

Thursday, October 22, 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.

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

CONSENT AGENDA:

3. July 30, 2015 Draft Planning Commission minutes
4. EMERGENCY PERMITS - The following emergency permits have been issued by the Planning Director. This is a report to the Planning Commission as required by Section 22.62.080.b(8) and is being provided for public information only. No action need be taken by the Planning Commission except to Receive and File. The decision to issue an emergency permit is solely at the discretion of the Planning Director, although subsequent permits required for the project are subject to all applicable hearing requirements as specified in Titles 22 or 23. (Recommend Receive and File)

ZON2014-00693 - Cambria Community Services District - On September 11, 2015, the Planning Director issued an emergency permit to the Cambria Community Services District (CCSD) authorizing the removal of up to 300 dead or dying trees deemed hazardous by Cal Fire and located on parcels owned by the CCSD. As justification for the emergency permit, CCSD stated that the "trees pose immediate threat to life and property and are a falling hazard to homes and power lines and to people using roads and trails and working in the area." Under the emergency permit, Cal Fire's hazardous tree determination will serve as evidence verifying that the identified trees meet the tree removal

criteria in Coastal Zone Land Use Ordinance Section 23.05.064(b).

County File Number: ZON2014-00693

Assessor Parcel Number: Various CCSD Parcels

Supervisorial District: 2

Date Issued: September 11, 2015

Recommendation: Receive and File

Project Manager: Airlin M. Singewald

5. GENERAL PLAN CONFORMITY REPORT – the Planning Director has issued the following General Plan conformity report. This is a notice of a completed conformity report to the Planning Commission as required by Section B, Chapter 7 of Framework for Planning, Part 1 of the county Land Use Element, and is being provided for public information only. No action need be taken by the Planning Commission except to Receive and File the report. The decision to issue a General Plan conformity report is solely at the discretion of the Planning Director, although appeals of the Planning Director’s determination may be made in accordance with the provisions of the Land Use Ordinance.

Notice of determination of conformity with the General Plan for the proposed sale of County-owned real property (3 parcels) located within the 3,430 acres proposed Eagle Ranch Specific Plan, adjacent to the southwestern Atascadero city limits. The parcels are located in the Agriculture land use category and within the Salinas River sub-area of the North County Planning Area. This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. APN: 051-491-002, 051-521-002, 051-521-003. Supervisorial District 5. County File Number: DTM2015-00001. Schani Siong, Project Manager.

6. A request for a first time extension by Fortune Realty, LLC and Sean H. McGrath for Vesting Tentative Tract Map 2779 and Conditional Use Permit to allow for a 1) planned development, 2) subdivision of an approximate 2.2 acre parcel into 31 parcels of 2,040 to 4,585 square feet each, and 3) allow for grading and construction of 31 detached, two-story residences with attached garages, approximately 1,713 to 1,739 square feet each. The project includes off-site road improvements to 12th Street, and a connection to La Bova Street. The project will result in the disturbance of the entire 2.2 acre parcel. The division will create one on-site road (La Bova Street). The proposed project is within the Residential Multi-family land use category and is located on the southern side of 12th Street, approximately 340 feet east of N Street in the community of San Miguel. The site is in the Salinas River Sub Area in the North County Planning Area. A Negative Declaration was approved by the Board of Supervisors on September 26, 2006.

County File Number: SUB2005-00054

Assessor Parcel Number: 021-401-001

Supervisorial District: 1

Date Accepted: Not Applicable

Project Manager: Jo Manson

Recommendation: Approval

7. Proposal by Ronald Denner to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The 123.5 acre parcel is located within the Agriculture land use category on the north side of Adelaida Road approximately 1 mile west of the intersection of Adelaida Road

and Nacimiento Lake Drive, approximately 2 miles west of the City of Paso Robles. The site is in the Adelaida Sub-area of the North County planning area.
 A Class 17 categorical exemption was issued for the application.

County File Number: AGP2015-00002
 Supervisorial District: 1
 Project Manager: Terry Wahler

Assessor Parcel Number: 026-232-014
 Date Accepted: August 15, 2015
 Recommend: Board of Supervisors approval

- 8. Proposal by Riboli Paso Robles, LLC to amend an agricultural preserve to decrease the minimum parcel size for conveyance of parcels from 80 acres to 40 acres and allow the applicant to enter into a land conservation contract. The subject property is an approximately 83 acre agricultural parcel that is currently planted with vineyards. The property is located within the Agriculture land use category, on the south side of Almond Drive, approximately four miles east of the City of Atascadero. 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 Class 17 categorical exemption was issued for the application.

County File Number: AGP2014-00016
 Supervisorial District: 5
 Project Manager: Terry Wahler

Assessor Parcel Number: 034-231-033
 Date Accepted: August 3, 2015
 Recommend: Board of Supervisors approval

Thereafter on **Motion by:** Eric Meyer, **Second by:** Don Campbell and on the following vote, the Commission approves Consent Item 3 through 8.

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

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

- 9. Hearing to consider a request by Nipomo Business Center, LLC to amend a previously approved Conditional Use Permit, DRC2015-00017, to allow an existing, legal, nonconforming billboard to remain for an additional 15 years. The project site is located on the south corner of Story Street and South Frontage Road in the community of Nipomo, in the South County planning area. Also to be considered is the approval of the environmental document. A General Rule Exemption was issued for the project.

County File Number: DRC2015-00017
 Date Accepted: August 26, 2015
 Recommendation: Approval

Assessor Parcel Number: 092-158-019
 Project Manager: Jay Johnson

Jay Johnson, Project Manager: presents staff report.

Commissioners: ask questions of staff.

Bill Robeson, Dep. Director: clarifies original conditions of approval with Mr. Johnson responding.

Richard Meyer, representing owner: further explains proposal.

Jim Harrison: asks what the damage to the sign was to have to re-build it, and enlarge it, with Mr. Meyer responding.

Jay Johnson, Project Manager: explains what was found on the original findings and what actions were taken at the original Planning Commission.

Commissioners: begin their deliberations.

Commissioners: work with staff on language for Findings for Denial of this proposal.

Jay Johnson, Project Manager: reads findings for denial into the record.

Thereafter on **Motion by:** James Harrison, **Second by:** Jim Irving, and on the following vote, the Commission denies Conditional Use Permit DRC2015-00017, based on the findings listed in Exhibit A.

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

- 10. A request by Nipomo Partners LLC for a Conditional Use Permit to allow an addition of 40,722 square feet of mini-storage buildings to an existing mini-storage facility. The existing storage facility includes 89,650 square feet of storage, 12,000 square feet of commercial space, a 3,000 square-foot manager’s unit and office, and 47,825 square feet of outdoor RV storage. The proposed mini-storage addition will replace the outdoor RV storage use. The proposed project is within the Commercial Service land use category and is located at 720 South Frontage Road in the community of Nipomo. Also to be considered is the approval of the environmental document. The project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

County File Number: DRC2014-00157

Assessor Parcel Number(s): 092-158-011, -012, -013 & -014

Date accepted: 8/20/15

Project Manager: Brian Pedrotti

Recommend: approval

Brian Pedrotti, Project Manager: presents staff report via a Power Point presentation.

Commissioner: begin asking questions of staff.

Commissioners: deliberate proposal.

Thereafter on **Motion by:** James Harrison, **Second by:** Don Campbell, and on the following vote, the Commission approves Conditional Use Permit DRC2014-00157 based on the findings listed in Exhibit A and subject to the conditions listed in Exhibit B; Adopted.

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

- Hearing to consider a request by Karen Wise & Verizon Wireless for a Conditional Use Permit to allow the construction and operation of an unmanned wireless communication facility, consisting of one new 75’ tall artificial eucalyptus tree (“mono-eucalyptus”) supporting twelve 6’ tall panel antennas, twelve new Remote Radio Units (RRUs), and four Raycaps (two located in the equipment area). The panel antennas would be located in two sectors of six panel antennas each, one sector mounted at a height of 59’ and the other at a height of 67’ (measured to center of antennas) on the proposed mono-eucalyptus. The project also includes installation of two GPS antennas, an electric meter located near the base of the mono-eucalyptus, and new equipment cabinets and a 132 gallon diesel standby generator located on concrete slabs. All proposed above ground improvements will be located within a 24’ x 42’ lease area, surrounded by an 8’ high wood fence enclosure. The project involves approximately 350’ linear feet of trenching for a new power/telco utility route, with a total project site disturbance of approximately 1,050 square feet of a 5-acre parcel. The proposed project is within the Residential Rural land use category and is located at 2286 South Halcyon Road, approximately 500 feet east of the intersection of El Campo Road, adjacent to the north side of the community of Palo Mesa. The site is in the South County Inland sub area of the South County planning area. Also to be considered is the approval of the environmental document. A mitigated negative declaration was issued on September 10, 2015.

County File Number: DRC2014-00100
 Assessor Parcel Number: 075-232-054
 Supervisorial District: 4
 Date Accepted: August 5, 2015
 Project Manager: Cody Scheel
 Recommendation: Approval

Ken Topping: opens Public Comment.

Linda Anderson: speaks.

Commissioners: deliberate re-location request.

Travis Craig, Cal Fire: discusses fire safety plan.

Jim Irving: comments that the new property owner was not notified by the seller or seller's agent of this proposal appropriately in terms of re-location and feasibility of such.

Eric Meyer: explains why he may not vote in favor of the proposal.

Thereafter **on Motion by:** James Harrison, **Second by:** Jim Irving, and on the following vote, the Commission adopts the Mitigated Negative Declaration (ED14-205) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; and approves Conditional Use Permit DRC2014-00100, based on the findings listed in Exhibit A, and the conditions listed in Exhibit B; Adopted.

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

12. Hearing to consider a request by the SAN LUIS OBISPO COUNCIL OF GOVERNMENTS & CITY OF SAN LUIS OBISPO for a Conditional Use Permit to allow the construction of a new community identification sign to read “San Luis Obispo” and an exception to Section 22.20.060(C)(2) to allow for a 326 square foot signage area. The monument sign will act as a gateway to the city. The sign will have a mission style design with stucco finish, clay tiles, decorative bell, and stone base. The monument will not exceed 24 feet in height from the lowest point on grade to the tallest point on sign structure. The project will result in approximately 250 square feet of site disturbance on a 0.64-acre parcel in the Public Facilities land use category. The project is located on the southern corner of the intersection of southbound State Highway 1 and Highland Drive, bordering the northern limits of the City of San Luis Obispo in the San Luis Obispo Sub-area (north) of the San Luis Obispo planning area. Also to be considered is approval of the environmental document. A Class 3 categorical exemption was issued for this project.

County File Number: DRC2014-00123
 Supervisorial District: 5
 Project Manager: Airlin M. Singewald

Assessor Parcel Number: 073-341-025
 Date Accepted: July 23, 2015
 Recommendation: Approval

Airlin Singewald, Project Manager: presents staff report via a Power Point presentation.

Commissioners: begin asking staff & applicant questions.

Jeff Brubaker, City of SLO: further explains proposal and addresses Commissioners' questions.

Ken Topping: opens Public Comment

Sandra Rawley: speaks.

Commissioners: begin deliberating proposal.

Jim Irving: explains why he cannot support the proposal as it is written.

Commissioners Meyer and Campbell: agree there should be curb, gutter and sidewalk installed, and

feel the sign is too large.

Jim Irving: is not in agreement to a continuation of this proposal and would rather deny it and provides reasoning.

Commissioners: express their concern for scale of sign and lack of curb gutter & sidewalk.

Commissioners: discuss findings for denial and side with continuing this item to allow the SLOCOG and the City of SLO to explore down sizing the sign and

Thereafter on **Motion by:** Eric Meyer, **Second by:** Don Campbell, and on the following vote, the Commission continues this item to January 14, 2016 to allow SLOCOG and the City of SLO time to work on the scale and size of the monument, and consider curb, gutter and sidewalk installation.

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

- 13.** Hearing to consider a request by Logan Nichols for a Conditional Use Permit (DRC2014-00065) to allow for the construction of a 3,360 square foot (sf) winery to include a 446 sf tasting room, a 400 sf permanent farm stand that will be located on the outside patio and related site improvements. The applicant is requesting a modification of the winery setback requirement to allow the tasting room to be located 103 feet and 172 feet to the property line (side setbacks) instead of 200 feet per ordinance requirement. The applicant is also requesting a modification of the setback requirement to allow the tasting room and farm stand to be located 337 feet to the nearest residence instead of 400 feet per the ordinance requirement. The applicant is not requesting special events or wine industry-wide events. Annual wine case production proposed is 2,500 cases. The project will result in the disturbance of approximately 0.40-acre on a 6.6-acre parcel. The project site is located at 1543 Los Berros Road, approximately 3.5 miles south of the City of Arroyo Grande, in the South County Inland Sub Area of the South County Planning Area. A General Rule Exemption was issued for this project.

County File Number: DRC2014-00065 Assessor Parcel Number : 091-053-010
 Supervisorial District: 4 Date Accepted: February 12, 2015
 Holly Phipps, Project Manager Recommend: approval

Commissioners: disclose ex-parte contacts.

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

Commissioners: begin asking questions of staff.

Logan Nichols, applicant: further explains proposal.

Ken Topping: opens Public Comment. Betty Jamison: speaks.

Logan Nichols, applicant: addresses public comment concern.

Jim Irving: would like to ensure no distribution pick up parties are to be held on this site.

Thereafter on **Motion by:** James Harrison, **Second by:** Eric Meyer, and on the following vote, the Commission approve Conditional Use Permit DRC2014-00065 based on the findings listed in Exhibit A and the conditions listed in Exhibit B; Adopted.

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

- 14. Continued hearing to consider a request by FREEPORT-MCMORAN OIL & GAS for a Conditional Use Permit (CUP) to amend the previous CUP to extend the amount of time allowed to drill previously approved Phase IV oil wells (D010386D). This request would extend the current limit for an additional 3 years to install these previous approved wells (approximately 31 wells not yet installed). The project is located at 1821 Price Canyon Road (San Luis Obispo) on the east and west sides of Price Canyon Road, approximately 2.7 miles north of the City of Pismo Beach, in the South County planning area (San Luis Bay Inland sub area South).

The Environmental Coordinator found that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA . CONTINUED FROM 9/10/2015.

County File Number: DRC2015-00002
 Supervisorial District: 3

APN(s): 044-201-002, 044-241-001
 Date accepted: June 3, 2015

Commissioners: commiserate the possibility of a continuance to allow a supplemental EIR to be developed and what the steps are to proceed in this direction, especially in terms of denial of this proposal and in order to avoid the appeal process.

Commissioners: disclose ex-parte contacts.

John Martini, applicant: presents Power Point presentation.

John McKenzie, Project Manager: presents staff report via a Power Point presentation.

Commissioners: asks questions of the applicant.

David Foote, Executive Consultants: is available for questions.

Commissioners: ask questions of Mr. Foote.

Ken Topping: opens Public Comment.

Eric Greening, Heidi Harmon, Kay Gore, Gary Kirkland, Natalie Risner, Michael Hannon, Debbie Peterson, Michael Law, Natalie Beller, Maya Golden-Krasner, Lorinda Howland, Katie Kitel, Bailey Smith, and Jean Reece: speak.

Commissioners: begin asking question of the applicant.

Commissioners: begin their deliberations.

Thereafter on **Motion by:** Eric Meyer, **Second by:** Jim Irving, and on the following vote, the Commission continues this item to November 12, 2015.

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

Thereafter on **Motion by:** Jim Irving, **Second by:** Don Campbell, and on the following vote, the Commission accepts all testimony and correspondence entered into the record.

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

Thereafter on **Motion by:** Jim Irving, **Second by:** Eric Meyer, and on the following vote, the Commission adjourns to October 29, 2015.

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

ADJOURNMENT: 4:59 PM

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

Minutes approved at the 12/10/15 Planning Commission meeting.