a-1

MINUTES

San Luis Obispo County Planning Commission

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

MEETING DATE: THURSDAY, JUNE 23, 2005

MEETING LOCATION AND SCHEDULE N

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.

DRAFT * DRAFT *** DRAFT ***DRAFT*** DRAFT *** DRAFT *** DRAFT ***DRAFT***
WORDING COULD CHANGE UPON APPROVAL**

MEETING DATE: THURSDAY, JUNE 23, 2005

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

ABSENT: None

STAFF: Warren Hoag, Current Planning
John Euphrat, Long Range Planning
Matt Janssen, Current Planning, Coastal
John Nall, Principal Environmental Specialist
Chuck Stevenson, Planner, Current Planning
Martha Neder, Planner, Current
John Hofschroer, Planner, Long Range Planning
Brian Pedrotti, Planner, Current Planning
Stephanie Fuhs, Planner, Current Planning

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 23, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

a-2

Speaker	Note
Meeting to order	
Public Comment	Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening	Discusses Board of Supervisors' adoption of Smart Growth Principles. These are official policy of the county and a study session is requested.
Helen Keebler	Oceano. States she is secretary for the Oceano Halcyon Advisory Committee. Discusses building of 12 PUD units in the area. Street is narrow and little offstreet parking is available. Almost 100 living units are there. States her concern for children, stating the street will be even narrower when curbs, gutters and sidewalks are installed.
Peggy Wilson	States she is Chairman of the Oceano Halcyon Advisory Committee, that she wishes to discuss a project approved on June 9, 2005, that they are aware of the appeal process, but cannot take that avenue. States their concerns did not reach the Commission. Discusses parking and that the area is already crowded with housing. States had she known of a hearing June 9th she would have attended. Requests the project be "pulled back."
Commissioner Roos	States the staff packet stated the group had been sent a referral letter but did not respond, with Ms. Wilson responding.
Peggy Wilson	States the referral required return by a certain date, and there were no scheduled advisory group meetings between the received date and the return date.
Commissioner Christie	States any individual member of the advisory committee may file an appeal, which can be done today. Suggests having a discussion with the planner who attends their meetings. Requests staff comment as to provisions for appeal for those who cannot afford to pay.
John Euphrat, staff	States today is the last day to appeal. States there is a fee required, but a process exists to waive the fee if necessary, though that requires following the procedure.
David Johnson	Cambria resident. States the Commission is responsible for Growth Management. Discusses CCSD responsibilities and place in the community. States no water upgrade has been done. Wonders why pressure has not been put on such agencies to perform. States CCSD should not be rewarded for years of nonperformance.
Linda Johnson	States they are on the water wait list for the County and that is not addressed in the update of the area plan.
Planning Staff Updates	
John Euphrat, staff	States there is no staff update.
Commissioner Roos	Requests input regarding progress on Pine Knolls tanks.
Matt Janssen, staff	States he attended Coastal Commission meeting. Discusses three items that were being addressed that day. States the Pine Knolls project was approved, with no amendment to the conservation easement on that property. States when this went

a-3

	from county to state level, the subject became water for growth rather than the size of the parcel. Public safety was considered, as opposed to water for growth.
Commissioner Christie	Discusses the decision made by the Coastal Commission.
Bob Gresens, CCSD	States they are conferring with Coastal Commission staff at this time. Discusses the details that are being resolved.
Commissioner Mehlschau	Requests clarification of whether downsizing of tanks is being considered with Mr. Gresens responding.
Discussion	
Chairperson Liberto-Blanck	Requests discussion of budget status, with staff responding. States her desire to agendize a joint meeting with Board of Supervisors, or to have a retreat, to enhance their ability to coordinate and work together on issues. General consensus among Commissioners. Included would be Planning Department policies and implementation of decisions.
Chairperson Liberto-Blanck	Requests item 2 be taken up before item 1.
Discussion	
2. 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, and are included as conditions of approval. **County File No. S030062T / TRACT 2574.** Date application accepted: November 4, 2003. Supervisorial District 4.
Jim Orton, County Counsel	Requests applicant respond if present, with no one responding.
Discussion	Among Commissioners and County Counsel regarding due process.
Craig Harvey	States incoming information did not meet the 30-day time limit. However, CEQA requires significant potential damage be disclosed, and there is significant potential damage. States his concern the mitigations are inadequate and may not be met. States his concern about monitoring not being adequate and coming too late. Discusses other projects in the area that have been required to do an EIR. Cumulative effects must be considered.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Christie, carries unanimously, to continue the above item to later today.

a-4

Chairperson Liberto-Blanck	Recuses herself due to possible conflict of interest on the following item.
Commissioner Roos	Assumes the chair.
1. COUNTY OF SAN LUIS OBISPO – North Coast Area Plan, LRP2004-00024	This being the time set for hearing to consider a request by the **County of San Luis Obispo** to **1)** update and amend the Cambria and San Simeon Acres community plan portions of the **North Coast Area Plan** (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and planning area standards; **2)** amend the **Cambria Design Plan** by a) revising and moving development standards to the area plan; and b) modifiying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and **3)** amend the **Coastal Zone Land Use Ordinance**, Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. LRP2004-00024. Supervisorial District 2.
Commissioner Christie	Discusses Chairperson stepping down, and ramifications. States her discomfort in going forward without participation by Ms. Liberto-Blanck on those items where no conflict exists. Suggests continuation of this item to the next meeting.
MOTION	Thereafter, motion by Commissioner Christie, seconded by Commissioner Rappa, to continue the above referenced item to the next Planning Commission meeting, July 14, 2005, to allow Chairperson Liberto-Blanck to participate, fails on a vote of two for and two against.
Jim Orton, County Counsel	States an opinion by the Fair Political Practices Commission is to be coming forward, but will probably not be available within two weeks.
Commissioner Roos	States he understands she attempted to resolve the issues locally. Discusses problems that can result.
Commissioner Mehlschau	Requests County Counsel discuss precedent, with Mr. Orton responding.
Jim Orton, County Counsel	States his office counsels the Commission as a whole, and does not do so for individual members. Reiterates two weeks may not be long enough to receive a response from the FPPC.
Commissioners, County Counsel and staff	Discuss whether this item should be continued or not.

a-5

MOTION	Thereafter, motion by Commissioner Christie, seconded by Commissioner Rappa, to open the public hearing for public testimony only and then continue the above referenced item to July 14, 2005, is discussed. Thereafter, motion maker and second amend their motion, and motion by Commissioner Christie, seconded by Commissioner Rappa, to open the public hearing on the above referenced item, and to take testimony only, is discussed. Thereafter, motion maker and second amend their motion to include presentation by consultant, and motion by Commissioner Christie, seconded by Commissioner Rappa, carries, in the absence of Chairperson Liberto-Blanck, to open the hearing today, hear consultant presentation and take public testimony from individuals present today.
John Euphrat, staff	Comments on the timeframe necessary to completely discuss the item. Introduces Martha Neder, staff. States the advisory council chairperson is present today.
Martha Neder, staff	Provides update of progress since the study session at the last meeting. States they have met with North Coast Advisory Council. Public meeting was held and had good turnout. Some comments were received in writing, and are included in the staff report package.
David Early, Design, Community & Environment, Consultant to County	States he will provide an overview, and will touch briefly on the EIR. States the review period for the EIR closes on July 5, 2005. States public should submit comments prior to the ending date. States Chapters 1 through 4, and part of 5, are largely background for the plan. Discusses Chapter 1. Maps are included, showing land use categories and combining designations. Includes Planning Area standards, coastal access, and has a coastal access appendix. Discusses relationship of the North Coast Area Plan to the Local Coastal Program. Discusses Chapter 2, Population, Housing and Economy.
Commissioners, staff and consultant	Discuss how the review will take place and how information presented now that is pertinent to decisions that will be made later can be better dealt with.
David Early, consultant	Discusses Chapter 3, Public Services, Facilities and Resources. This chapter includes water supply evaluation. Notes a conservation approach was taken regarding water.
Commissioner Rappa	Requests clarification of the water master plan with Mr. Early responding, The county cannot dictate to Cambria Community Services District (CCSD), as it is a separate public agency, a special district.
Commissioners	Discuss growth, CCSD actions.
David Early, consultant	Continues discussion, reviewing Chapter 4 Land Use. Gives a brief overview of Chapters 5, 6, and 7. Chapter 7 is about 110 pages long and applies to the entire area. Chapter 7 has the specific development regulations for specific sites. Changes to the land use map are suggested. At the end, Chapter 8 is new requested standards by Coastal Commission, and includes the Cambria Commercial Design Plan.
Commissioner Roos	Requests clarification of the Cambria Design Plan and whether the importance of the document will change, with staff responding.
Commissioner Christie	Requests clarification of details of the EIR, the periodic review process what was included and the reasons for the decisions, with consultant and staff responding.

John Euphrat, staff	Discusses the amount of change that has been required, that Coastal Commission made many recommendations, and that about 90% have already been addressed.
John Hofschroer, staff	States not all the Coastal Commission recommendations apply to Cambria / San Simeon, but the ones that do are all included.
Ann Wyatt, Chair, North Coast Advisory Council	States there is general support for the draft plan. Thanks staff. States she has seen several drafts of this plan to date. Refers to Section 4-17 Design Manual, stating provision of staff and resources is encouraged. There is much interest in such a document.
Commissioners and staff	Discuss comments by members of the public and whether they can be connected to certain changes or pages within the report.
Tammy Rudock, General Manager, CCSD	Acknowledges all participants. Objects to Sarah Christie's involvement in this review, giving reasons, and a case citation.
Linda Johnson	Cambria. States people who have already paid for building permits are not being heard or allowed to build. States many people have waited more than 11 years to build, and it is expected to take more than 20 years for all parcels to be built upon. Wonders where in the draft are the several hundred taxpayers included. States they should be included in the plan.
Joy Fitzhugh, San Luis Obispo County Farm Bureau	States issues come up in the community that will impact the surrounding area.
Michael Dill	States he owns property in Cambria and has not yet been able to build. Discusses CCSD plans. Requests return to 2.3% growth rate.
David Johnson	Owns property in Cambria. Discusses property rights, wondering how a 20-year plan for buildout gives any justice to property owners. States he will be 75 years old by then. States there may be a taking of property, and explains. Discusses actions in State of Oregon. Wonders where current property owners are on the list.
Wayne Ryburn	States he works with the North Coast Alliance. States the 1% growth rate set in 1999 was on the basis of lack of water in Cambria. States the CCSD is working on a desalination plant, part of the water plan, and continued conservation. All components, such as the desal plant, lot reduction, and conservation program, should continue and once all parts are complete, then the moratorium should be lifted.
Eric Greening	States Commission should take into account environmental stream flow needs. States the segmentation of urbanized areas outside of other watersheds creates problems. States his skepticism of the DWR assumptions. Water issues are on the public's minds. Coastal ecosystems depend on water and are protected by law as well as being protected morally. Streams flowing through these communities support a huge abundance of life that feeds all.
Nancy Castle, AGP Video	Offers provision of additional copies of DVD's of this item for Commissioners to review between meetings.
Commissioner	Requests clarification of the 700-list, with staff responding.

a-7

Roos	
Jim Orton, County Counsel	States there is a growth management list of growth allocations, and there is also the water wait list, and explains the difference and how these two lists came about.
Commissioners and County Counsel	Discuss these lists, how they relate to one another, and the effects they have.
Bob Gresens, CCSD	States the process is complicated to administer. Historically the CCSD has not recognized the County's wait list.
Jim Orton, County Counsel	States the County's list is for granting property owners the right to apply for a building permit, and is not a water wait list.
Commissioners and staff	Discuss that the Negative Declaration must be submitted by July 5, 2005, with staff providing address for written comments.
David Early, consultant	Provides his schedule for future Planning Commission meetings.
2. 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, and are included as conditions of approval. **County File No. S030062T / TRACT 2574.** Date application accepted: November 4, 2003. Supervisorial District 4.
Brian Pedrotti, staff	Requests continuance to allow comments by County Geologist on slope to be included in the staff report.
MOTION	Thereafter, motion by Commissioner Christie, seconded by Commissioner Mehlschau, carries, in the absence of Chairperson Liberto-Blanck, to continue the above-referenced item to August 25, 2005.
Chairperson Liberto-Blanck	Returns and assumes the Chair.
3. OAKGLENN ESTATES, County File No. SUB2004-00062	This being the time set for hearing to consider a request by **Oakglenn Estates, LLC**, for a Vesting Tentative Tract Map to subdivide an existing 1.98 acre parcel into nine parcels ranging in size from 6,000 square feet to 13,417 square feet each for the purpose of sale and/or development. The proposed project is within the Residential Single Family land use category and is located at 392 South Oakglen Avenue in the community of Nipomo. The site is in the South County (Inland) planning area. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section

	21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves. **County File No: SUB2004-00062**. APN: 092-271-007. Supervisorial District: 4. Date Accepted: January 28, 2005.
Stephanie Fuhs, staff	Gives the staff report. Recommends denial.
Commissioner Roos	Requests clarification of other projects referred to, with staff responding.
Commissioners and staff	Discuss right-of-way, Nipomo Creek crossing, Southland Avenue ramp, a tunnel beneath Hwy 101, railroad right of way, past history of the area.
John Shoales	States the project is consistent with the General Plan and EIR done when the project was proposed. Maximum buildout should have been looked at. The zoning has been the same for 15 years, and landowners have filed application in good faith. The project meets minimum lots sizes. It will be good for the area. Nipomo Community Services District has issued a preliminary will serve letter. Health and Parks have approved the project. This project will provide additional housing opportunities. The project is within 4 minutes of a fire station and can be served. States his understanding that CDF has said a tunnel will work. Requests consistent application of standards. States the findings are not supported by substantial evidence, and requests to know the evidence. Requests approval of the project. Requests clarification of the issues.
Commissioners and Mr. Shoales	Discuss various issues, including the length of dead end roads, secondary and primary access, emergency access.
Dan Pace	Discusses affordable housing, stating density and land costs make housing cost more than what is affordable, but these houses are intended to be medium priced units, and as such, these will be a benefit to the community. States their goal is to meet the medium and low-medium needs. States as regards the bridge, there is a property owner who needs an easement.
Jesse Hill	States secondary access is different from emergency access. Staff stated the issue was due to the dead end of the street. Displays on overhead Public Resources Code section 1273.09 on Dead-End Roads. Discusses same. States this region is not hazardous for fires, but is moderate hazard. Discusses statutory standards for dead end roads.
Commissioners and staff	Discuss roads.
Richard Marshall, Public Works	Discusses the road, stating it is physically drivable though it does not satisfy modern design standards. It is one thing that can be considered, however.
Commissioners	Discuss circumstances under which the County would condemn the land.
Jesse Hill	States he is not part of the applicant's team for this process. States he represents a neighbor.
Clint Bullard, CDF/County File	Discusses several issues, including emergency access and how length of access roads is determined. States County Fire will protect citizens, but landowners are involved in that they must also be able to use the access for evacuation and such

	events.
Kami Griffin, staff	States the fire department staff who are knowledgeable about the options in the staff comments section of the staff report are not available today. Each option is possible but each has a problem.
Dan Pace, applicant	States 9 units are preferable to 2 units. States farmers use these trails every day, and they are in better shape than many dirt roads. States in an emergency, people will "do what they have to do" and there is a secondary plan in place. States he is within the land use and zoning, and the project presented today is what he was told to do. Requests approval.
John Shoales, Grover Beach	Clarifies that the fire chief has asked for a plan, has not asked to have access installed. States the staff report did not reflect the strength of staff's objections. States if no development is desired due to unsafe conditions, then a moratorium should be put in place. If that is not the desire, then a method that satisfies the parties should be found and approved.
Commissioners Roos	Discuss CDF's position, dead end road issues, and Circulation Plan for the area.
Richard Marshall, Public Works	States the Circulation Element addresses community-wide concerns. Discusses on and off ramps for the future for Hwy 101. Provides history regarding the previously planned Southland on-and-off ramp.
Chuck Stevenson, staff	Liaison to Nipomo Advisory Council. States financing options were discussed. Costs must be identified, financial participation determined, interchange with commercial developments will be discussed in the future, increased development may assist with the costs, all of which can be aided by a Specific Plan. The community and property owners should meet and discuss options.
John Nall, staff	States there is no EIR because the project is recommended for denial. States the applicant referred to an EIR, and it is unknown what his meaning was.
Warren Hoag, staff	States the applicant's remark likely referred to the EIR prepared for the Area update.
Commissioners	Discuss whether an initial study is required.
John Nall, staff	States the options today are to deny the project or require an EIR.
John Shoales	States the area plan update should have had an EIR. Since this project is within that zoning, there should not be a requirement for another EIR.
John Nall, staff	Discusses the EIR for the area plan, which was prepared in 1994 with the South County Area Plan Update, 11 years ago. States it is likely this issue was not discussed within that EIR.
Discussion	
Jim Orton, County Counsel	Provides additional language for Finding C if the Commission decides to deny this project. Discusses. States the project can also be referred back for environmental determination and then to come back.
Commissioner Christie	Discusses precedent setting and options the Commission has today.
Commissioner	Requests clarification of whether applicant can re-apply without additional fees, with

a-10

Rappa	staff responding. Further requests timeline for vesting tentative map, with County Counsel responding.
Commissioner Mehlschau	Requests staff clarify whether this can be continued off calendar, with staff responding.
Jim Orton, County Counsel	Clarifies outcome and steps for continuation.
Dan Pace	States he has a will-serve letter and only one time extension can be allowed on that. Economically, he cannot go on indefinitely. States he prefers a denial.
Jim Orton, County Counsel	States a determination could be made that an EIR is required, and require staff to prepare findings.
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Roos, carries unanimously, to deny Vesting Tentative Tract Map 2658, based on the Findings in Exhibit A, revised as follows: add the following sentence to the end of Finding C: "In addition, the proposed project will not provide a secondary access that is required by the Fire Chief under the Uniform Fire Code."
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Rappa, carries unanimously, to take into the record all items submitted today.
ADJOURNMENT	

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission