

Thursday, May 26, 2016

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

**ABSENT:** Don Campbell

**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.

Laurence Shinderman, Eric Greening, Lionel Johnston, Robert Weatherford, Charles Varni, Stacey Avelar, Rich Robinson, Tom Rahkugler, Kay Gore, Linda Chimente, Kathleen Minck, Gina Whitaker, Sherrie Stoddard, David Kooi, Mark Nelson, Gary Kirkland, and Ruth Goodrow: speak.

Eric Meyer: polls commissioners to re-agendize Phillips 66 with no one coming forward.

**PLANNING STAFF UPDATES**

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

Bill Robeson, Executive Director: confirms September 22, 2016 is the date the Phillips 66 proposal is being heard.

Ellen Carroll, Environmental Coordinator: provides information on tentative hearing dates for Phillips 66.

Bill Robeson, Executive Director: provides commissioners with their near term schedules.

**CONSENT AGENDA:**

3. February 11, 2016 draft Planning Commission minutes

Eric Meyer: notes changes to Consent Item 3 on pages 3-10, 4-10, and 7-10.

4. February 25, 2016 draft Planning Commission minutes

- 5. A request for a second time extension by PEOPLES' SELF-HELP HOUSING CORPORATION for Vesting Tentative Tract Map 2527 and Conditional Use Permit to subdivide three existing parcels totaling 50.55 acres into: 58 residential parcels ranging in size from 5,360 square feet to 12,500 square feet, one residential parcel of 4.75 acres, one 11.16 acre open space parcel with a 6,000 square foot building envelope, for the purpose of sale and/or development, one non-buildable open space parcel of 20.22 acres and a 2.43 acre remainder lot. The project includes on-site and off-site road improvements and also includes rectifying illegal grading that occurred in 2003. The project will result in the disturbance of approximately 13 acres of the 50.55 acre parcel and 30,000 cubic yards of cut and fill. The proposed project is within the Residential Single Family land use category and is located approximately 480 feet south of 11th St., east of and adjacent to the Union Pacific Railroad tracks, in the community of San Miguel. The site is in the Salinas River Sub-area of the North County Planning Area.

County File Number: S030011u  
 Assessor Parcel Numbers: 021-361-003, 021-351-005, 021-351-007  
 Supervisorial District: 1 Date Accepted: N/A  
 Project Manager: Jo Manson 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.

Determination of conformity with the General Plan for the vacation of the northerly half of Cypress Glen Ct between E Street and Little Cayucos Creek. The request is in response to an application submitted by EILEEN ROACH and KEVIN MAIN, owners of properties on the north side of Cypress Glenn Ct. The project site is located in the Residential Multi-family land use category within the community of Cayucos in the Estero Planning Area.

County File No: DTM2015-00008 Assessor Parcel No: Right of Way  
 Supervisorial District: 2 Date Accepted: N/A  
 Project Planner: James Caruso Recommendation: Receive and File

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				
Meyer, Eric	x			

Topping, Ken	x			
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The Commission approves Consent Items 1 through 6.

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

- 7. Continued Hearing to consider the CAMPBELL-SHEPPA Tentative Tract map and Development Plan. Also to be considered is the approval of the environmental document. A mitigated negative declaration was issued on February 2, 2016. CONTINUED FROM 3/24/16.

County File No: SUB2015-00001

Assessor Parcel No: 064-034-007

Supervisorial District: 2

Date Accepted: November 25, 2015

Project Manager: James Caruso

Recommendation: Approval

Eric Meyer: asks for commissioner ex-parte contacts with none being reported.

Karen Nall, Supervising Planner: presents staff report via a Power Point presentation.

Jim Irving: discusses new Revised Exhibit B and would like clarification on conditions which have been modified with Ms. Nall responding.

Ken Topping: confirms paved widths not being indicated on the map with Ms. Nall suggesting Mr. Lloyd be asked about this issue.

Jim Irving: asks if the language in 2. A. reflects the language suggested by the Coastal Commission (CCC).

Dan Lloyd, applicant: clarifies commissioners' questions using overhead plans to indicate changes.

Eric Meyer: opens Public Comment.

Eileen Roach and Kathy Oliver: speak.

Dan Lloyd: addresses Public Comment issues.

Glenn Marshall, Public Works: discusses findings in regards to the Ordinance standards discussed in terms of granting of special circumstances and will add this to the findings if the commission supports the vacation of the land and findings can be made to circumvent this ordinance.

Ken Topping: asks counsel about variance language in terms of county policy and the maintenance of a private road.

Dan Lloyd: discusses condition 23 regarding signage in terms of painting

Ken Topping: is concerned with findings to be clear on paper to ensure the setback being paved is 20' on both Cypress Glenn Ct. and the private drive.

Karen Nall: can write the condition during the break.

Commissioners: review the drafted conditions at the break.

Ken Topping: comments on repetitious language and would like to know if this is standard because he

also noticed this in Conditional Use Permit (CUP) conditions with Ms. Nall responding.

Karen Nall: provides options for the tree in regards to trimming rather than removal of the tree. Reads into the record re-written Development Plan condition 62 from Exhibit B and D. Added the same language from the development plan to the CC&R’s for perpetuity.

Ken Topping: is agreeable to the changes.

Thereafter on **Motion by:** Ken Topping, **Second by:** Jim Irving, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				
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 Vesting Tentative Tract Map and Conditional Use Permit SUB2015-00001 (Tract 3074) based on the Findings listed in Exhibit A, and Exhibit C –changing Tract Map Finding J. 1 to add a sentence to read “J. 1. That the proposed project includes a vacation of Cypress Glenn Court which will terminate the possibility of it being a County maintained road. The County supports the vacation because there is no community circulation benefit; and subject to the Conditions listed in Exhibits B and D, changing Development Plan Exhibit B, Condition 1. F. table for Lot Area, Lot 6 from 4,961 to 3,311, and Lot 7 Lot Area from 5,405 to 2,795, and Lot 8 Lot Area from 14,089 to 21,090; Changing Development Plan Condition 1. g. to same lot areas as listed in 1. F.; Changing Development Plan Condition 62.b. to read: 62. b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map.”; Changing Condition 62. d. to read: “62. d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include fire lane –no parking” signage and pavement markings.”; and changing Exhibit D, Tract Condition 1. f. to 3, 311, striking 4961; changing Tract Condition 1. g. to 2, 795, striking 5405; changing Tract Condition 1. h. to 21,090, striking 14,089; Changing Tract Condition . b. to include the sentence: “...to a 20 foot wide minimum paved road section....; Changing Tract Condition 2. d. to read: “2. d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include fire land –no parking signage and pavement markings; Changing Tract Condition 22. d. to strike the word “Hood” and replace with “Flood”; and changing the Covenants, Conditions and Restrictions Condition 23. I. to read: “23. I. Fire Lane – No parking signage and striping shall be installed, maintained and enforced; Adopted.

8. Continued hearing to consider a request by GREG BONE for a Conditional Use Permit to authorize a 94 square foot (sf) public tasting room (for olive oil tasting), a 998 sf restaurant (limited food service facility), and a 30 sf permanent farm stand, to be located within an existing 3,445 sf permitted olive processing building. The applicant is also requesting to allow the processing of olives not grown on-site, the processing of olives into table olives for sale onsite, and the construction of a 45 sf detached

restroom. The applicant is requesting the following: a. modification of ordinance Section 22.30.570 limiting a restaurant to 800 sf to allow 998 sf; b. modification of ordinance Section 22.30.020.D to allow the restaurant to operate beyond the tasting room hours, to 6 pm four days a week and to 9 pm two days per week; c. modification of ordinance Section 22.30.070.D.4.c.1 Olive Oil Production that requires all structures and outdoor use areas to be located no closer than 200 feet from each property line to allow a 96 ft setback from outdoor use area to the property line (north west) and that requires all structures to be located no closer than 500 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north); d. modification of ordinance Section 22.30.075 Ag Retail Sales that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north).

The project could result in approximately 5,340 sf of site disturbance for access improvements. The applicant is not proposing any Temporary Events. The project is located within the Agriculture land use category and is located on the south side of Kiler Canyon Road, approximately 1.35 miles west of the City of Paso Robles (at 1111 Kiler Canyon Road), in the North County planning area, Salinas River sub area. A Mitigated Negative Declaration was issued on January 6, 2016.

County File Number: DRC2013-00096

Assessor Parcel Number(s): 018-271-021 & 022

Supervisory District: 1

Date Accepted: December 8, 2014

Project Manager: Holly Phipps

Recommendation: Approval

Commissioners: disclose their ex-parte contacts.

Holly Phipps, Project Manager: presents staff report via a Power Point presentation and highlights changes as directed by the commission on March 24, 2016.

Mike Salas, Cal Fire: comments on the agreed upon road widths.

Jim Irving: referring to Cal Fire letter in terms of legal intent of the code being exercise -would like to know if the letter protects the county and provides reasoning. Discusses occupancy levels with staff.

Mike Stoker, Building Inspector Supervisor: clarifies occupancy load factors and how these are calculated in certain spaces and how these relate to sprinklering.

Karen Nall, staff: explains staff's position on occupancy for a cap of 50 people.

Ken Topping: receives confirmation on hours of operation, and signage with hours of operation being conditioned. Asks how we will know when occupancy has been exceeded and what mechanism of enforcement there is with Ms. Nall responding.

Commissioners and staff: discuss events as clarified in staff's letter of May 26<sup>th</sup>.

Karen Nall, staff: clarifies events are not supported on this site.

Jim Irving and staff: discusses Minor Use Permit (MUP) application and withdrawal thereof in terms of the olive oil ordinance. Further discusses on and off site olive oil ordinance in terms of violations.

Art Trinidad, Chief Code Enforcement Officer: reports on current open enforcement case. Discusses compliance enforcement.

Karen Nall, staff: suggests a third party monitoring system born by the applicant to be conditioned for compliance (Condition compliance monitor).

Eric Meyer and Cal Fire: discuss site occupancy in terms of the road and secondary access.

Mike Stoker, Supervising Inspector: clarifies occupancy loads.

Pamela Jardini, agent: presents a Power Point presentation of the conditions the applicant would like considered.

Karen Nall, staff: agreeable to add applicant's language as was suggested in applicant's Condition 11.

Pamela Jardini, agent: continues on with suggested condition changes.

Karen Nall, staff: disagrees with proposed Condition 30 due to not knowing who prepared exhibit as it is not stamped by a licensed architect.

Bill Robeson, Executive Director: displays a memorandum regarding allowances

John Belsher, attorney representing applicant: would like clarity on re-opening the tasting room.

Commissioners: assure Mr. Belsher this will be discussed.

Eric Meyer: opens public comment.

John Belsher, applicant's attorney: was not aware of public comment being opened.

Eric Meyer: reports it is upon the Chairman's discretion to open public comment.

Cody Ferguson, Rogan Thompquist, and Peter Byrne: speak.

Commissioners: deliberate their decision and feel pressed for time then ponder a continuance of this item.

Bill Robeson, Exec. Dir: reports on a meeting with Air Pollution Control District (APCD) in terms of dust suppressants/soil binders as a way to mitigate dust and particulate matter in terms of adding a suppressant or soil binder.

Commissioners: discuss a continuance to be able to research new material submitted, and receive further information from staff.

Staff: discusses condition 1. G. on staff's conditions.

Thereafter on **Motion by:** Jim Irving, **Second by:** Ken Topping, and on the following vote:

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

The Commission continues this item to July 14, 2016


9. Continued hearing to consider a request by DEAN VADNAIS for a Development Plan / Coastal Development Permit to allow for an existing as-built recycling collection station, and modification to the maximum allowable area for a recycling collection station of 100 square feet, per Section 23.08.098(f)(3). The existing as-built recycling collection station consists of a 160 square foot storage container enclosed by a wood panel facade, a 96 square foot storage shed, and a 67 square foot awning cover. The proposed project results in the disturbance of approximately 550 square feet of an approximately 4.3 acre parcel. The proposed project is in the Commercial Retail land use category and is located on the north side of Tamsen Drive, approximately 300 feet east from where Knollwood Circle meets Tamsen Drive, within the community of Cambria. The site is in the North Coast planning area. Also to be considered is the approval of the environmental document. A Class 3 categorical exemption was issued for this project.

County File Number: DRC2015-00047  
 Supervisorial District: 2  
 Project Manager: Cody Scheel

Assessor Parcel Number: 013-101-081  
 Date Accepted: November 8, 2015  
 Recommendation: Approval

Cody Scheel, Project Manager: presents staff report via a Power Point presentation. States Art Trinidad the Chief Code Enforcement officer is here to answer questions.

Commissioners: ask questions of Mr. Trinidad.

Russ Reid, applicant’s representative: confirms there is a way to avoid glass crushing on site and provides reasoning. Suggests adding language “if required” to Conditions: 3, 4, 5, 6, and 15.

Del Clegg, Cookie Crock Market: explains why they have to go to Santa Maria for recycling.

Ken Topping: suggests a hammerhead turn-a-round with Mr. Clegg responding this is very cost prohibitive.

Eric Meyer: opens Public Comment

John Morris and Martin Kozancowitz: speak

Commissioners: ask questions of staff.

Mr. Real, recycling operator: explains existing hours of operation are Tuesdays through Saturdays . New hours are Tues – Friday 9-4 and Saturdays 9-12.

John Morris: reads into the record hours of operation.

Mike Stoker, Supervising Building Inspector: explains permit requirements for recycling facility. Commissioners and staff: overview conditions to be amended.

Cody Scheel: reads condition 4 into the record.

Thereafter on **Motion by:** Ken Topping, **Second by:** Jim Irving and on the following vote:

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

The Commission approves Development Plan / Coastal Development Permit DRC2015-00047 based on the finding listed in Exhibit A, and the conditions listed in Exhibit B, changing Condition 12 to add the sentence: “12. Prior to final inspection, the applicant shall install battery operated or solar powered outdoor motion sensing lighting, and a video surveillance camera....” changing Condition 14. To add “Tuesday through Saturday”; adding new condition 15 to read “15. The required battery operated or solar powered outdoor motion sensing lighting and video surveillance camera shall be maintained in operating condition for the life of the project”; and re-numbering the conditions appropriately; Adopted.

- 10. A request by the COUNTY OF SAN LUIS OBISPO to amend Title 21 and 22 of the County Code, to incorporate a Workforce Housing Ordinance Package and to create new Workforce Housing Design Guidelines. The requested modifications include: 1) an amendment of Title 22 to add new section 22.30.477 – Residential – Workforce Housing Subdivision, 2) an amendment of Title 22 to section 22.30.490 – Residential Uses in Office or Commercial Retail Land Use Category, 3) an amendment of Title 22 to section 22.10.130 – Residential Density, 4) an amendment of Title 22 to section 22.06.030 – Table 2-2, 5) an amendment of Title 22 to add new subsection G.7 to section 22.12.080 – Inclusionary Housing, 6) an amendment of Title 22 to subsection H of section 22.12.080 – Inclusionary Housing – Table 2-2, 7) an amendment of Title 22 to add new subsection E to section 22.12.020 – Applicability, 8) an amendment to Title 22 to Chapter 22.80 – Definitions, and 9) an amendment of Title 21 to section 21.03.020 – Adjustments. The project is proposed within the inland portion of the County (El-Pomar Estrella, Las Pilitas, Nacimiento, and Salinas Sub-Areas of the North County Planning Area, the San Luis Bay Inland Sub Area North and San Luis Obispo Sub Area North of the San Luis Obispo Planning Area, and the San Luis Bay Inland Sub Area South, San Luis Obispo Sub Area South, and South County Sub Area of the South County Inland Planning Area). Also to be considered is the approval of the environmental document. A General Rule Exemption was issued for this project.

Supervisory District: 1, 3, 4, and 5  
 Project Manager: Brian Pedrotti

Date Accepted: N/A  
 Recommendation: Board of Supervisors Approval

Brian Pedrotti, Project Manager: explains there is a hearing on this item on June 9 currently agendized and suggests continuation to July 14, 2016.

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

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

The commission continues this item to July 18, 2016.

After some deliberation, Commissioner Irving amends his motion to continue this item to July 14, 2016, with Commissioner Harrison being the second.

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

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

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

Thereafter on **Motion by:** James Harrison, **Second by:** Ken Topping, and on the following vote:

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

The commission adjourns to the next regularly scheduled meeting on June 9, 2016.

**ADJOURNMENT**

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

**Minutes approved at the 10/27/16 Planning Commission meeting.**