

Attachment 3

THURSDAY, JANUARY 26, 2012

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 January 26, 2012 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.

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ROLL CALL (9:12 AM)

PRESENT: Commissioner(s) Kenneth Topping, Tim Murphy, Jim Irving, Carlyn Christianson, and Dan O'Grady.

ABSENT: None

3. Request for an Interpretation using Section 22.02.030 of the Land Use Ordinance relating to "Zip Lines" and similar Rural Recreational Activities. Supervisorial District: All. (9:53 AM)

Jason Giffen, Director, Planning & Building Department: presents information on the Planning & Building Interpretation discussion.

Kami Griffin, Asst. Director: explains inquires received regarding rural recreational uses including of zip lines and various other activities. Provides Commissioners with 5 options to recommend to the Board of Supervisors (BOS). Discusses Santa Margarita Ranch in terms of activities currently being conducted.

Dan O'Grady: opens Public Comment

David Blakely, Doug Carscaden, Nathaniel Lewis, Blake Rowan, Jamie Kirk, Kristin Horowitz, Rob Rossi, Greg Bettencourt. Paul Reichart, Susan Harvey, John Bechia, and Zach Baxter: speak.

Dan O'Grady: comments on delineation made to a proposal on Option 4. Would like to discuss this use as an across the board use.

Kami Griffin, Asst. Director: explains reasoning for Option 4, with staff's recommendation being for Option 1.

Dan O'Grady: speaks to definitions for amusement parks and how the State considers these type uses. Would like clarification on how this fits into Table 2-2 with Mr. Giffen responding. Discusses liability issues and how it relates to Commissioners decision.

Whitney McDonald, County Counsel: explains that County liability depends on the level of permitting and level of discretion. States building permits are needed for these uses in terms of safety being addressed through that type of permit review.

Dan O'Grady: discusses how liabilities will be addressed and would like clarification on the delineation between events and recreational uses.

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Jason Giffen, Director: explains the main focus for today and that amendments will establish what the difference is between each use and set up a permit level for the use.

Dan O'Grady: would like clarification on business license and zoning clearance in terms of "Agro Tourism" with Ms. Griffin stating currently there is no definition of such. Comments on the definition of "Accessory Use" in terms of categorization purposes with Ms. Griffin responding each case needs to be determined separately.

Tim Murphy: discusses recreational uses which are not accessory uses in terms of defined uses regarding permit levels and standards used currently with Ms. Griffin responding.

Kami Griffin, Asst. Director: explains organizational uses and incidental uses in terms of primary allowable use.

Dan O'Grady: feels ill equipped to make a decision absent of a staff report containing analysis of what the uses and rides are.

Jason Giffen, Director: clarifies there is a recommendation to use and states there can be a case by case level of review to determine the use. Additionally as part of the recommendation there is a recommendation to update the Land Use Ordinance (LUO) for the various uses.

Ken Topping: would like to see the resolution with Ms. Griffin stating the resolution follows the action from the Commission today.

Whitney McDonald, County Counsel: explains the Commission's motion that will be used to write the resolution that is provided to the Board should be specifically detailed.

Ken Topping: would appreciate more information regarding the uses before making a recommendation and asks questions about zip lines as an example with Ms. Griffin responding.

Dan O'Grady: asks if height limitation apply to these uses with Ms. Griffin responding.

Carlyn Christianson: focuses on the broader aspects of this recommendation rather than a particular proposal. Begins pondering options and asks what the Ag. Department's view/policy on recreational use is. She specifies a preference toward Option 3.

Kami Griffin, Asst. Director: clarifies discussion should be regarding determining the use levels first before what type of discretionary permit is required for each case.

Carlyn Christianson: comments on concern for not knowing the size and scale of the use.

Ken Topping: feels size and scale is a frame of reference for determination on a case by case basis.

Carlyn Christianson: feels these should be determined on a case by case basis in terms of permit levels and standards to go by.

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Jim Irving: speaks to consistency when determining permit levels on a case by case basis. Would like to know how staff makes these determinations with Ms. Griffin stating the existing rules in the LUO are used. Feels he does not have enough information to make a decision today. Would like to know how current non conforming uses are enforced.

Whitney McDonald, County Counsel: discusses uses being grandfathered into a new permit.

Jason Giffen, Director: focuses on staff perception of the knowledge for further information. Would like the Commission to decide a direction for which they are going and where the department should set their priority. States at a later time staff will return with a General Plan Amendment (GPA).

Jim Irving: feels definitions of uses would be beneficial and does not desire any delay in making a recommendation to the BOS should this be coming forward as a GPA.

Ken Topping: comments on size, height and distance which should be considered when understanding zip lines. Favors Option 3. Would like the variations in the uses identified.

Tim Murphy: feels this falls under Rural Recreation and Camping. Would like to know if it is possible to have variations of one category to make determinations with Mr. Giffen responding that intensification of uses could be determined to determine permit levels and standards.

Kami Griffin, Asst. Director: provides an overview on what she has garnered from the Commission's discussion on the overhead viewer in terms of developing these uses as accessory uses. Provides revised recommendation language in three numbered paragraphs.

Carlyn Christianson: has concerns for evaluating on a case by case basis other rural recreation uses.

Dan O'Grady: does not support at this time any recreational uses in the revised recommendation language..

Ken Topping: would like #1 and #2.

Jim Irving: would like to know the timeline for which the department is actively working on priority lists. Supports #2 with strikeouts reinstated.

Ken Topping: asks if there is a procedure provided where the Commission asks the Board to direct staff to deal with these on a case by case basis with Ms. Griffin responding.

Whitney McDonald, County Counsel: clarifies what the outcome would be should the Commission decide on #2 in terms of flexibility when determining case by case.

Dan O'Grady: is not prepared to say any of these proposed uses are accessory.

Kami Griffin, Asst. Director: reads her revised recommendation language in numbered paragraph 2 into the record.

Ken Topping: accepts this language.

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Jason Giffen, Director: in terms of LUO timelines asks if "on an interim basis each case is determined on a case by case basis....." language is agreeable with Mr. O'Grady stating he cannot support this.

Kami Griffin, Asst. Director: reads into the record language developed for revised recommendation language numbered paragraph 2.

Carlyn Christianson: feels this language is the same as Option 1 in the staff report and is too broad. Feels there should be special standards established for these uses.

Dan O'Grady: has concerns for these new uses as they have unforeseen consequences. Requires more information about the impacts of the various uses.

Tim Murphy: is not in favor of #2 as it is currently written.

Carlyn Christianson: states 3 Commissioners are uncomfortable with making a case by case determination on uses.

Dan O'Grady: requests striking the accessory use and case by case determination option for #2. For #3 asks to add "Add special standards for the rest of these uses as appropriateas evidenced for the need".

Carlyn Christianson: feels the Commissioners are trying to convey that the ordinance should be amended.

Tim Murphy: confirms should the Commission go for this option the proposal from Santa Margarita Ranch would have no ability under this interpretation for that operation to continue.

Ken Topping: for the record clarifies the zipline was not part of the zoning clearance with Ms. Griffin stating the Planner was not advised a zip line would be included in this use and would be accessory to the primary use. States this information was given to the Tax Collector's office, however was not provided at the time of the zoning clearance.

Jason Giffen, Director: explains options to be considered from the 3 revised recommendation numbered paragraphs and provides suggestions on how the Commissioners can vote for each numbered paragraph either separately, or collectively.

Jim Irving: reads revised recommendation language numbered paragraph 2 into the record

Kami Griffin, Asst. Director: explains the process that the Planning Commission recommendation goes to the Board of Supervisors (BOS) for final action.

Thereafter, on motion of Kenneth Topping, seconded by Carlyn Christianson, and on the following vote:

AYES: Commissioner(s) Kenneth Topping, Carlyn Christianson, Dan O'Grady, Tim Murphy, Jim Irving.

NOES: None.

ABSENT: None.

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The Commission votes in favor of revised recommendation numbered paragraph 1 that reads as follows: Use the Rural Recreation and Camping land use definition for Zip Lines, Bungee Jumping, Mountain Bike Courses, Cable Ski Lakes and other active rural recreation uses by amending the Land Use Ordinance - Article 8 to add these uses in the definition of Rural Recreation and Camping. Amend the Land Use Ordinance - Article 8 to add Bicycle Motocross (BMX) courses to Off Road Vehicle Courses. Amend the Land Use Ordinance - Article 8 to add Giant Swings to Outdoor Sports and Recreation. During the amendment process, any of the specific uses may be recommended to be added to other existing land use definitions.

Jim Irving: feels revised recommendation numbered paragraph 2 as currently written is contrary to allowing economic opportunities and will not be voting in favor of it. Feels the Commission should allow evaluation on a case by case basis until the amendments are processed.

Ken Topping: explains concerns for #2 and will not be voting in favor of this option. Feels the decision should allow for a case by case determination.

Dan O'Grady: does not feel prepared to grant interim decision making and #2 as currently written does not allow this to occur so he will be supporting #2.

Tim Murphy: has concerns for not allowing interim decisions and will not be voting in favor of #2. Requests staff prepare amendments to the General Plan.

Kami Griffin, Asst. Director: speaks to the building permit issue in terms of the BOS decision regarding not requiring building permits due to the fact that the use is not allowed.

Thereafter, on motion of Kenneth Topping, seconded by Carlyn Christianson, the motion fails on the following vote:

AYES: Commissioner(s) Carlyn Christianson, Dan O'Grady.

NOES: Commissioner(s) Kenneth Topping, Tim Murphy, Jim Irving.

ABSENT: None.

The Commission does not pass a motion supporting revised recommendation numbered paragraph #2 that reads as follows: amend the Land Use Ordinance Table 2-2 to add permit requirements for other rural recreation uses. Other rural recreational uses would not be permitted until after the Land Use Ordinance amendments have been completed.

Thereafter, on motion of Jim Irving, seconded by Carlyn Christianson, and on the following vote:

AYES: Commissioner(s) Jim Irving, Carlyn Christianson, Kenneth Topping, Tim Murphy.

NOES: Commissioner(s) , Dan O'Grady.

ABSENT: None.

The Commission votes in favor of revised recommendation numbered paragraph 2 that reads as follows: Amend the Land Use Ordinance, Table 2-2, to add permit requirements for other rural recreational uses until such time as the amendments are adopted, evaluate on a case by case basis subject to appeal, other rural recreational uses to determine if they are accessory to an existing primary use based on the

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size, scale and context of the proposed use, it's operation and if it is consistent with the definition of Use, Accessory in Article 8. Other rural recreational uses that are not accessory to a primary use would not be permitted until after the Land Use Ordinance amendments have been completed.

Thereafter, on motion of Kenneth Topping, seconded by Jim Irving, and on the following vote:

AYES: Commissioner(s) Kenneth Topping, Jim Irving, Carlyn Christianson, Tim Murphy, Dan O'Grady

NOES: None.

ABSENT: None.

The Commission votes in favor of revised recommendation numbered paragraph 3 that reads as follows: Amend the Land Use Ordinance – Chapter 22.30 to add special standards for the establishment of other rural recreational uses, as appropriate. This would include establishing special findings for these uses in the Agriculture land use category.

Respectfully submitted,
Ramona Hedges, Planning Commission Secretary

ADJOURNMENT: 12:00 P.M.