

Thursday, June 04, 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

1. 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: speaks.

PLANNING STAFF UPDATES

2. This is the time set for Planning Staff updates.
Trevor Keith: updates Commissioners on their near term schedules. Comments on chambers being closed due to renovations of the audio and visual systems.

Ken Topping: voices concern for audio levels on the television broadcast. States the broadcast is not audible and provides reasoning. Has hopes for the new audio system.

Don Campbell: reports he will not be in attendance at the July 9, 2015 meeting.

Ken Topping: expresses concern that Cal Fire is not present during hearing item presentations with Mr. Keith stating he will check on this process and report back to the commission.

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

3. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and amendments to Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and the Water Waste Prevention components of the proposed Countywide Water Conservation Program. The proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. The requested amendments would specifically modify: 1) the Agricultural Element of the County General

Plan, Agricultural Goal – AG1 (Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use); 3) Title 8 (Health and Sanitation Ordinance) of the County Code for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements; 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions; and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases. This project affects all of the unincorporated portions of the County. Also for consideration is the Draft Supplemental Environmental Impact Report (DSEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. (“CEQA”)) for this project. The DSEIR was prepared as a Supplemental EIR to the previously certified Environmental Impact Report for the Conservation and Open Space Element (COSE) of the County General Plan, which analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The DSEIR addresses potential impacts on: Agricultural Resources and Land Use. Mitigation measures are proposed to address these impacts and have been incorporated into the proposed Countywide Water Conservation Program. Prior to completion of the Planning Commission hearings, a Final Supplemental Environmental Impact Report (FSEIR) will be completed (pursuant to CEQA) for this project and will be provided to the Planning Commission for consideration and potential certification recommendation to the Board of Supervisors.

County File Number: LRP2013-00012
 Supervisorial District: All
 Project Manager: Xzandrea Fowler

Assessor Parcel Number : All
 Date Accepted: N/A
 Recommendation: Review and provide comments

Xandrea Fowler, Project Manager: overviews the order of the day and presents staff report via a Power Point presentation.

Commissioners: express their opinions and suggestions as to how to receive future reference materials.

Courtney Howard, Public Works: makes a presentation on the Paso Robles Water Basin model update process, via a Power Point presentation.

Jim Irving: confirms with Ms. Howard that measurements and pumping data were included in the analysis from the municipalities.

Don Campbell: asks if the county has the right to ask well drillers to share information with Ms.

Howard stating yes the information is obtained from the Department of Water Resources (DWR), however owners must provide consent. Would like to know more about the water not being used i.e. evaporation etc., with Ms. Howard responding.

Commissioners: discuss the option of using groundwater discharge to rivers (12% outflow) as a source of water in terms of other research and investigation on the basin for water resources.

Eric Meyer: discusses the missed opportunity to make better use of the water being used to insert into the ground for oil exploration, especially in Price Canyon where the used water is put back into the creek which flows into the ocean.

Courtney Howard, Public Works: explains how local public agencies are eligible to form GSAs and provides reasoning and process.

Jim Harrison: asks if there will be more than one GSA in the county with Ms. Howard stating she believes there will be and provides further reasoning. Confirms GSAs could cross county boundaries in terms of the Santa Maria Water Basin.

Ken Topping: comments on the Tribune article today regarding desalination with Ms. Howard responding.

Courtney Howard, Public Works: reports on a June 10th open house style meeting in the Paso Basin by Public Works at 5:30 to 8:30. The Paso Robles Advisory Community will be hosting at the Estella Warbirds Museum.

Jim Harrison: discusses the in lieu fee being charged for water and would like to understand further what happens with this fund and how this brings water to the district in south county.

Commissioners: compliment Ms. Courtney on her thorough presentation.

Ken Topping: opens Public Comment

Patricia Wilmore, Paso Robles Wine Country Alliance; Jamie Kirk; Bob Brown; and Laurie Gage -from (Pro Water Equity): speak.

Don Campbell: asks if any set time/calendar scheduling has been set regarding delay of ordinance enactment with Ms. Fowler stating this item is scheduled to be heard at the Board of Supervisors (BOS) on August 11, 2015 and they are expected to take action on that date.

Jim Irving: asks when the ordinance would take effect and how many days after BOS action that would be with Ms. Fowler stating it is 30 days after action. Speaking in terms of the sunset provisions all commissioners would like to know further about formation of GSA regarding management of water.

Whitney McDonald, County Counsel: explains how a GSA is formed and the timing for which.

Commissioners: discuss the process of water districts becoming GSAs with County Counsel.

Don Campbell: addresses Ms. Wilmore's plant population concern.

Xzandrea Fowler, Project Manager: goes through new changes based on comments received and the last two hearings.

Michael Hanebutt will begin with water neutral new development beginning with the Ag. Element.

Michael Hanebutt, staff: begins over viewing Agricultural Element proposed changes and identifies the legend for colored changes.

Commissioners: begin reviewing the Title 22 changes with Mr. Hannebutt.

Eric Meyer: confirms existing ordinance expiration date of June 27, 2015 and suggests this be included in the document.

Don Campbell: comments on Pg. 3-11 in terms of the word "intensify" being crossed out with Mr. Hannebutt responding.

Jim Irving: comments on diminimous definition in terms of the objective and application to Title 22 changes with Ms. Fowler explaining language being proposed.

Commissioners: discuss the term "hobby farm" and what can replace this term.

Whitney McDonald, County Counsel: cautions Commissioners about straying into prioritizing water rights conversation and provides reasoning. Has concerns about how item B. 3. reads in regards to new crop production overlying the Paso Robles Groundwater Basin.

Jim Irving: referring to the EIR, discusses Crop Usage Table from ag. water offset program prepared by the RCD with a variety of ranges from low to high in terms of planting and economy of such.

Lynda Auchinachie, Agricultural Dept: explains table used on the RCD study. Clarifies "farm to table" as a marketing strategy. Comments on ag water uses in terms of the displayed Table 8 Crop Specific Applied Water.

Commissioners: discuss how they would create an exemption which is straight forward and administered.

Jim Harrison: in terms of exemption asks if there is the 1-1 offset applied to residential with Ms. McDonald responding. Has a concern because this applies to the residential units.

Whitney McDonald, County Counsel: clarifies if there is an exemption for a diminimous user for Paso basin we would have to exempt equally across the board. Further clarifies area plan standards requiring a 2-1 offset for discretionary permits in Paso Robles basin.

Commissioners: discuss defining areas of which the offsets are okay. How specifically can this be defined. Begin deliberating e. 1. and 2. on Pg 4 of 11 regarding Eligible Sites for Participation on-site and off-site clearances in terms of contiguous and ownership. Regarding the reference to the term "Severe" -agree on 50 feet of decline as "Severe" and provide reasoning. Discuss proximity of sending sites with Mr. Meyer feeling the properties need to be

contiguous within a reasonable number.

Xzandrea Fowler, Project Manager: reports this will discussion will be brought back after the lunch break this afternoon.

Lynda Auchinachie, Ag. Dept: clarifies the discussion on farmland monitoring map if irrigation stopped i.e. sending sites stopping irrigation, and over views language for Pg. 6 of 11 item 2. regarding sending sites remaining available with Commissioners' input.

Whitney McDonald, County Counsel: reads into the record language for item 2. on Pg. 6 of 11.

Commissioners: would like further clarification on G. 10. regarding any plantings approved under an ag offset clearance with Ms. Fowler providing clarification.

Xzandrea Fowler, Project Manager: introduces Erica Stucky from Co. Counsel to go over questions about Sustainable Groundwater Management (SGMA) -especially regarding deadline dates.

Commissioners: deliberate deadlines in terms of Dept. of Water Resources (DWR) intervention. Request Counsel's interpretation of language referencing the adopted and approved versions and what it means in accordance with the timeline presented. Commissioners all contemplate the language provisions of "Termination" upon final date of approval and adoption regarding the Paso Robles Groundwater Basin. Would like to guarantee that it is a regional entity with Ms. McDonald responding.

Xzandrea Fowler, Project Manager: reads into the record provisions of termination language.

Whitney McDonald, County Counsel: explains the intent is to be within the land use jurisdiction of the County of SLO. Further explains the need for substantial evidence to support a distinction -in terms of exemptions and new uses.

Commissioners: discuss exemptions as per Table 3 figures. Discuss 2.5 acre feet as a definition for limited exemptions. Ask if existing community gardens apply with Ms. McDonald responding.

Xzandrea Fowler, Project Manager: reads into the record language for Exemptions on Item 3.

Trevor Keith, staff: regarding which map the commissioners prefer -asks if the commissioners would like to use the map that is currently here, or the map with the red zones with Comm. Irving requesting the map on 7/30 and that map will be what this ordinance refers to. Then asks for direction on partial red zone parcels with commissioners deliberating.

Cheryl Cochran, staff: comments on parcels partially in the red zone in terms of the well location.

Mike Hannibutt, staff: continues on with proximity criteria within the red zone in terms of clearances with Commissioners agreeing on not allowing any off sets in the red zone.

Trevor Keith, staff: comments on monitoring usages on citizens who receive the exemption -

asks how would the commission like this to be conducted with Commissioners deliberating and agreeing on requirements for metering.

Commissioners and staff: move on to Pg. 11 of 11 and review, finishing Title 22.

Cheryl Cochran, staff: overviews the Title 19 changes. Moves on to Title 8 review.

Commissioners: discuss Watering of lawns and landscaping in terms of seasonality. Attempt to define "established" in terms of no "established" ornamental landscapes or turf shall be watered more than once a day....."

Jim Irving: asks if Title 8 applies to Rural Residential zoning or all zoning types with Ms. Fowler stating the only thing it does not apply to is something agricultural. Then proposes a hypothetical use.

Commissioners and staff: begin review of the proposed revisions to the Agricultural Element.

Ken Topping: opens Public Comment.

Joy Fitzhugh (Farm Bureau): speaks to "Exemptions" and provides a concern.

Michael Hannebutt, staff: addresses Public Comment.

Xzandrea Fowler, Project Manager: over views changes to be reflected in the final supplemental EIR for Commissioner's discussion.

Jim Harrison: asks how Nipomo Mesa Management area & the Nipomo Mesa Conservation Area was used for the EIR.

Commissioners: discuss area boundaries in terms of their relationships.

Xzandrea Fowler and Micheal Hannebutt, staff: display the revisions to the "Exemptions" page of the Title 22 LOU implementation language and the revisions asked for by the Commission.

Jim Irving: voices concern for 22.30.310 "Termination", in terms of the addition of "land use jurisdiction" and provides reasoning with Ms. Fowler clarifying.

Commissioners: deliberate concern for the change made to Chapter 8.69 of Title 8 in terms of definitions and uses. Ask what can be done about activities that may take place between the current Urgency Ordinance expiration date and the effective date of the ordinance adoption with Whitney McDonald providing clarification.

Trevor Keith, staff: explains the new policy in place for noticing to prevent this situation from happening again.

Commissioners: express appreciation for the Water Team's professionalism and organization throughout this meeting which made this topic streamlined and logical to talk about.

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

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

The Commission continues this item to July 30, 2015.

Thereafter on **Motion by:** Eric Meyer, **Second by:** Jim Irving, 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:** Don Campbell, **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 adjourns to the next regularly scheduled meeting on June 11, 2015.

ADJOURNMENT: 3:50

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

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