVID & LORI ANGELLO / TAKKEN DEVELOPMENT COMPANY for the above-referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with the following changes: in

		Condition 1.a., change "941 to 1,018 square feet each" in line 5 to "1,297 to 1,426 square feet each."; and change "0.75" to "0.775" in the last line; in Condition 4, change "lots 1 – 4" in line 1 to "lots 1, 5, 6 and 10"; change Condition 21 to read: "**Prior to filing of the final map,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Oceano Community Services District letter dated December 16, 2004."; delete Condition 25, and renumber the remaining paragraphs as appropriate; in Condition 28.b., add "Lots 13 and 14" at the end; and RESOLUTION NO. 2005-022 granting a Tentative Tract Map to DAVID & LORI ANGELLO for the above referenced item, based on the Findings in Exhibit C and subject to the Conditions in Exhibit D, with the following changes: in Condition 1.a. change "941 to 1,016 square feet each" in line 5 to "1,297 to 1,426 square feet each" and in the last line change "0.75 acre" to "0.775 acre."; in Condition 7, delete "Coastal Zone Land Use Ordinance" in line 3; and subject to Standard Conditions of Approval for Subdivisions Using Community Water and Sewer, adopted.
2:39:05 PM	4. STUDY SESSION - Substantial Conformity	This being the time set for STUDY SESSION – Substantial Conformity.
2:39:14 PM	John Euphrat, staff	Discusses department's position. Changes to projects must always be expected, because designs are minimal at the time of project proposal. Applicants do not wish to spend more money than necessary before knowing whether or not they can go ahead. Discusses some past experiences, stating criteria were developed. Options for changes to the existing process may be possible. Santa Cruz and Santa Barbara County are in similar positions. Requests feedback from Commissioners and planner to comment.
2:43:08 PM	Jim Orton, County Counsel	With regard to final maps, it is the county surveyor who recommends and then the Board of Supervisors who decide on whether substantial conformity has been reached.
2:43:58 PM	Commissioner Christie	Requests information as to how the public may know substantial conformity has been met or not, with staff responding.
2:44:42 PM	John Euphrat, staff	Refers to the project just discussed, where neighbors were concerned about traffic and fences.
2:45:14 PM	Further discussion takes place	Regarding what happens if a project design changes and whether new permits must be applied for. There is no outreach to the public. An interested party should request notice of the items in which he is interested. Procedure for members of the public who may wish to report changes to approved designs is discussed. Projects that are appealed are compared to ones that are not.
2:52:46 PM	Julie Tacker	Discusses that substantial conformity was requested to be discussed a long time ago, and that has been the experience she has had, that issues take a very long time to come up. States she was an applicant, and had been unable to appeal because of not understanding there was a substantial conformity issue. Describes the past project, which went before the Coastal Commission. States the public were not invited to participate. Appellants on the appeal were not notified substantial

		conformity review was taking place. Requests the procedure be changed such that appellants are notified if other reviews are taking place concurrent with the appeal. States the substantial conformity review should not have taken place at the same time as the appeal was in process.
2:58:32 PM	Commissioner Christie	Requests speaker provide information about how the procedure should be changed, with Ms. Tacker responding. Further, requests staff respond as to whether such issues arise often, with staff responding.
3:00:21 PM	John Euphrat, staff	States the Los Osos Sewer project is a major public project. Projects are not final designed at the time they come to the Commission. Property owners are encouraged to not take final drawings to the Commission, because it is harder to make changes.
3:01:28 PM	Commissioners, staff and Public Works	Discuss what would have satisfied the neighbors may have been preliminary drainage plans, which were unavailable. Applicants should be encouraged to provide all information, including drainage plans.
3:03:22 PM	Julie Tacker	Requests clarification of whether design should continue if the final outcome of the project approval has not been made, with staff responding.
3:04:10 PM	Commissioners, staff	Continue discussion.
3:05:03 PM	Eric Greening	States that in addition to inconsistencies in size, there were other significant problems the community wished to see resolved. There was huge county oversight. Part of the project description was a completed habitat conservation plan. That still is not done, and the lack of it, may cost time on the Estero Area Plan. Agrees with previous speaker that getting things right, including consistent project description, is time well spent. Discusses 97% of the County being different from the Los Osos area, and why that is so. Conformity and consistency are two different issues and should not be confused with one another. For both, the sooner problems are discovered and dealt with, the better. The Commission should not be intimidated.
3:08:20 PM	Jim Orton, County Counsel	Refers to page 4-5, an offer the Commission could make changes to the ordinance, and that if that were desired to be done, it would have to be agendized and decided at a future meeting. Discusses the Map Act, 66474.1, which codifies the Youngblood case of the California Supreme Court, and that procedure set forth in the Map Act must be followed. This can be reviewed for Development Plans and Conditional Use Permits, but staff should consult with County Counsel before bringing anything back to the Commission.
3:10:41 PM	Commissioner Rappa	States the entire scope and nature of projects that would be affected should be considered. The major sewer project has been in process for decades, and is a very unusual project. Forward movement must be maintained during a project, and changes to projects must be expected. Encourages Commission to stay with the present program, which has worked well.
3:13:28 PM	Commissioner Christie	States she is looking at this from a broad policy angle. Suggests a policy such that when an interested party has requested notice regarding changes, if there is substantial conformity request made by the applicant, the interested party should receive notice.

3:14:43 PM	John Euphrat, staff	This could be done, unless the request is a blanket request, such as "I want to know about all projects in Cambria," which would probably not be possible.
3:15:27 PM	Jim Orton, County Counsel	Suggests including in the written procedures. Gives an example. If notice is desired, a letter of request should be included in the project file.
3:17:31 PM	James Caruso, staff	States substantial conformity decisions are made all the time, and provides an example of a Cayucos Variance. This project came to the Planning Commission because substantial conformity determination was unable to be made. Describes the changes and that it was not in substantial conformance with the approved project. States neighbors called every other month. In about a year, building permits were issued. An interested member of the public reviewed them, and asked about all the changes. Describes requirements for the planner, stating advisory councils are notified when there is such an issue in their area. States Diablo Canyon dry cask storage is a good example. Final grading permits included some changes, but it was minor, and a substantial conformance determination was made. Avila Valley Advisory Council was not told, because the change was considered small and insignificant. If the changes were substantial, it would come before the Commission again. States judgment calls are made very day. States most substantial conformance determinations are minor and issues such as that of the sewer project rarely arise.
3:23:09 PM	Vice Chairman Roos	Sates his reluctance to direct staff to change their policies, as he does not wish to micromanage.
3:23:31 PM	Commissioner Christie	Agrees with Commissioner Roos, however, staff turnover would make it helpful to have reminders about those who require notice of project events. States changes to the process should be made to better serve the public.
3:25:48 PM	MOTION	Thereafter, motion by Commissioner Christie to agendize this matter for future action dies for lack of a second.
3:28:05 PM	MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, carries, to take into the record all documents presented today.

Respectfully submitted,
LONA FRANKLIN, SECRETARY
COUNTY PLANNING COMMISSION