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THURSDAY, JANUARY 26, 2006

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 January 26, 2006 together with the maps and staff reports attached thereto and incorporated therein by reference.

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PRESENT: Commissioners Sarah Christie, Bruce Gibson, Bob Roos and Chairperson Penny Rappa

ABSENT: Commissioner Gene Mehlschau

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON RAPPA.

Public Comment: This is the time set for members of the public wishing to address the Commission on matters other than scheduled items.

Commissioner Roos: discusses the Diablo hearing from January 12, 2006, and distributes a draft of the final action. Commissioner Roos suggest each commission write their own letter commenting on their concerns.

Kami Griffin: Planning Staff, states staff will write a memo to the Board of Supervisors explaining the action taken at the hearing, discuss the seven remaining issues of concerns and will include the commissioners letters in the packet. She states the letter is due by February 15, 2006 for the March 7, 2006 hearing.

Commissioner Christie: discusses the need to formalize the notification to the Board of Supervisor's and public regarding the review of FEIR"s in cases where the county is a responsible agency.

Commissioner Roos: the issue should be put on a future agenda and discussed.

Chairperson Rappa: request the issue be on the February agenda under the study session

Jim Orton: County Counsel, the commission should ask staff to bring the issue to a future meeting.

Thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie, and on the following roll call vote:

AYES: Commissioners Gibson, Christie, Roos and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission requests staff agendize the issue of whether to send a letter to the Board of Supervisors regarding the development of a formal procedure for reviewing FEIRs in the case where the County is the Responsible Agency.

CONSENT

a. **TRACT 2451 (S010201T)** request from NORTH COAST ENGINEERING, INC. for a **2nd time extension** for vesting tentative Tract Map 2451 (S010201T) to subdivide an existing 24 acre parcel into 16 lots ranging in size from one acre to six acres. The project is located on the north side of Highway 41, immediately east of Toby Way, in the community of Shandon, in the Shandon/Carrizo planning area. **APN: 017-181-052 & 017-321-004**. Supervisorial District 1.

b. **Continued Item: Ron Stotz et.al.** General Plan Conformity Report for **the abandonment of 15'-0" on both sides of 1st Street between Pasadena Drive and Santa Ysabel Avenue.**

Thereafter, on motion of Commissioner Christie, seconded by Commissioner Gibson and on the following roll call vote:

AYES: Commissioners Christie, Gibson, Roos and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

Consent Agenda Items A and B is approved as recommended by the Planning Department.

Chairperson Rappa requests Item 2 Garcia/Sprint be heard out of order.

1. Hearing to consider a request by **DOMINGOS R. GARCIA JR./SPRINT PCS** for a Development Plan/Coastal Development Permit to allow the construction and operation of an unmanned wireless telecommunications facility consisting of two panel antennas inside a 35-foot high, 12-inch diameter pole, and associated equipment located at base of pole. The project will result in the disturbance of approximately 1,250 sq ft of a 0.89-acre parcel. The proposed project is within the Residential Suburban land use category and is located between Highway 1 and Adobe Road (at 2682 Adobe Road), approximately 150 feet west of San Luisito Creek Road. The site is in the Estero planning area. **County File No: RC2004-00108.** Assessor Parcel Number: 074-314-011 Supervisorial District: 2. Date Accepted: May 4, 2005. **Lauren Lajoie, Project Manager**

Thereafter, on motion of Commissioner Roos, seconded Commissioner Gibson and on the following roll call vote:

AYES: Commissioners Roos, Gibson, Christie and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the Commission continues this hearing to February 23, 2006 because the public notice for January 26, 2006 circulated for the project had the incorrect assessor parcel number listed.

Commissioner Roos: requests the continuance of Item 4, Pruit Properties, to a later date, with Jim Orton, County Counsel, responding that the Commission needs to take action at the scheduled time because the applicant is not present.

2. Continued hearing to consider a request by **JIM AND MARIJANE MALOUIN** for a Development Plan / Coastal Development Permit to allow for the construction of a one-story single family residence (approximately 3,500 square feet), a one-story barn (approximately 1,800 square feet), an approximately 4,500 foot long residential driveway, and associated grading activities. The project will result in the disturbance of approximately 4.95 acres of a 120-acre parcel. The proposed project is within the Agriculture land use category and is located on Highway 1 approximately 4,335 feet (0.82 miles) south of Harmony Valley Road and the community of Harmony. The site is in the North Coast planning area. **County File No: DRC2004-00066.** Assessor Parcel Number: 046-061-010, -011. Supervisorial District: 2. Date Accepted: November 8, 2004. Murry Wilson, Project Manager.

Murry Wilson: Planning Staff, gives presentation and states this item was continued from the January 12, 2006 Planning Commission hearing. He discusses the changes to the findings and shows overhead of the project.

Commissioner Gibson: discusses question regarding land use restriction on the barn and site selection criteria. He asks if the berm helps screen the barn from Hwy 1, with staff responding.

Commissioner Christie: has questions regarding zoning requirements, screening of the house from Hwy 1, and road concerns with Mr. Wilson responding.

Commissioner Roos: discusses wetland concerns, and asks how the stock pond re-fills with water with staff responding

Ms. Malouin: comments on their love of the property and discusses the use of the barn. She shows an overhead of the project.

Dan Mead: discusses the drainage below the pond.

Commissioner Christie: asks the difference between grazing horses compared to cattle and comments on her concerns regarding the driveway, with Mr. Mead responding.

Commissioner Gibson: ask if grazing is an allowable use in this area, with staff responding

Mr. Malouin: discusses the drainage from the pond and states he tried to seal off the natural spring with the overflow filling the pond. He states Class A asphalt or concrete roofing will be used on the house. Discusses the use of the berm to hide the barn. The property will be a horse ranch with 10 to 15 horses, but they will not allow the land to be over grazed. Comments on well pump test.

Commissioners and staff: discuss the location of the house and planning area standards

Eric Gobbler: discusses the amount of grading needed for the project.

Bob Roos: discusses changes to page 2-33 of the staff report regarding the environmental checklist under *5. Cultural Resources*, b) *Disturb Historic Resources*, should have been marked "Impact can and will be mitigated".

The matter is fully discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie, to continue this item to April 27, 2006 to allow staff time to work with applicant to re-site residence and barn, fails on the following roll call vote:

AYES: Commissioners Gibson and Christie
NOES: Commissioners Roos and Chairperson Rappa
ABSENT: Commissioner Mehlschau

The matter is further discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie, and on the following roll call vote:

AYES: Commissioners Gibson, Christie, Roos and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission continues this item to April 27, 2006 to allow staff the opportunity to address the issues brought forward.

3. This being the time set for hearing to consider a request by **RON YETTMAN** for a Tract Map and Conditional Use Permit to subdivide an existing 1.14 acre parcel into 8 approximately 1,500 square foot parcels and one approximately 35,000 square feet open space parcel, and to construct eight multi-family residences. The project includes off-site road improvements. The project includes a request for an adjustment from the requirement of an 8 foot parkway between curb and sidewalk to allow an attached sidewalk. The project will result in the disturbance of approximately 1.14 acres of a 1.14 acre parcel. The proposed project is within the Residential Multi-Family land use category

and is located at 365 Butterfly Lane, 200 feet south east of Grand Ave., in the community of Nipomo. The site is in the South County Inland planning area. **County File Number: SUB2004-00335**. Assessor Parcel Number: 092-142-016. Supervisorial District: 4. Date Accepted: June 3, 2005.

Brain Pedrotti: Planning Staff, presents the staff report and shows overhead of the project. He states staff recommends approval of this project.

Commissioner Roos: questions the request for an adjustment of the minimum 8-foot curb and sidewalk, with Mr. Marshall responding. He also inquires if this project meets the fire and life safety requirements of the California Fire Code with Clint Bullard,CDF responding.

Commissioner Roos: grading concerns and the use of wood fencing along the property line with staff responding

Commissioner Christie: discusses affordable housing element and meeting that need.

Jim Orton: County Counsel, asks if the open space is the common area lot and suggests adding new language to condition 22 under the Covenants, Conditions, Restriction section regarding the establishment of a Homeowners Association.

Greg Nester: wants to provide more affordable housing. Responses to the concerns of the commissioners regarding: drainage, fencing, access, open space, and CC&R's.

Commissioner Roos: asks about the drainage concerns in Nipomo with Mr. Nester responding.

Imma Jean Wilson: her property backs the applicant's property and requests a masonry fence not a wood fence.

Commissioners and staff: discuss changes on page 3-15 at the end of Condition 18 in Exhibit D and Condition 22 and Condition 22b in Exhibit B adding new language regarding the Homeowners Association being responsible for the maintenance of the fence. Exhibit B, Condition 19 add new language as read into the record by Jim Orton.

The matter is fully discussed, and thereafter, on motion of Commissioner Roos, seconded by Commissioner Gibson, and on the following roll call vote:

AYES: Commissioners Roos, Gibson and Chairperson Rappa
NOES: Commissioner Christie
ABSENT: Commissioner Mehlschau

the commission adopts 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. 2006-003, granting a Vesting Tentative Map Tract 2715 to Ron Yettman based on Findings in Exhibit A and Conditions in Exhibit B, with Condition 19 amended to read: *"A common open space easement be recorded for the open space parcel. It is to be held in common by the Homeowner's Association and active recreation, drainage, landscaping, fencing, and parking shall be allowed. The open space parcel is to be maintained as such in perpetuity"*, Condition 22 amended to read: *"The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a Homeowner's Association which shall provide at a minimum the following provisions:"* and Condition 22b amended to read: *"Maintenance of common areas, including fencing"* and granting a Conditional Use Permit to Ron Yettman based on findings listed in Exhibits C and Conditions in Exhibit D, with Condition 18 amended to read: *"Prior to final inspection, provide a 6-foot high solid wood or masonry fence along the property line(s) of the site. Design of the fence to be reviewed and approved by the Department of Planning and*

***Building. If the proposed fence is wood, the design shall include a top cap, 6 x 6 treated posts, and other architectural features"*, adopted.**

4. Hearing to consider a third time extension for **PRUIT PROPERTIES** for a Development Plan (Conditional Use Permit) to construct three buildings, totaling 24,000 square feet, for use as warehouses and small scale manufacturing. The project is within the Commercial Service land use category and is located on a 1.85-acre parcel on the southeast side of Lindon Lane approximately 200 feet west of Frontage Road in the community of Nipomo in the South County (Inland) planning area. **County File No: D000322D.** Assessor Parcel Number: 091-327-075. Supervisorial District 4. Date Accepted: N/A

Kami Griffin: states staff is asking for a continuance. Discusses the status of the building plans.

Mark Vasquez: agent explains why they are requesting 3rd time extension. PG& E needed to remove a pole line that crossed the property, which was to be done last April, but because of scheduling problems they didn't complete the work until December. They are ready to start the project.

Matter is discussed, and thereafter, on motion of Commissioner Christie, seconded by Commissioner Gibson, and on the following roll call vote:

AYES: Commissioners Christie
NOES: Commissioners Gibson, Roos, and Chairperson Rappa
ABSENT: Commissioner Mehlschau

To continue the above item to February 9, 2006 dies

Matter is further discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Roos, and on the following roll call vote:

AYES: Commissioners Gibson, Roos, Christie, and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

The commission continues the item to 1:30 to allow the commissioners time to review the staff report.

(Recess for lunch and the Commission reconvenes at 1:30 p.m.)

5. Continued hearing to consider a third time extension for **PRUIT PROPERTIES** for a Development Plan (Conditional Use Permit) to construct three buildings, totaling 24,000 square feet, for use as warehouses and small scale manufacturing. The project is within the Commercial Service land use category and is located on a 1.85-acre parcel on the southeast side of Lindon Lane approximately 200 feet west of Frontage Road in the community of Nipomo in the South County (Inland) planning area. **County File No: D000322D.** Assessor Parcel Number: 091-327-075. Supervisorial District 4. Date Accepted: N/A **(CONTINUED ITEM 4)**

Commissioners and Richard Marshall: discuss road issues regarding Lindon Lane.

Matter is fully discussed, and thereafter, on motion of Commissioner Roos, seconded by Commissioner Gibson, and on the following roll call vote:

AYES: Commissioners Roos, Gibson, Christie, and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission approves the third time extension to be valid until September 27, 2006 for Development Plan D000322D based on Findings in Exhibit A that carry over the original findings from September 27, 2001, with Finding F in the original Exhibit A amended to read: "*The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because Lindon Lane will eventually connect to Camino Caballo*", and based on the original Conditions in Exhibit B from the September 27, 2001, with the changes to the project number to read "D00322D".

6. Hearing to consider a request by **GARY AND SUZANNE WELLS** for a Vesting Tentative Tract Map/Conditional Use Permit (Tract 2766) to convert six rental units into individual condominium units for sale by subdividing an existing approximately 10,500 square foot parcel into six parcels ranging in size from 788 square feet to 902 square feet. The proposed project is within the Residential Multi-Family land use category and is located on the north side of Beach Street (at 2445 Beach Street), in the community of Oceano. The site is in the San Luis Bay (Inland) planning area.**County File No: SUB2005-00038. A**ssessor Parcel Number: 062,131,024. Supervisorial District: 4. Date Accepted: October 4, 20055.

Stephanie Fuhs: Planning Staff, presents staff report and gives overhead presentation of the project.

Commissioner Roos: questions the square feet that remain in open space.

Chairperson Rappa: where in the process is the housing element that will come before the commission with Kami Griffin responding.

Gary Wells: discusses the history of the rental units. When a renter leaves he will do major remodel of the unit.

Commissioner Gibson: discusses adding a condition regarding affordable housing to allow a 60 square foot exemption with Ms. Fuhs responding.

Jim Orton: County Counsel, states he needs to review the subdivision ordinance before responding.

Commissioner Gibson: it is important to uphold the land use ordinance and request if one of the units could be sold at an affordable price.

Commissioner Christie: suggests they continue this item to allow staff the opportunity to review this issue.

Matter fully discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie, and on the following roll call vote:

AYES: Commissioner Gibson, Christie, Roos, and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission continues the above project until after Item 6 to allow staff the opportunity to review the issue of affordable housing.

7. Hearing to consider a request by **JIM BAHRINGER** for a third time extension of Minor Use Permit / Coastal Development Permit No. D990270P; a request to 1) demolish as existing historic farmhouse (approximately 1,472 square feet); 2) construct an approximately 2,900 square foot single family residence, retaining the front façade of the historic farmhouse, and 3) construct an approximate 900 square foot detached garage with a 600 square foot guesthouse above that will disturb an approximate 25,000-square-foot area on a 7.2 acre parcel. The project is located at 2735 Main

Street in the community of Cambria, in the Residential Multi-Family land use category. The site is in the North Coast planning area. **County File No: D990270P.** Assessor Parcel Number: 013-151-043. Supervisorial District 2. Date Accepted: October 27, 2000.

Martha Neder: Planning Staff, presents the staff report and shows overhead of the project. Staff recommends approval of the project.

Commissioner Christie: has the demolition of the farmhouse taken place with staff responding yes.

Mr. Bahringer: states he is here to answer questions.

Matter is fully discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie, and on the following roll call vote:

AYES: Commissioner Gibson, Christie, Roos and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission approves the third time extension to be good until January 26, 2007 for this Minor Use Permit/Coastal Development Permit D990270P to Jim Bahringer based on the findings in Exhibit A that carry over the original findings and conditions from the September 7, 2001 Minor Use Permit Hearing.

8. Continued hearing to consider a request by **GARY AND SUZANNE WELLS** for a Vesting Tentative Tract Map/Conditional Use Permit (Tract 2766) to convert six rental units into individual condominium units for sale by subdividing an existing approximately 10,500 square foot parcel into six parcels ranging in size from 788 square feet to 902 square feet. The proposed project is within the Residential Multi-Family land use category and is located on the north side of Beach Street (at 2445 Beach Street), in the community of Oceano. The site is in the San Luis Bay (Inland) planning area. **County File No: SUB2005-00038. A**ssessor Parcel Number: 062,131,024. Supervisorial District: 4. Date Accepted: October 4, 20055. **(CONTINUED ITEM 6)**

Commissioners and staff: discusses ordinance requiring an adequate size for floor area, with this project being 1 square foot off. Discussion ensues regarding the required size for open space.

Jim Orton: County Counsel, suggestscontinuance to allow time to study the issue of the requirement for adequate floor area and open space. States he would prefer to have the opportunity to review the map act ordinance.

Matter is fully discussed, and thereafter, on motion of Commissioner Roos, seconded by Commissioner Gibson, and the following roll call vote:

AYES: Commissioners Roos, Gibson, Christie, and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission continues this item to March 9, 2006 to allow applicant time to work with county staff and to allow County Counsel the opportunity to review the ordinance.

9. Hearing to consider a request by **MICHAEL DEVEAU** for a third time extension of Minor Use Permit/Variance/Coastal Development Permit No. D990363P/D990364V; a request to construct a single family residence, detached garage, and driveway on slopes over 30%. The project is located at 449 Old Creek Road, on the north side of Old Creek Road approximately ¼ mile east of Highway 1, in the community of Cayucos, in the Residential Single Family land use category. The site is in the Estero planning area. **County File No: D990363P/D990364V.** APN: 064-211-076. Supervisorial District 2. Date Accepted: June 7, 2000.

Martha Neder: presents staff report and shows overhead of the project. Staff recommends approval.

Commissioner Gibson: asks if the letter from Richard Gorman is the one staff is referencing to in the staff presentation that determines the approval of the 3rd time extension with staff responding.

Commissioners and staff: discusses the visual sight distance for the driveway. Discussion ensues regarding easement issues and geologic concerns.

Jeff Edwards: agent, discusses the circumstances beyond the applicants control regarding this project.

Chairperson Rappa: asks about the boring on the property with Mr. Edwards responding.

Michael Deveau: discusses the driveway design, access to the property and states the easement is recorded on the neighboring property. The County Public Works will visit the site to determine that it meets the standard requirement for sight distance.

Dorothy Fones: shows overhead photos of the project. Appealed this project to the Board of Supervisors, but was denied. Discusses condition 21, which requires additional studies to determine if hillside is stable. She asks the commissioners to deny the third time extension for this project.

Sandra Martin: has a concern with the stability of the hillside. Requests they add an additional condition requiring an independent geologist review of the hillside. She requests a reduction to the speed limit and new warning signs.

Kat Kennedy: comments on her concerns with safety issue regarding the driveway. She is requesting a lower speed limit.

Ralph Wessel: comments on his concerns with easement to his property that borders Mr. Deveau's.

Harold Fones: discusses his concerns with sight distance problem regarding the driveway.

Ed Carnegie: Cayucos Advisory Council, discusses stability of the hillside and sight distance, set back of the garage, fire protection, bores of the bedrock. He states condition requirements of the project have not been met.

Eileen Rebstock: shows overhead of the sinkhole below her house.

Mary Ann Carnegie: states concerns with steep hillside lots, and driveway. She feels Condition 21 has not been met. Feels a performance bond should be set on the project.

Jeff Edwards: agent, indicates conditions were met and the permits were approved. The footings for the driveway has been a great improvement and helped stabilize the hillside. Changes to the driveway were due to the Fire Department recommendation.

Commissioners and staff: discuss issues concerning boring inspection in the bedrock; changes regarding driveway sight distance, easement to the property next to the project, and status of building permit. They discuss adding a condition giving access to the adjoining property to the west approved by Planning Director, and a new condition stating before construction can begin, the driveway improvements are finished and approved by Public Works regarding sight distance. Discussion ensues regarding circumstances beyond the applicant's control. Discussion ensues regarding the addition of a new condition requiring the applicant to purchase a performance bond for removal of the driveway if the project is not finished, with staff reading the new conditions into the record.

Matter is fully discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Roos, and on the following roll call vote:

AYES: Commissioners Gibson, Roos, Christie and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission approves the third time extension to be good for one year from the effective date of the third time extension approval for this Minor Use Permit/Coastal Development Permit D990363P/D990364V based on findings in Exhibit A that carry over the original findings and conditions outlined in the attached staff report, with new Exhibit C added to read*: "ADDITIONAL CONDITIONS OF APPROVAL THIRD TIME EXTENSION: 1) Prior to final inspection, the applicant shall submit for review and approval by the Department of Planning and Building, in consultation with the Cayucos Fire Department, a plan which demonstrates practical access to the property to the west. 2) Prior to conducting any additional construction activities on site, the applicant shall complete the driveway improvements, which are authorized by the Encroachment Permit from the Department of Public Works. Completion shall be subject to final inspection by Public Works, including verification of compliance with driveway sight distance requirements for 45 miles per hour. 3) Within 90 days of the final action on the third time extension, the applicant shall post a bond for restoration/stabilization of the site and right of way in an amount approved by the Planning Director."*

Thereafter, on motion by Commissioner Roos, seconded by Commissioner Gibson, and carried, with Commissioner Mehlschau absent, the Commission receives all documents presented today for the record.

There being no further business, the meeting is adjourned.

Respectfully submitted,

Eleanor Porter, Secretary
County Planning Commission