

Thursday, February 05, 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.

Ken Topping: opens Public Comment.

Eric Greening: speaks.

PLANNING STAFF UPDATES

2. This is the time set for Planning Staff updates.

Ellen Carroll, staff: updates Commissioners on their near term schedules.

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

3. Hearing to consider a request by HALTER PROPERTIES LLC for a Conditional Use Permit (CUP) DRC2013-00051 to modify the limitation of use standards in the ordinance to allow a second tasting room, the sale of prepackaged foods and increase the limits regarding floor space allowed for retail sales. The CUP also proposes an amendment to the existing winery CUP to allow: a. An increase to their existing special event program to allow 25 events with up to 200 people per year; b. A second tasting room; c. A permanent farm stand; d. A commercial and agricultural processing kitchen; e. Additional restrooms, f. A changing room and a bridal changing room. All above proposed uses will be located within existing structures on-site. The proposed project may result in 0.25 acres of site disturbance on a 952 acre site to allow for leach field expansion if needed. The proposed project is within the Agricultural land use category and is located on the north side of Adelaida Road (at 8910 Adelaida Road) approximately 8 miles west of the city of Paso of Robles. The site is in the North County Planning Area, Adelaida Sub Area. Also to be considered is the approval of the environmental

document. A Mitigated Negative Declaration was issued for this project.

County File Number: DRC2013-00051 APN(s): 014-331-006, 032, 062, 063, 014-311-047 & 049
Supervisory District: 1 Date Accepted: March 14, 2014
Project Manager: Holly Phipps Recommendation: Approval

Commissioners: disclose ex-parte contacts.

Holly Phipps, Project Manager: presents staff report via a Power Point presentation.

Commissioners: begin deliberations.

Jim Harrison: would like the record to show this site is in the high fire severity area.

Mandi Pickins, agent: is available for questions and explains the intent of this application.

Commissioners: discuss application with the agent.

Ken Topping: opens Public Comment with no one coming forward.

Commissioners: continue their deliberations.

Holly Phipps, Project Manager: addresses Commissioners concerns.

Frank Honeycutt, Public Works: explains peak traffic hour measurements for the area, road fees, and impacts to Vineyard Dr.

Ken Topping: would like it noted that road fees are not added by Public Works when projects in this area are developed.

Bill Robeson, staff: suggests the Commission may want to write a letter to the Board of Supervisors (BOS) regarding this issue so that it is addressed.

Eric Meyer: is in support of reporting to the BOS about this subject.

Frank Honeycutt, Public Works: states his department can ensure these issues are addressed on that road. States that next year there will be a major update for roads in the Templeton area and the Commissioners concerns will be addressed at that time.

Commissioners: discuss ideas for study sessions, in terms of this issue.

Thereafter, on motion of Jim Irving, seconded by Don Campbell, the Commission approves Conditional Use Permit DRC2013-00051 based on the findings listed in Exhibit A, changing Ordinance Modifications number 2. to 640 and striking 920, and subject to the conditions listed in Exhibit B, changing condition 5 to indicate 50,000 cases, striking 25,000; and adding new Condition 27. to read: "27. Portable restroom facilities may be used, in lieu of permanent restroom, provided they meet all state and local specifications and are sufficient to serve the maximum number of persons allowed at an event.;" adopted.

Motion by: Jim Irving

Second by: Don Campbell

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

4. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO, LRP2014-00015, to amend portions of the following documents in order to encourage the development of certain renewable energy projects in the most suitable locations in unincorporated inland areas of the county through a Renewable Energy Streamlining Program (RESP): 1) Framework for Planning (Inland), Part I of the Land Use and Circulations Elements (LUCE) of the County General Plan; 2) the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; 3) the Official Maps, Part IV of the LUCE; 4) the Conservation and Open Space Element of the County General Plan; 5) the Land Use Ordinance, Title 22 of the County Code; and 6) the Rules of Procedure to Implement the California Land Conservation Act of 1965. Also to be considered is the approval of the Environmental Document. An EIR has been prepared for this project. Continued from the 1/22/15 Planning Commission hearing.

County File No: LRP2014-00015
 Supervisorial District: All
 Project Manager: James Caruso

Assessor Parcel Number(s) N/A
 Authorized for Processing: July 9, 2013
 Recommendation: Approval

James Caruso, Project Manager: presents commission with an "Order of Hearing Topics" outline, introduces team and their roles in this hearing, and reports Mike Wulkan is unavailable at this hearing. Ken Topping: would like to note that Mr. Wulkan is retiring this week and wishes to pass on the commission's well wishes to him.

Staff: overviews the Project Description and Alternatives EIR.

Ken Topping: opens Public Comment.

Eric Greening, David Chipping, Dawn Legg, Bill Waycott, Eric Vieum, and Andrew Chrisie: speak.

Ken Topping: would like staff's estimate of review period time with Mr. Caruso responding and addressing Public Comment.

Trevor Keith, staff: discusses the word "potential" in terms of removing/keeping this in the streamlining program language.

Jim Irving: asks about endangered species maps and the value of habitat in terms of qualification for streamlining.

Commissioners: deliberate transparency regarding review and hearing process vetting which involves public comment.

James Caruso, Project Manager: provides commissioners with information regarding what will

be presented at the next hearing on this subject.

James Caruso, Project Manager: provides Commissioners with information regarding what will be presented at the next hearing. Continues review of RESP from the last hearing, referring to Pg. 16 of 64 of the January 22, 2015 staff report, on the overhead projector.

Lynda Auchinachie, Ag. Dept.: reports there is no existence of a rational for offset values.

Trevor Keith, staff: suggests subject matter to be addressed at the next hearing. Whitney McDonald, County Counsel: states questions can be submitted to staff and then be published.

James Caruso, Project Manager: explains conversation with Commissioner Meyer regarding Table 4 and two zoning categories Open Space & Recreation where tiering is allowed in terms of designation A2, which is incorrect and provides reasoning. in Table 4.

Thereafter, on motion of Jim Irving, seconded by Eric Meyer, the Commission continues this item to February 26, 2015.

Motion by: Jim Irving

Second by: Eric Meyer

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

- Continued hearing to consider a request by Las Pilitas Resources, LLC for a Conditional Use Permit and Reclamation Plan to allow mining and the phased reclamation of 41 acres on an approximately 234 acre site. The applicant is requesting a maximum annual production rate of 500,000 tons, a portion of which will be recycled asphalt and Portland cement concrete. The project also includes a request to waive the ordinance requirement of Section 22.30.080.A. which limits recycling facilities in the Rural Lands Category to only when in conjunction with an approved waste disposal site and a request to waive the ordinance requirement of Section 22.30.560.B.2.b. which requires storage yards to be screened from public views. The site is in the North County Planning Area, Las Pilitas Sub Area, within the EX1 (Extractive Resource Area) combining designation. Also being considered is the Final Environmental Impact Report. The proposed project is within the Rural Lands land use category and is located at 6660 Calf Canyon Road (north side of Highway 58), east of the Salinas River Bridge and approximately 1/4 mile west of the Parkhill Road intersection, east of the community of Santa Margarita. 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 evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Greenhouse Gases, Biological Resources, Geology, Hazards and Hazardous Materials, Noise, Public

Services and Utilities, Recreation, Transportation and Circulation, Wastewater, and Water Quality and Supply. Mitigation measures are proposed to address these impacts and would be included as conditions of approval and overriding considerations would be necessary based on significant and unavoidable impacts associated with Aesthetics and Visual Resources, Noise, and Transportation and Circulation. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). (Cont'd from the 12/11/14 Planning Commission Hearing).

County File Number: DRC2009-00025
Supervisory District: 4
Rob Fitzroy, Project Manager

Assessor Parcel Number(s): 070-141-070 & 071
Date Accepted: June 29, 2010
Recommend denial

Ellen Carroll, staff: explains the discussion guide and order for the commissioners deliberations.

Ken Topping: opens Public Comment

Barbara Ahern, Jeannette Watson, Eric Greening, Jim Joffe, Charles Kleeman, George Sullivan, Babac Naficy, and William Miller: speaks and shows overhead pictures.

Sophie Treder, attorney representing applicant: responds to Public Comment.

John Gillespie: speaks.

Don Campbell: reminds the public of strict controls for air pollution control.

Rob Fitzroy, Project Manager: begins review with "Air Quality". Provides definitions for ROG and NOX.

Brian Smith, ERSA (author of EIR) provides reasoning. Section 4.3

Commissioners: would like information regarding the EIR Pg. 4.3-13 in terms of engine requirements and replacement requirement. Would also like information regarding NOX stickers on trucks.

Sharon Cole: address Commissioners questions.

Scott Cohen, SESPE: addresses EIR questions from Commissioners.

John Larson, EIR agent: further addresses Commissioners questions.

Commissioners: continue review of Section 4.3-35 in terms of the statement "not expected" and to what degree of such.

John Larson: provides reasoning.

Commissioners: would like to understand how fugitive dust effects this proposal with Mr. Larson responding.

Sophie Treder: addresses fugitive dust and Valley Fever issue in regards to mitigation measures provided for.

Thereafter, on motion of Jim Irving, seconded by Eric Meyer, the Commission agrees to hold the meeting past 5:00 PM.

Motion by: Jim Irving
Second by: Eric Meyer

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

Jim Irving: would like to certify the EIR, however has issues with the proposal and provides reasoning.

Don Campbell: discusses future aggregate needs for SLO county, mitigation of traffic and truck routes, feels the EIR should be certified, and is in favor of the project as proposed.

Eric Meyer: is against the project as proposed and cannot at this point certify the EIR.

Jim Harrison: supports the project as proposed and supports certifying the EIR.

Ken Topping: cannot support the project proposal and provides reasoning.

Commissioners: discuss certification of EIR motion.

Jim Irving: withdraws his motion to certify the EIR.

Don Campbell: makes a motion to approve the proposal and certify the EIR with finding and conditions to be brought back at a later time. The motion fails due to the three votes against the motion.

Thereafter, on motion of Don Campbell, seconded by Jim Harrison, the motion fails on the following vote:

Motion by: Don Campbell
Second by: James Harrison

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

Eric Meyer: makes a motion to deny the proposal and adopts the findings for denial. The motion passes 3-2.

The Commission approves the request by Las Pilitas Resources, LLC for a Conditional

Use Permit and Reclamation Plan DRC2009-00025 to allow mining and the phased reclamation of 41 acres on a 234 acre site and to approve and certify approval of the EIR directing staff to return with findings and conditions of approval.

Motion by: Eric Meyer

Second by: Jim Irving

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

ADJOURNMENT

6. **Thereafter, on motion of Jim Irving, seconded by Don Campbell, the Commission accepts all correspondence entered into the record.**

Motion by: Jim Irving

Second by: Don Campbell

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

Thereafter, on motion of Jim Irving, seconded by Don Campbell, the Commission adjourns to February 26, 2015.

Motion by: Jim Irving

Second by: Don Campbell

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

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

Minutes approved at the February 26, 2015 Planning Commission meeting.