A-1

THURSDAY, JUNE 22, 2006

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

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 22, 2006 together with the maps and staff reports attached thereto and incorporated therein by reference.

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

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON MEHLSCHAU.

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

No one coming forward.

STAFF UPDATES:

Warren Hoag, staff: Updates the Planning Commission (PC) on the Board of Supervisor's (BOS) determinations of the last meeting. Discusses adoption of the Planning Department budget, and allocations of funds.

Commissioner Roos: Requests clarification on the order and planning process for the Dalidio Project.

Warren Hoag, staff: Discusses initiative process, CEQA review, and states the General Plan Amendment is currently in process.

Commissioner Gibson: Requests that any analysis of the proposed viewshed ordinance should include a comparison to similar ordinance already in place.

Commissioner Christie: Discusses COC appeal and determination.

Warren Hoag, staff: Clarifies the staff determination was upheld.

CONSENT

a. May 25, 2006 Planning Commission minutes

Thereafter on motion by Commissioner Roos, seconded by Commissioner Rappa, and unanimously carried, the consent agenda is approved.

1. This being the time set for hearing to consider a request by the CAMBRIA COMMUNITY SERVICES DISTRICT for a Development Plan/Coastal Development Permit to allow a three-phase geotechnical and hydrogeologic data collection project to aid in the assessment of design alternatives for a future seawater desalination facility. Phase I activities include the completion of approximately seven exploratory soil borings, geophysical exploration with a cone-penetrometer test vehicle that will collect data by pushing a 1 to 2 inch diameter probe into the sand, and a temporary equipment access ramp located at the existing beach parking lot. Phase II activities include the installation of two 4-inch diameter monitoring wells on the beach and geophysical survey along the surf zone and ocean floor. Phase III activities include completing soil borings along proposed pipeline alignments and test pumping from Phase I monitoring wells. The project will result in the disturbance of approximately 2,000 square feet of a 51-acre parcel.

Martha Neder, staff: Presents staff report

Commissioner Christie: Discloses an ex -parte conversation she had with Greg Smith regarding mitigations for the Snowy Plover and what state park policies are regarding development on property, and a subsequent conversation with Ed (unknown last name).

Chairman Mehlschau, Commissioners and staff: Discuss an email received by Elizabeth Benttenhausen.

Commissioner Gibson: Comments on San Luis Obispo County acting as Responsible Agency, and E.I.R. considerations.

Jim Orton, County Counsel: Requests applicant receives copies of email.

Tammy Ruddock, manager of CCSD: Introduces staff who are available for questions from the Planning Commission.

Bob Gressens: Give a PowerPoint presentation.

Jim Orton, County Counsel: Indicates district is the Lead Agency, and clarifies county's role as Responsible Agency, and the Planning Commissioner's role in determination of this project.

Commissioner Christie: Discusses possible determinations on this project as to it's effect on the CCSD, any subsequent legal actions taken, beach wells, data collection,

Commissioner Roos: Addresses applicant (Mr. Gressens) and requests clarification on E.I.R.

Bob Gressens: Introduces Art Fontana, District Counsel and discusses collecting data for environmental document. States the district may go with beach wells as an alternative, geophysical testing, defers to Eric Snelling for mini sparker explanation, and state land's determination regarding no I.I.R.

Commissioner Gibson: Requests clarification on developments of data collection being brought up in the E.I.R., and piece-mealing and requests district's counsel respond. Would like more information on seismic sources, state land's permit to allow use of mini sparker in water, reflection survey of sparkers going into wells and would like a time line for this

Art Montanden, District Counsel: Addresses Commissioner Gibson's request regarding piece-mealing and gives his analysis of such.

Eric Snelling Padre Association: Clarifies mini sparker, and permit issued for usage, clarifies why no environmental review was needed. Discusses measures for biological monitoring during drilling in respect to mitigation for Snowy Plovers, knows of no scientific studies made of marine environment impact from vibration of drilling.

Commissioner Roos: Requests clarification regarding the technology and placement of the mini sparker.

Paul Sorenson: Frugo West, Hydrologist. Clarifies mini sparkers are more commonly used in open water and have been used down wells. Discusses geophones, and time line for placement of sparkers in wells.

Commissioner Roos: Questions how the technology of the rotary drill core vibration works, has concerns with energy noise made from operation with particular concern to marine environment with Mr. Gresson's responding that no studies have been made regarding noise and impaction of the vibration to the marine environment.

Commissioner Christie: Has concerns with noise impacts and there having been no studies regarding possible impact to the marine environment. Questions Mr. Snelling about sonic studies with respect to marine species with Mr. Snelling responding. Discusses sparkers used in wells and asks if state lands has been asked about any determinations, concerns of impacts of sonic testing on marine mammals. States she does not feel comfortable with current information offered regarding this technology. Discusses ravens, crows, and sea gulls as related to garbage attraction and proposes conditioning of daily removal of garbage.

Commissioners, Bob Gressens, & Mr. Snelling: Discuss noise impacts in marine environment, lack of scientific studies of such, kilojoules, and decibel levels,

Bob Gresses: Discusses difference of on land drilling vs. marine drilling using vibrations.

Conner Everts, Southern California Water Alliance:. Discusses statewide implications and requests this staff report not be accepted. Would like the Planning Commission to consider potential for cisterns.

Jack Morrow, Sierra Club Vice Chair: Discusses what he feels to have been an inadequate response from CCSD, policy level matters not having been addressed by CCSD, and believes this project should be supported by an E.I.R. Has concerns with marine environmental impacts due to drilling.

Mahala Burton: Resident of Cambria. Discusses her concerns over the project length, size of ramp, parking lot location, and would like another alternative rather than a desalination plant.

Richard Holly: Resident of Cambria. Discusses staff report, piece mealing, MTBE spill, well systems installed on Santa Rosa Creek, opinion that State Parks has a conflict with district, and believes an E.I.R. is required for this.

Andrew Christie, Chapter Coordinator of the Santa Lucia Sierra Club: Discusses concerns with a decision made in 1984. Would like a current study regarding sound waves and requests this project have an E.I.R.

Commissioner Roos: Addresses Mr. Christie regarding sound waves concern with Mr. Christie clarifying the differences in measurements of decibel levels in air, ocean, underground, and addresses concern that sensitivity studies conducted on marine mammals regarding impacts to marine environment have not been conducted.

Bob Gressens: Offers CCSD's approach to Cambria's water conservation program.

Commissioner Roos: Requests clarification on test pumping in Phase 3 as indicated in staff report and where the water will be pumped to, with Mr. Gressens responding the water will get filtered through a large bag and then drained to the beach.

Commissioner Gibson: Would like State Parks to discuss parking lot location.

Ed Redigan: Executive Superintendent for State Parks in Cambria. Clarifies access to the beach via the parking lot location for the project. States utilities are allowed on State Parks. Discusses permits required by State Parks before this project will be allowed to go forward, and State Parks CEQA review process.

Commissioner Christie: Requests clarification on how many parking spaces will be used with Mr. Redigan stating there will be 15 parking spaces and states the amount of parking spaces in the parking lot is unknown, states there will be ample parking for the public while the project is conducted. Discusses ex-parte communication with Mr. Redigan, Dept. of Parks & Recreation's permitting and independent CEQA review process.

Commissioner Christie: Requests clarification on Fig. 2-3 in the Negative Declaration (ND) regarding access routes and vehicle routes. Discusses drill hole locations, criteria used in determining drill holes, time line of project length, length structure will be in parking lot, would like specificity of structure removal addressed as part of the conditioning. Requests clarification regarding Snowy Plover nesting season in regards to this project, well head location protruding, and burial during winter months, slurry backfill materials used, impacts to public access and authorization for conditioning of public access.

Martha Neder, staff: Indicates, on screen, where access route and ramp will go. Discusses permitting required by State Parks regarding Snowy Plover mitigations. Discusses inter-agency coordination for this project,

Bob Gressens: Clarifies inland soil boring location amounts, states 7 exploratory borings will be conducted along the surf zone, and two borings to determine ground water monitoring wells, criteria for borings, time length of project discussed . Clarifies description of well pipes being buried, and is flexible to having the pipes being buried all year around.

Paul Sorenson Hydrologist: Discusses well pipe location alternatives and is agreeable to having the pipes buried. Clarifies slurry backfill material concern as part of conditioning.

Commissioner Roos: Requests clarification on whether concrete will be around the pipes with Mr. Sorenson responding.

Commissioner Gibson: Discusses public access impacts and feels this is not a significant issue due to the length of this project.

Commissioner Rappa: Agrees with Commissioner Gibson regarding lack of any disruptions and insignificant impacts to public access with Commissioner Roos and Chairman Mehlschau agreeing.

Tammy Ruddock, General Manager of CCSD: States the CCSD can look into feasibility of options for public impacts.

Commissioner Rappa: States this is an adequately covered project in the staff report. Discusses desalination plant at the Diablo Canyon Nuclear Power Plant and is in favor of approving this development plan.

Commissioner Gibson: Discusses county's responsibility of E.I.R. review and feels this is in order, states this project presents no permanent change to the environment. Addresses reflection seismology and his knowledge of such, calculations in Appendix E and concludes the sound levels are conservatively estimated in Appendix E, and is agreeable to the other mitigation orders in the staff report. Addresses proposed conditioning for removal of ramp, and infill of well.

Bob Gressens: Discusses flexibility for conditioning regarding the eventual removal of ramp, and the length of time the monitoring wells will be in place.

Commissioner Roos: Proposes a new Condition F requiring time line of removal of wells.

Martha Neder, staff & Commissioners: Fully discuss additional conditioning, and revisions of such.

Kami Griffen Recites added and revised condition language.

Thereafter, on motion of Commissioner Gibson, seconded by Commissioner Rappa and on the following vote:

AYES: Commissioners Roos, Rappa, Gibson and Chairperson Mehlschau

NOES: Commissioner Christie

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 California Code of Regulations Section 15000 et seq.; and RESOLUTION NO. 2006-028 granting the CAMBRIA COMMUNITY SERVICES DISTRICT Development Plan DRC2004-00142 based on the Findings listed in Exhibit A and the Conditions listed in Exhibit B. amended as follows; Conditions 1 e. and 1 f. added to read: "e. Removal of the temporary ramp and temporary anchorages for the winching system and the parking returned to its pre-construction state, shall occur within 15 days of completion of the test pumping from Phase III." And "f. Re-installation of the ramp is authorized to allow removal of the ground water monitoring wells and such ramp shall be removed within 15 days of completing the removal of the ground water monitoring wells.", Condition 15 amended to add the word "daily" at the end of the first sentence. A new Condition 38 is added to read: "All activities on the site shall be completed within two years of issuance of any applicable permits from State Parks, Coastal Commission, U.S. Fish and Wildlife Service, Army Corps, CalTrans and the State Lands Commission." Adopted.

Commissioner Christie: Offers explanation of why she cannot support the project due to concerns with mitigations not having been fully addressed and studied.

2. This being the time set for hearing to consider a request by **BILL FREEMAN** for a Conditional Use Permit to allow an outdoor used car lot within a central business district. The project will result in the disturbance of approximately 9,375 square feet of an 18,125 square foot parcel. The proposed project is within the Commercial Retail land use category and is located at 1921 and 1941 Cienega Street, in the community of Oceano. 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), which provides that CEQA does not apply to projects which a public agency rejects or disapproves. The site is in the San Luis Bay planning area. **County File No: DRC2005-00168.**

Martha Neder, staff: Presents staff report, and Findings for denial.

Chairman Mehlschau: Feels this location is not conducive to public shopping and discusses community opinion of project.

Commissioner Roos: Requests clarification on community's specific plan with staff responding.

Commissioner Gibson: Discusses zoning/development in area and the Oceano Specific Plan.

Martha Neder, staff: Addresses development/zoning in area, modifications that can be made if the Planning Commission can make findings and posted speed limit

Bill Freeman, applicant: Discusses development in Oceano, history of his work, landscaping that will be used, fencing, law enforcement recommendations against solid fencing, and his good character.

Commissioner Roos: Asks if Mr. Freeman is working at a car lot with Mr. Freeman responding he works at the Jerry Reneau Chrisler/Dodge dealership in Paso Robles as a manager, states the traffic condition for this proposed project is very busy and would personally not walk down the street.

Bill Bookout: Owns Oceano Nursery and is in support of project.

Donald Peterman: Discusses minimal impacts to traffic from this project and is in support of project.

Commissioner Gibson: Discusses the Oceano Specific Plan certification by the Coastal Commission.

Kami Griffin, staff: Clarifies Coastal zone locations and this property not being located in the coastal zone. Discusses the actions the Planning Commission would have to make to make findings.

Commissioner Rappa: Discusses speed limit on street of proposed project and indoor restrictions

Commissioner Roos: Discusses commercial retail zoning for this project and current zoning.

Commissioner Gibson: Discusses the Oceano Specific Plan, Oceano residents' opinions on how their central business district should appear, and would like the Oceano Specific Plan adhered to.

Chairman Mehlschau: Discusses businesses surrounding proposed project and the lack of pedestrian shopping. States he is open to time limitations placed on the length this particular type of business can be at this location.

Commissioner Roos: States we need to study the conflicting opinions of the Oceano Specific Plan, and business owners opinions. States he will adhere to the specifications of the Oceano Specific Plan.

Commissioner Christie: Adds perspective regarding planning and development of the area.

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

AYES: Commissioners Rappa, Gibson, Christie, Roos, and Chairman Mehlschau.

NOES: None

The commission denies the request for a Conditional Use Permit based on the Findings in Exhibit A.

Commissioner Roos: Speaks to the motion and his reluctance to support it, however will support it due to community opinion and adherence to the Oceano Specific Plan, with Commissioner Gibson in agreement.

3. This being the time set for hearing to consider a request by the **COUNTY OF SAN LUIS OBISPO** to amend Sections 22.30.440 and 22.22.080 of the Land Use Ordinance (Title 22) of the County Code and amend Sections 23.08.164(f&g) and 23.04.028(d) of the Coastal Zone Land Use Ordinance (Title 23) of the County Code to: 1) modify the County's standards for mobile home park closure, subdivision and conversion to other uses; and 2) modify the County's standards to convert existing residential development into a condominium, planned development or similar residential unit ownership. This ordinance amendment affects all planning areas and land use categories of the county that are outside of the jurisdictions of the incorporated cites. Also to be

considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 27, 2006 for this project. County File No: LRP2005-00009:A & B.

Ted Bench, staff: Presents option proposal package number 1, and the section amendments.

Commissioner Gibson: Requests clarification on the nature and use of the impact report regarding condominium conversion as a condition of approving a Conditional Use Permit. Would like to know what policies this ordinance is meant to implement. Feels that this ordinance should have a goal of specifying affordability. States this ordinance needs a clear statement of intent and suggests this item be continued to study this.

Ted Bench, staff: States the proposed ordinance impact report is to be used as an educational tool. Clarifies that income would not dictate the condominium conversion affordability, and identifies units occupied by lower income individuals. States this ordinance does not retain the affordability concept. States that the commission could have staff come back with options regarding loss of affordable units and replacement units to ensure no loss of affordable units.

Commissioner Rappa: Discusses affordable housing and what would be considered a condominium conversion and would like information about an "average rent" to equate the unit to the cost of affordability. Would like to know if this particular housing stock is affordable with staff responding. Discusses Housing Authority, and would like this discussion to relate to the affordability of condominium conversions.

Commissioner Christie: Requests clarification on this project being falling under the affordable housing element. Discusses inclusionary housing ordinance with different affordable housing options. States she feels the condo conversions should be required to be deed restricted regarding affordability.

Dana Lilly, staff: Provides clarification regarding condominium conversions affordability and future provisions of inclusionary housing which will be addressed at future Planning Commission meetings. Discusses the Housing Element Program in reference to making amendments to this ordinance.

Commissioner Roos: Discusses a past Planning Commission meeting during which affordable housing, rental rates, and responses received from staff were discussed. Discusses Pg. 3-14 tentative information package and questions if there are statistics to refer to with staff researching.

Commissioners and staff: Discuss possibly adding provisions regarding loss of affordability with a condominium conversion in the proposed ordinance impact report.

John Wallace: Requests staff clarify replacement of loss of affordable units in ordinance.

Ted Bench, staff: Clarifies that this ordinance does not allow carry over from previous years, only from the existing year. States the Growth Management Ordinance does manage the limitations of apartments being built throughout the year. Discusses other jurisdiction's ordinances in regards to abstaining from development of apartment units.

Commissioner Christie: Discusses housing element and policies within the element that address affordable housing. Would like planning staff to require the condominium conversions to be deed restricted for affordability. Requests staff bring back a revised ordinance addressing financial assistance for up to two months of rent.

Commissioner Gibson: Requests clarification on whether there is a policy that maintains replacement of rental stock of affordable housing with staff responding. Feels we should look at incentives to increase rental stock. Would like staff to come back with incentives/goals for increasing affordable housing and would like staff to explore other jurisdictions' ordinances for same.

Warren Hoag, staff: Addresses measures used in determining CPI increase and reads from the Mobile Home Ordinance.

Commissioner Roos: Suggests a continuation to explore the amount of replacement of affordable housing stock.

Commissioner Rappa: Requests clarification on averages of rental housing and encourages a time specific period be included in the ordinance that would reflect consistency.

Chairman Mehlschau: Would also like consistency on condominium conversions and rental housing restrictions over a specific time period.

Tim McNulty, County Counsel: Refers commissioners to Pg. 3-14, paragraph 3B, requirement of a submittal notice/report to the Department of Real Estate and suggests this be added to the ordinance.

Thereafter on motion by Commissioner Christie, seconded by Commissioner Roos, and unanimously carried, the commission continues discussion regarding amending Sections 22.30.440 and 22.22.080 of the Land Use Ordinance Title 22 of the San Luis Obispo County Code to 1) modify the

County's standards for mobile home park closure, subdivision and conversion to other uses to July 13, 2006.

Ted Bench, staff: Continues his presentation with the Mobile Home Park Conversions ordinance amendment proposals.

Commissioner Gibson: Requests clarification on prohibition of subdivisions in reference to individual lots or condominium ownership, with staff responding.

Commissioner Roos: Refers to notes by Steve MacElvaine, and discusses Pg. 3-6 appraisals and why there is not encouragement to promote more mobile home park developments.

Dana Lilly, staff: Explains that potential developers need to have higher density approvals and the county is looking at proposing higher density for mobile home park development.

Ted Bench, staff: Clarifies that this ordinance amendment only applies to existing mobile home parks.

Commissioner Rappa: Questions the number of mobile home parks that are improperly zoned with staff responding that the specific number is unknown.

Hugh Gilson: Board member of the Luna Vista Mobile Home Park in Oceano. States he would like affordability of housing addressed. Urges dismissal of this draft ordinance.

David Evans: Representing Western Manufactured Housing Communities. Discusses rent control ordinance, and concerns of park owners having to buy back property.

Steve MacElvaine: Rancho Colinga Mobile Home Community owner and ranch owner. Discusses financial challenges, park conversions, and options for owners / renters in parks to own spaces.

Commissioner Roos: Refers to Mr. MacElvaine's handout and asks for clarification regarding rent control and 'in-place' value with Mr. MacElvaine responding.

Jerry Burger: Real estate developer. Discusses cost implications for building a mobile home park, and restrictions on mobile home park lands.

Brad Arrnott: Mobile Home Park owner. Would like the opportunity to do other things with his property and feels this ordinance currently restricts him from such, would like a continuance for further discussion.

Sharon McMahan: Mesa Dunes Mobile home Park Secretary/Treasurer. Discusses survey results of park, difference in ages of coaches, differences in ages of occupants, and differences in incomes. Would like ordinance to have increased number of affordable housing units. Reads Shirley Stiller's letter regarding prohibiting mobile home park conversions.

Commissioner Christie: Questions Ms. McMahan regarding rent control being phased out with Ms. McMahan responding.

Dana Lilly, staff: States long term leases preempt county's ordinance on rent control.

Tim McNulty, County Counsel: States there is a mobile home tenancy law and discusses aspects and provisions of the code and does not know if this has ever been litigated. States he can research this.

Cayetano Moreno: Discusses his concern with affordability of housing, states there should be a solution to cap the amount of what a home can cost.

Bill Davies: Resident of The Blue Heron Mobile Home Park. Thanks staff for meetings regarding this topic. Discusses rent control ordinance, explains stress experienced on behalf of senior citizens worrying about being displaced, and is in agreement with amendments.

Lisa Toke: Representing the Belle Vista Mobile Home Park and the Lewis See family. Discusses negative effects of 'in place' value, would like a cap placed on the 'in place' value and ssuggests this to be at 200 to 250% replacement value of mobile home. Discusses definition of "permanent resident". Cites ordinance sections, and suggests revision language.

Gretchen Moreno: Co-owner of The Baywood Trailer Park. Discusses restrictions in ordinance, and lack of financial options available.

Craig Rock: Sea Oaks Mobile Home Park resident. Discusses the value of his mobile home vs. the value of the park should it be converted and feels mobile home owners should benefit from receiving the 'in place' value for their coach.

Richard Margetson: Discusses Pg. 3-25 No. 2. “Appraisals” and suggests revised language. Discusses Blue Book values of mobile homes and would like this continued to have the ordinance language be clear and concise.

Trudy Jarrat: President of The League of Women Voters. States the League maintains a work force housing position, specifically mobile homes. Asks that this ordinance state that mobile homes be a viable affordable home in this county.

Peter Houck: Advantage Homes sales manager. Discusses replacement of older mobile homes, long term impacts of replacements, park quality degredation due to older coaches which haven't been replaced, and incentive for creation of new mobile home parks.

Commissioner Roos: Asks Mr. Houck if he visits Mobile Home Parks to determine the age of coaches, and discusses value of coaches when installation is finished with Mr. Houk responding

Commissioner Christie: Questions Mr. Houck as to what he does with the replaced mobile homes, with Mr. Houck responding that the mobile home is then re-sold elsewhere.

Chairman Mehlschau: Would like to know how money per square foot a mobile home costs with Mr. Houck responding $75.00 - 100.00.

John Wallace: Requests a continuance to study further options. Discusses other programs which can be implemented to allow for other conversions and gives examples of such. Cites Rancho Paso Mobile Home Park conversion as an example owners purchasing units. Discusses stock purchases and clarifications of such, and would participate in any discussions in the future.

Commissioner Roos: Asks Mr. Wallace if he is aware of owners of mobile home parks circumventing the system with Mr. Wallace responding.

Commissioner Christie: Discusses mobile home park owners and, mobile home owners' concerns, proposes straw pole regarding staff taking ordinance back to review Santa Barbara model, incentives for creation of new parks. States she has not heard evidence that placing prohibitions on conversions would remove all economic use of property.

Commissioner Roos and Commissioner Christie: Discusses Pg. 3-26 conversion prohibitions and other speakers' testimony.

Tim McNulty, County Counsel: Discusses "in place" values as referenced to mobile home park owners. States he can research this further.

Commissioner Rappa: Discusses retention of affordable housing through deed restrictions, and other options that offer incentives, and does not support any prohibitions on this ordinance.

Chairman Mehlschau: States he agrees with Commissioner Rappa and cannot support a prohibition on this ordinance.

Commissioner Gibson . Would support a continuance to explore other options and would consider the opportunity of a temporary moratorium.

Commissioner Roos: States this issue is based on a case by case basis and cites Los Osos as an example.

Commissioner Rappa: Agrees with the case by case basis remark, and states there are conflicting values.

Ted Bench, staff: States that Planning Department will ask the public if they would like a meeting/talk.

Dana Lilly, staff: Suggests July 13, 2006 to discusses this item again.

Commissioner Christie: Is considerate of both sides concerns and is prepared to set aside time to go through edits on ordinance one at a time.

Thereafter on motion by Commissioner Gibson, seconded by Commissioner Roos, and unanimously carried, the commission continues discussion of amendments to Sections 23.08.164(f&g) and 23.04.028(d) of the Coastal Zone Land Use Ordinance (Title 23) of the County Code to modify the County's standards to convert existing residential development into a condominium, planned development or similar residential unit ownership, to August 10, 2006.

Commissioners and Chairman Mehlschau: Briefly continue discussion regarding topics to address at this item's continued meeting date.

Thereafter on motion by Commissioner Roos, seconded by Commissioner Gibson, and unanimously carried, the commission agrees to continue the meeting past 5:00 P. M.

Tim McNulty, County Counsel: States he will not be available for the August 10, 2006 meeting, however, he will brief his replacement.

4. This being the time set for hearing to consider a request by the **COUNTY OF SAN LUIS OBISPO** to amend Section 22.24.070, of the Land Use Ordinance, Title 22 of the County Code, the Transferable Development Credit (TDC) program. The current TDC ordinance provides seven different eligibility criteria for potential receiving sites. The proposed amendments will change the eligibility criteria for potential receiver sites, where the following areas would no longer be eligible as receiver sites: lands within the Agriculture land use category; and lands within five miles of a Village Reserve Line. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on March 24, 2006 for this project.

County File No: LRP2004-00017.

Karen Nall, staff: Presents staff report and letters.

Commissioner Roos: Discusses prohibition of use of TDC's within the California Valley Urban Reserve line. Suggests language on A-3

Warren Hoag, staff: States the Planning Commission makes a recommendation to the Board of Supervisors.

Eric Greening: Supports changes to the TDC ordinance.

Joy Fitzhugh: Representing the SLO County Farm Bureau. Discusses intent of original TDC ordinance

Maria Lorca: Representing the Creston Citizens for Agricultural Land Preservation. Thanks the Planning Commission and discusses a TDC credit and a subdivision.

Sue Harvey: Representing Paso Watch. Thanks the Planning Commission and staff. Is in support of TDC amendment.

Shiela Lyons: Creston resident. In support of TDC / LOU amendment. Discusses November 22, 2005 staff report, URL's, and VRL's.

Alison Denlinger: Secretary for the Adelaida Area Association. Would like adoption of the amended LOU ordinance.

Sue Luft: El Pomar area resident. Would like TDC sites limited to areas within the URL and would like amendments adopted.

Dorothy Jennings: Would like adoption of TDC amendments and have TDC receiver sites limited to within the URL.

Jerry Burger: Discusses restrictions and limitations and cites affordable housing discussion previously made.

Commissioner Roos: Discusses parcel sizes and Environmental Health rules.

Commissioner Christie: Discusses recollection of Village Reserve Line VRL and potential of TDCs to be used inappropriately, and would like to limit TDC receiver sites even further.

Commissioner Gibson: Concurs with Commissioner Christie's suggestion that the TDC receiver sites only be within the URL in Creston.

Thereafter on motion by Commissioner Rappa, seconded by Comissioner Gibson, and on the following roll call vote:

AYES: Commissioners Rappa, Gibson, Roos, Christie, and Chairman Mehlschau

NOES: None

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 California Code of Regulations Section 15000 et seq. based on the Findings in Exhibit A; and changing Section 1, Section 22.24.070A, Title 22, number 3. to read; "The site is within an urban reserve line." Adopted

Thereafter on motion by motion by Commissioner Roos, seconded by Commissioner Rappa, and unanimously carried, the commission accepts all correspondence submitted today for the record.

There being no further business to discuss the meeting is adjourned to July 13, 2006.

Ramona Hedges, Secretary Pro Tem

County Planning Commission