

Thursday, April 09, 2015

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 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

- Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Ken Topping: opens Public Comment.

Eric Greening: speaks.

PLANNING STAFF UPDATES

- This is the time set for Planning Staff updates.

Ellen Carroll, staff: updates Commissioners on when the carbon sequestration letter is being forwarded to the Board of Supervisors (BOS). Reports no date has been set for the Phillips-66 Rail Spur hearing.

CONSENT AGENDA:

- February 26, 2015 draft Planning Commission minutes

Eric Meyer: points out corrections to Pg. 3-10 and 3-11.

- March 12, 2015 Cancelled Planning Commission minutes

Thereafter on **Motion by:** Eric Meyer, **Second by:** Don Campbell, and on the following vote:

| COMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|----------------------|--------------|--------------|-----------------|----------------|
| Harrison, James | x | | | |
| Irving, Jim | x | | | |

| | | | | |
|---------------|---|--|--|--|
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | x | | | |

The Commission approves Consent Items 3 and 4.

HEARINGS: (Advertised for 9:00 a.m.)

- Continued hearing to consider a request by VILLA SAN JULIETTE HOLDINGS, LLC for a Conditional Use Permit to allow the phased expansion of a previously approved winery and tasting room. At build out the winery facility would total approximately 23,000 square feet (sf). Wine production is estimated at 80,000 cases per year. The project will result in the disturbance of approximately 0.68 acres on a 169-acre parcel. The applicant is requesting modifications to ordinance standards to allow: adjustments to the required setbacks, outdoor amplified music to play beyond 5p.m. during special events, and to increase the allowable square footage of a proposed restaurant from 800 sf to 1,200 sf. The applicant is also requesting to expand the existing events program to allow 20 special events with up to 200 guests and 3 special events with up to 500 guests. The proposed project is within the Agriculture land use category and is located at 6385 Cross Canyons Road, approximately 3.14 miles east of the community of San Miguel. The site is in the El Pomar/Estrella Sub Area of the North County Planning Area. Also to be considered is the approval of the environmental document. A Mitigated Negative Declaration was issued on February 11, 2015. CONTINUED FROM 3/26/15.

County File Number: DRC2013-00097
 Supervisorial District: 1
 Project Manager: Megan Martin

Assessor Parcel Number: 019-054-041
 Date accepted: August 21, 2014
 Recommendation: Approval

Megan Martin, Project Manager: presents staff report via a Power Point presentation.

Commissioners: report ex-parte contacts with no one having any to report. Discuss events modification and numbers of such per year.

Ken Topping: would like clarification on the restaurant capacity, and would like to know how the additional water usage will be accommodated with Ms. Martin responding.

Jim Harrison: would like to know how the calculation .22 acres was arrived at with Ms. Martin responding, referring to Pg. 5-29 regarding offset water mitigations.

Ken Topping would like to see the water off set condition with Ms. Martin referencing original staff report Pg. 7-17 Condition 9.

Don Campbell: would like to know how well water levels are measured.

Jim Irving: Referring to Pg. 5-10 asks about the amount of 10 meals per day and gallons per customer of water used estimate calculation and would like to understand water assumptions. Would like facts to back up assumptions in terms of how these will be monitored.

Megan Martin, Project Manager: addresses assumption water demands concern by referencing Wallace report in staff report.

Ken Topping: opens Public Comment.

Mr. Heinrichs; and Jamie Kirk (Power Point presentation): speak.

Ken Topping: asks what the capacity of the restaurant is with Ms. Kirk stating it is currently 30 and no new areas for seating are being created. Would like to know how to address future water use of various kinds in the conditions with Ms. Martin responding.

Don Campbell: would like to know how irrigation wells are measured.

Whitney McDonald, County Counsel: explains the requirement for metering and monitoring as per the urgency ordinance as being not specifically related to the permit being requested here.

Don Campbell: clarifies this proposal in terms as if improvements were required by the ordinance. Asks if the emergency ordinance addresses development with Ms. McDonald providing reasoning why it does.

Ken Topping: would like to know the distinctions between the modification of ordinance standards and variances. Terry Wahler, staff: provides reasoning.

Commissioners begin their deliberations.

Matt Ortman: provides current well usage information. Comments on health of well as far as draw down.

Don Campbell: is concerned about how wells are monitored and would like clarification on new development permitting of wells, and how water use is offset.

Whitney McDonald, County Counsel: further explains monitoring.

Glen Marshall, Public Works: explains B1 and B1a driveway standards.

Eric Meyer: suggests a condition to have main gate remain open on both sides for entrance and exits.

Ken Topping: would like to know why Cal Fire does not attend Planning Commission meetings as they have in the past so that the commission can have their questions answered about access and egress with Ms. Martin pointing out main concerns of Cal Fire. References Condition 17 regarding implementation of Cal Fire Safety Plan and mitigation measure on Pg. 5-27 Conditions 56-58. Asks if there is a permanent manager on site with Ms. Martin stating this occurs only during special events.

Eric Meyer: suggest changes to Condition 8 and 4. Referring to applicant's website in terms of wine usage as opposed to events being around wine.

Terry Wahler, staff: provides a summary of the Ag. Preserve Review Committee's (APRC) interpretation and recommendation to the Planning Commission.

Lynda Auchinachie: provides the Ag. Department's view of what is a temporary population and

what is ag land in terms of the Dept of Conservation letter to the Niner proposal in 2007. Provides her department's viewpoint in terms of the restaurant and states it was concerning.

Don Campbell: discusses roads options in terms of using the front gates.

Ken Topping: provides his comments and opinion about the proposal.

Megan Martin, Project Manager: turf removal in acreage should be should be corrected to .31 acres

Jim Irving: referring to Condition 65 would like clarification on why the numbers have changed with Ms. Martin explaining conditions being changed in tract changes.

Glenn Marshall, Public Works: discusses accident history on Cross Canyon Road.

Jim Irving: would like to know who patrols the North County area for Code Enforcement. Bill Robeson: states there are 2 CE officers assigned to the North County.

Jim Irving: is concerned for the amount of people allowed for Bed and Breakfast in terms of noise and parties. Would like this monitored. Is comfortable with the restaurant portion. Is opposed to amplified music after 5:00 PM. Feels the request for 500 people for special events is beyond other applications; states requests such as this have been increasing throughout the years. Supports the wine industry, however does not want to change the character of the neighborhood as would having 3 events with 500 people and cannot support this request. Feels there needs to be a responsible party on site at all times.

Don Campbell: comments on the property size and suggests on site management during all times, 24 hours per day. Agrees with other commissioners on the amplified music after 5:00 PM. Has concerns for 3 events with 500 people each and suggests regulating events on a monthly basis.

Eric Meyer: would like to see both gates open at the main entrance. Would like Condition 4 deleted regarding outside music after 5.

Jim Harrison: has concerns with amplified music after 5:00 PM, clarifies wine tasting closing concurrent with the restaurant with the exception of special events.

Commissioners: deliberate the APRC recommendation in terms of special events. Discuss how many special events could be had and regulation of such. Discussion of a compromise of 10 events at 200 people , 1 event at 300, and 4 events at 100 people. Or leaving it at 20 events and spacing it throughout the year.

Bill Robeson, staff: suggests looking at the conditions on screen.

Megan Martin, Project Manager: reads into the records modified Condition 2. Conditions 8 and 60 read into the record

Condition 8 read into the record.

Megan Martin, Project Manager: reads Condition 51 regarding shuttling in terms of keeping

this condition or deleting it with Mr. Irving asking this to be changed to 200. Thereafter on **Motion by:** Jim Irving, **Second by:** Don Campbell and on the following vote:

| COMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|-----------------|-------|-------|----------|---------|
| Harrison, James | x | | | |
| Irving, Jim | x | | | |
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | | x | | |

The Commission adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Conditional Use Permit DRC2013-00097 based on the findings listed in Exhibit A, changing Finding H to indicate “The modification of the standard relating to amplified music to allow outdoor amplified music and special events beyond 5 p.m. to no later than 6 p.m.; and subject to the conditions listed in Exhibit B, adding Condition 3 to read: “3. OR This approval authorizes 18 special events per year in addition to industry wide events. One event limited to 300 people, three events limited to 200 people, four events limited to 100 people, and ten events limited to 75 people. Amplified music at events (from 10:00 a.m. to 5:00 p.m.) is permitted. Events shall be limited to wine and agricultural industry events only (ie: no weddings, concerts, general parities, non-agricultural trade shows / conventions, etc.”; re-numbering conditions; changing Condition 21 to strike out Adelaida Road and replace with Corss Canyon Road; adding new Condition 52 to read: **“Prior to holding any special events for more than 350 vehicles, the applicant shall submit a traffic control/parking management plan (that will promote alternative transportation modes to help reduce ozone precursors) for review and approval by the Department of Planning and Building in consultation with the Public Works Department. This plan shall include and incorporate options for carpooling and shuttling into the plan.”**; re-numbering conditions; and adding new Condition 65 a. and b. to read: “In accordance with Ordinance 3246, the applicant shall provide monitoring and metering to all issued Offset Clearances. Within 30 days of installation of a well for which a permit has been issued pursuant to chapter 8.40 of the County Code, or prior to final building inspection, whichever is applicable, evidence shall be submitted to the Public Works Director that the property owner has installed a meter on the well serving the use to measure all groundwater used from that well. The configuration of the installation shall conform to a drawing prepared by the property owner and shall conform to the technical standards set forth by the Public Works Director. On or near the first day of each month the property owner or other person designated by the property owner shall read the water meter and record the data. These records shall be maintained by the property owner.”; adopted.

6. Hearing to consider a request by California Flats Solar, LLC for a Conditional Use Permit, DRC2014-00016, to improve an existing, 3.3 mile long agriculture road, and to establish a 4-acre and 0.5-acre temporary construction staging area adjacent to Highway 41. Improvements to the agricultural road and establsishment of staging areas would result in approximately 16.5 acres of disturbance. The proposed improvements to the agricultural road are intended to provide access and to serve an approved 280-megawatt (MW) alternating current (AC) photovoltaic (PV) solar power facility located in unincorporated southeastern Monterey County, known as Cal Flats Solar Project. The Cal Flats

Solar Project was approved by the Monterey County Board of Supervisors on February 10, 2015 (Note, Monterey County is the Lead Agency). The Planning Commission will only be taking action on portions of the project in San Luis Obispo County. San Luis Obispo County has no jurisdictional authority over portions of the project located in Monterey County. The 3.3 mile road is located one-mile north of the Hwy 41 and Hwy 46 split and Chalome Valley Road, along Hwy 41. Entrance to the agricultural road is located on the north side of Hwy 41. Improvements to the agricultural road include widening from approximately 18 feet to 30 feet, drainage improvements and installation of decomposed granite road base. The project is located in the Shandon-Carrizo Sub Planning Area of the North County Planning Area. The County, as a Responsible Agency, will consider and rely upon the Final Environmental Impact Report (FEIR) previously certified by Monterey County on February 10, 2015.

County File Number: DRC2014-00016
12, 011 & 010

Assessor Parcel Number(s) 017-031-035, 18,

Supervisorial District: 1
Rob Fitzroy, Project Manager

Date accepted: March 2, 2015
Recommendation: Approval

Rob Fitzroy, Project Manager: presents staff report via a Power Point presentation.

Commissioners: disclose their ex-parte contacts.

Don Campbell: what is the rationale for the 1/2 acre and 4 acres on the sides of the road.

Corine Kimball, applicant: reports this is for a staging area for construction vehicles and supplies. Presents a Power Point presentation.

Jim Irving: asks if there is any discussion about permanent signage in regards to turn lanes approaching with Ms. Kimball responding. Asks if there are restrictions to union only workers or is this open to all with Ms. Kimball responding. Referencing Biodiversity letter -asks who supplies the road base and how far away does it come from with Ms. Kimball responding.

Eric Meyer: discusses mitigation measure with the applicant.

Ken Topping: opens Public Comment.

Ben Higgins (Hearst Corp -owners of the Jack Ranch), Dawn Legg (reads a letter from Ray Wiman), Bob Armstrong, Larry Warner, Sonny Mollenex, Eric Greening, Jim Patterson, Fred Collins (N. Chumash Tribal Council), Robert Mayer, Mathew White, Clint Spear, Frank Lewis, and Bob Dockerty.

Rob Fitzroy, Project Manager: addresses Public Comment concerns.

Commissioners: begin their deliberations.

Corine Kimball: comments on the primary access point.

Laura Abraham, First Solar: explains how hiring is processed, especially in terms of hiring locally.

Ken Topping: makes a language suggestion to Condition 6.

Thereafter on **Motion by:** Jim Irving, **Second by:** Don Campbell, and on the following vote:

| COMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|----------------------|--------------|--------------|-----------------|----------------|
| Harrison, James | x | | | |
| Irving, Jim | x | | | |
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | x | | | |

The Commission considers and relies upon the Final Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, previously certified on February 10, 2015 by Monterey County and adopts the CEQA Findings contained in Exhibit D, including the Statement of Overriding Considerations for the project’s temporary, yet significant and unavoidable, traffic and air quality impacts during construction and decommissioning activities and approves Conditional Use Permit DRC2014-00015 based on the findings contained in Exhibit B, and subject to the conditions listed in listed in Exhibit C, changing Condition 6 to read: “6. Local Hire. The Applicant shall make efforts to employ local hire residents of San Luis Obispo County and Monterey County region, with adequate experience and qualifications, during construction and operations to the extent practical. Within 60 days of project approval, or such later time as approved by the County, the Applicant shall demonstrate advertising and publication of jobs that will be locally available.”; changing Condition 7 to read: “7. Prior to issuance of construction permits, the applicant shall provide funding for San Luis Obispo County to retain an environmental compliance monitor to ensure compliance with County Conditions of Approval and EIR mitigation measures (herein incorporated as conditions of approval). The compliance monitor shall be responsible for assisting the County in verifying condition compliance and mitigation monitoring for all applicable pre-construction, construction, and post-construction activities of the project, as specified in a scope of work, and as approved by the County Department of Planning and Building. The compliance monitor will be responsible for reviewing pre-construction, construction, and post-construction documentation, including, but not limited to, pre-construction surveys, construction-phase monitoring, and post-construction monitoring, submitted to the County by qualified professionals retained by the applicant in accordance with the applicable Conditions of Approval. The monitor shall be under contract to San Luis Obispo County, unless San Luis Obispo County and Monterey County mutually agree to share the monitor in which case the monitor may be under contract with either County. In either case, all efforts shall be made to coordinate monitoring of the project components in both County jurisdictions. The compliance monitor will prepare a working monitoring plan that implements the conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations consistent with the MMRP; (2) lines of communication and reporting methods; (3) compliance verification procedures; (4) reporting procedures for verification of construction crew training conducted by qualified professionals retained by the applicant in accordance with the requirements of the EIR; and (5) actions to be taken in the event of noncompliance. The Applicant and qualified consultants retained by the Applicant shall be responsible for maintaining on-going monitoring data (e.g., biological, cultural, etc.) on the project site for the duration of construction; on-going monitoring data shall be available for inspection upon request from the County’s compliance monitor. Costs of the monitor, and any County administrative fees, shall be paid by the Applicant. The Applicant shall also be responsible for obtaining qualified professionals (e.g., botanist, wildlife biologist, cultural resource expert, etc.) in accordance with the requirements of applicable conditions of

approval. The identified qualified professionals shall be listed on Monterey County’s list of approved consultants and shall be approved by San Luis Obispo County. The compliance monitor will coordinate with applicant’s representative and identified qualified professionals to ensure compliance with all applicable conditions of approval.”; and deleting Condition 52; re-numbering conditions; deleting Condition 55; re-numbering conditions; changing Condition 61 language to add “(only if relocated to San Luis Obispo County)” to the first sentence; re-numbering conditions; changing Condition 84 to delete the sentence “These lots shall be currently improved and have existing stormwater drainage infrastructure in place.” Re-numbering conditions; and changing Condition 85 to add “□ .and coordination with Monterey County” to the first sentence; adopted

Thereafter on **Motion by:** Jim Irving, **Second by:** Eric Meyer, and on the following vote:

| COMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|----------------------|--------------|--------------|-----------------|----------------|
| Harrison, James | X | | | |
| Irving, Jim | X | | | |
| Campbell, Don | X | | | |
| Meyer, Eric | X | | | |
| Topping, Ken | X | | | |

The Commission accepts all correspondence and testimony entered into the record.

Thereafter on **Motion by:** James Harrison, **Second by:** Jim Irving, and on the following vote:

| COMMISSIONERS: | AYES: | NOES: | ABSTAIN: | RECUSE: |
|-----------------|-------|-------|----------|---------|
| Harrison, James | x | | | |
| Irving, Jim | x | | | |
| Campbell, Don | x | | | |
| Meyer, Eric | x | | | |
| Topping, Ken | x | | | |

The Commission adjourns to the next regularly scheduled meeting on April 30, 2015.

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

Minutes approved at the xx/xx/xx Planning Commission meeting.