

Thursday, November 12, 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.

Jeff Edwards and Eric Greening: speak.

PLANNING STAFF UPDATES

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

Jim Bergman, Director of Planning & Building: shows a Power Point presentation on the Planning and Building Departments "Priorities" report.

Commissioners: ask questions of the Director in regards to the "Priorities" report.

Eric Meyer: would like a staff presentation on the permit tracking system updates.

Jim Harrison: would like clarification on billboard permitting requirements and criteria with Mr. Robeson responding. Reports a billboard that has been erected in South County.

Ken Topping: expresses his appreciation for having the Director's provide the Commission with the department priorities. Would like information on the Phillips 66 proposal scheduling with Ms. Carroll responding.

Ellen Carroll: provides information on when the staff report and supporting documentation is being made available on the Phillips 66 proposal. Comments on tentative dates.

Tim McNulty, County Counsel: suggests the Chairman open Public Comment on the staff priorities updates.

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

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

for Phillips 66 proposal are tentatively scheduled for the first and last week of February.

3. Study Session on General Plan Annual Progress Report for Fiscal Year 2014-15.

Matt Janssen, staff: introduces the study session for General Plan Annual Progress Report, and introduces Brian Pedrotti, Planning and Building staff member who shows a Power Point presentation on the report.

Ken Topping: opens public comment.

Eric Greening: speaks.

Thereafter on **Motion by:** Don Campbell, **Second by:** Eric Meyer, and on the following vote, the Commission receives and files the General Plan Annual Progress Report.

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

CONSENT AGENDA:

4. A request for a first time extension by Filipponi Family Limited Partnership for Vesting Tentative Tract Map 2768 to subdivide an existing 2.0 acre parcel into 9 parcels ranging from 6,000 to 10,550 square feet each for the purpose of sale and/or development. The project includes off-site road improvements to Las Tablas Road. The project will result in the disturbance of the entire 2 acre site. The division will extend Martin Road onto the property and connect it to Las Tablas Road. The proposed project is within the Residential Multi Family land use category and is located at 604 Las Tablas Road approximately 750 feet east of Highway 101 in the community of Templeton. 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 December 19, 2006.

County File Number: SUB2005-00091
 Supervisorial District: 1
 Project Manager: Jo Manson

Assessor Parcel Number: 041-011-009
 Date Accepted: Not Applicable
 Recommendation: Approval

5. A request for a second time extension by Karen Lee Haynes for Vesting Tentative Tract Map 2574 to subdivide an existing 19.2 acre parcel into seven parcels of between 3.15 and 2.50 acres each, for the sale and/or development of each proposed parcel. The proposed project is within the Residential Suburban land use category and is located at the northeast corner of Badger Canyon Lane and Fox Canyon Lane, west of Corbett Canyon Road, approximately 1 mile north of the City of Arroyo Grande. The site is in the San Luis Bay Sub Area in the South County planning area. A revised mitigated Negative Declaration was approved by the Board of Supervisors on September 27, 2005.

County File Number: S030062T
 Supervisorial District: 3
 Project Manager: Jo Manson

Assessor Parcel Number: 044-501-004
 Date Accepted: Not Applicable
 Recommendation: Approval

6. 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.
 (Recommend Receive and File)

Notice of determination of conformity with the General Plan for the vacation of Whitby Street (a paper street) between Langton and Romney Drive located approximately 425 feet north of the intersections of Ardath and Romney Drive and Ardath Drive and Langton Street. The request is in response to an application submitted by Earl and Janet Moon, owners of the properties on either side of Whitby Street. The project site is located in the Residential Single Family land use category within the community of Cambria in the North Coast Planning Area.

County File Number: DTM2015-00003
 Supervisorial District: 2
 Project Manager: Megan Martin

Assessor Parcel Number: NA
 Date Accepted: October 29, 2015
 Reccomend: Receive and file

7. Notice of determination of conformity with the General Plan for the abandonment of the northwesterly end (an approximately 350-foot segment) of Old Creamery Road, located about 430 feet northwest of Harmony Valley Road in the town of Harmony. The project site is located in the Commercial Retail land use category within Rural North Coast Planning Area.

County File Number: DTM2015-00004
 Supervisorial District: 2
 Project Manager: Airlin M. Singewald

Assessor Parcel Number: N/A
 Determination Date: October 29, 2015
 Recommendation: Receive and File

Thereafter on **Motion by:** Jim Irving, **Second by:** Eric Meyer, the Commission approves Consent agenda items 4, 5, 6, and 7.

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.)

- 8. Hearing to consider a request by the LOS OSOS COMMUNITY SERVICES DISTRICT (LOCSO) for a Development Plan/Coastal Development Permit to allow for the construction of a new upper-aquifer well, skid-mounted ion-exchange unit (nitrate removal facility), and related infrastructure. The project also involves the demolition of an existing well house and construction of a new 600 square-foot metal building to house the existing 8th Street lower-aquifer well, proposed upper-aquifer well, and proposed nitrate removal facility. The proposed project will help reduce seawater intrusion in the Los Osos Groundwater Basin by allowing for reductions in lower-aquifer pumping. The proposed project will result in approximately 1,200 square feet of site disturbance on a 0.5-acre parcel in the Residential Single Family land use category. The project is located at 953 El Morro Avenue, at the southeast corner of the intersection of 8th Street and El Moro Avenue, in the community of Los Osos. The site is in the Estero planning area. Also to be considered is the Mitigated Negative Declaration adopted on May 7, 2015, prepared by the Los Osos Community Services District acting as Lead Agency.

County File Number: DRC2015-00014
 Supervisorial District: 2
 Project Manager: Airlin M. Singewald

Assessor Parcel Number: 038-291-039
 Date Accepted: October 7, 2015
 Recommend: Approval

Airlin Singewald, staff: shows a Power Point presentation on proposal.

Commissioners: begin questioning Mr. Singewald about the proposal.

Robert Miller: discusses when the sewer system will come on line and implementation of such.

Ken Topping: asks for ex-parte contacts with none being reported. Opens Public Comment with no one coming forward.

Thereafter on **Motion by:** Eric Meyer, **Second by:** Jim Irving, and on the following vote, the Commission considers and relies on the previously approved Mitigated Negative Declaration adopted on May 7, 2015, prepared by the Los Osos Community Services District acting as Lead Agency, and approves Development Plan/Coastal Development Permit DRC2015-00014 based on the finding 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			

9. 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 the previously approved Phase IV oil wells (D010386D). This request would extend the current limit for an additional 3 years for approximately 31 oil 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 San Luis Bay Inland sub area South, South County planning area. The Environmental Coordinator found that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA. CONTINUED FROM 10/22/15

County File Number: D010386D

Assessor Parcel Number: 044-201-002, 044-241-001

Supervisory District: 3

Date Accepted: June 3, 2015

Project Manager: John McKenzie

Recommend: Approval

Commissioners: disclose their ex-parte contacts.

John McKenzie, Project Manager: updates Commissioners on items they wished to have brought forward to this meeting. Introduces John Robertson, Aaron Cattana, Janice Zinckee (State. Water Control Board) with three other staff members). Pat Able (State Water Resources and John, John Pearson.

John Robertson, Regional Water Quality Control Board (RWQCB): shows a Power Point presentation and introduces agencies who will also be available in person and via teleconference call during this hearing.

Commissioners: participate in teleconference with Eric Gillman, (Water Quality) attorney with State Water Resources Board.

Whitney McDonald, County Counsel: states it is within the purview of the Commission to analyze the quantity of water being drawn.

Ken Topping: opens Public Comment.

Jeanne Reeves, Ginger Lordus, Dave Watson, Eric Greening, Natalie Risner, JohnMartini, Kay Gore, Lorinda Holland, Maya Golden-Krasner, Michael Hannon, Natalie Beller, Jeanne Blackwell and Roy Cinowall: speak.

Commissioners: begin their deliberations briefly before the noontime break.

Commissioners: reconvene and begin speaking with Dan Tormey, hydrologist. Commissioners each report on their opinions for a recommended action and provide additional mitigations and confer with staff as to how these will be adhered to. Discuss condition language for new Condition 6.

John McKenzie, Project Manager: reads Condition 6 language into the record.

John Martini: provides feedback on new Condition 6 language and for the record would like condition 6 in terms of voluntary monitoring be known that the agents want to work with all the

surrounding community.

Thereafter on **Motion by** Eric Meyer, **Second by:** Jim Irving, and on the following vote, the Commission approves Conditional Use Permit DRC2015-00002 based on the finding listed in Exhibit A and the conditions listed in Exhibit B, adding new Condition 6 to read: 6. Prior to issuance of the notice to proceed or grading permit for any wells remaining to be constructed under D010386D and DRC2015-00002, the applicant shall prepare in coordination with DOGGR, SWRCB, RWQCB and County: a) A sentry monitoring program to confirm the adequacy of aquifer exemption containment boundaries, and evaluate the potential of groundwater being drawn into the oil field aquifer. b) A potable water well monitoring program for voluntary property owners with wells within ½ mile of the Proposed Aquifer Exemption boundary. Testing shall be conducted by a laboratory certified by the State of California Environmental Laboratory Accreditation Program (ELAP). The program shall address testing frequency and length of monitoring effort. Results of the testing shall be provided to the property owner and the County.

The programs shall establish criteria as defined by DOGGR and/or State/ Regional Water Boards, in consultation with the County, to remediate any potential project related effects. At a minimum, annual reports shall be submitted to all of the above agencies.; Adopted

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:** Don Campbell, **Second by:** Jim Irving, 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			

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

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