

**TEMPLETON AREA ADVISORY GROUP (TAAG)
MINUTES OF THE BOARD MEETING
Thursday July 21, 2022, 6:30 pm
Templeton Community Service District Board Room
502 Fifth Street, Templeton, California**

Minutes submitted by Sonja Bolle

2022-2023 TAAG BOARD MEMBERS

Scott Shirley, Delegate/Chair
Murray Powell, Delegate/Vice-Chair/Treasurer
Doris Diel, Delegate/Secretary
Dede Davis, Delegate
John Donovan, Delegate
Jerry Jones, Delegate
Scott Silveira, Delegate

1. CALL TO ORDER

Scott Shirley called the meeting to order at 6:40 pm and led the pledge of allegiance to the flag.

2. ROLL CALL

Scott Shirley	present
Murray Powell	present
Doris Diel	not present
Dede Davis	not present
John Donovan	not present
Jerry Jones	present
Scott Silveira	present

3. AGENCY REPORTS AND UPDATES

3.1. Sheriff's Office

Commander MICHAEL MANUELE made the report for June 2022.

There were 1745 calls for service, a 4% drop from last year's 1810. Of those, 354 calls were from Templeton, a drop from 435 last year. The calls generated 230 reports, a small drop from last year's 238; of those, 55 were in Templeton, a larger drop (19%).

Five calls were for assault, resulting in 4 reports
(one call from victim at hospital reporting assault;
one reported being pushed at Concert in the Park;
2 for domestic violence).

There were two reported burglaries, probably related: vehicle windows smashed, near the same time and place (on the street near the high school).

3 thefts (Sheriff's advice: keep possessions close to you and secure)

6 calls for trespassing, resulting in only one report

1 phone scam

11 calls to investigate "suspicious circumstances" (2 reports).

MANUELE noted that the Mid-State Fair started last night; it was a good night, with lots of traffic, and no problems. The weekend will bring increased traffic. CHP has jurisdiction, but the Sheriff and CHP have been working together well.

3.2. California Highway Patrol

Lt. CHANDLER STEWART, commander of Templeton office, made the report for May and June, 2022.

There were 37 total crashes, 17 on freeway and 20 on county roads, with one more injury this year than last year.

There were no fatal collisions for the two-month period; in 2020 there were 3.

There were 110 total enforcement contacts, with 68 citations written and 10 DUI (driving under the influence) arrests.

The traffic trailer placed on the west side of town seems to be of some

help; driving speeds seem to be down.

GEOFF ENGLISH of Templeton Community Services District concurred that the radar trailer has been helpful.

MURRAY POWELL: asked why speed limits were different on area streets: 45 on Bethel, 40 on Las Tablas?

STEWART: Speed limit on Bethel drops from higher limit as it enters residential area.

POWELL: That seems a bit high. Who do we talk to about bringing down speed limit?

STEWART: Public Works does analyses. Maybe it needs a sign: "entering residential area."

POWELL will consider looking into it.

3.3. Supervisorial District One

No report.

3.4. Supervisorial District Five

No report.

3.5. County Planning Department

ERIC TOLLE, of San Luis Obispo County Planning Dept, in response to an earlier request from TAAG, presented a list of current projects that will merit TAAG's consideration.

Cannabis conditional use permit for 320 Marquita is on hold.

Rossi Road Center (1005 Rossi Rd., Building B), approved and now in construction, proposes converting from medical offices. This will be referred to TAAG.

Loose Horse Lane vacation rental application, which asks for a waiver for proximity to another vacation rental, will appear on the TAAG agenda for August.

SHIRLEY: An e-mail from the county announced that planning commission meetings are being cancelled in July and August for lack of staff.

TOLLE: I can find out which meetings are cancelled and why.

3.6. Templeton Community Services District

GEOFF ENGLISH, Templeton Community Services District board member, reported on TCSD's meeting Tuesday night (July 19, 2022): We continue to have in-person meetings with remote access. There will be two seats open on the TCSD board; the closing date for applicants is August 12. We can choose to hold our own election or join the county. We have chosen to join the November general election.

The big item on our agenda was approval of our agreement with IWMA (Integrated Waste Management Authority). We voted to sign under protest. CSDs (Community Service Districts) provide 27% of IWMA's revenue, while we get only 12.5% of the voting power (1 of 8 seats on the board). We are looking for alternatives, and will decide if it makes sense to pull out of JPA (Joint Powers Authority). The county pulled out, so it may be possible to join the county. It may be a better deal for Templeton residents.

4. PUBLIC COMMENT

None.

5. CONSENT AGENDA

5.1 Approval of Minutes from June 16, 2022 TAAG Board meeting

A motion to approve was made, seconded and passed by voice vote.

5.2 Approval of Treasurer's Report

There has been no activity since last month. The balance remains \$1199.
A motion to approve was made, seconded and passed by voice vote.

6. OLD BUSINESS

6.1 Review of Vacation Rental Minor Use Permit application (Project No. DRC2021-0002). This property is located at 5240 Jack Creek Rd. Templeton, CA.

This application is requesting a modification to SLO County Code Title 22 Section 22.30.510 b. ii. that requires “No residential vacation rental shall be located within 1,500 of an existing vacation rental.” In this case a currently licensed vacation rental property is located 453 feet from this project site. See **Addendum A** attached below for letters from the public regarding this project.

SHIRLEY: Last month I read into the record letters in opposition to this project. We delayed a vote to hear the applicants' presentation.

MANDY PICKENS, representing the applicants, made a presentation.

The proposed vacation rental is a small 1200 sq ft secondary building, very close to the home where the applicants live with their child and operate a farm. This is not a 5-bedroom party house. The applicants have been renting it out long-term, and would now like to move to short-term rentals. It is a boutique situation. Vacation rental requirements in the area specify that only one group can be accommodated every 7 days, so the highest number of rentals would be four per month. The neighbors with the permitted vacation rental located within 1500 feet of this property are not accommodating vacation renters; they are not using their permit, and are not opposing this application.

SCOTT SILVEIRA: How long has the other family had a permit?

APPLICANTS: They have had the permit since December of 2018, but haven't rented it out.

SILVEIRA: And they are not opposed?

PICKENS: No, they support it. Many neighbors are supporting this project. The opposition is coming from the creators of the ordinance. The 1500 distance is a good rule for the rural area, but this property is unique, it's a reasonable request for modification. It's not in the classic rural area, rather right on the border of Adelaida district. It is within 1000 feet of Highway 46, with commercial properties nearby: Jack Creek Cellars is across the street and Jack Creek Farms nearby. It is not visible from the neighboring vacation rental, and the owner of that vacation rental is not opposed to this application. The next closest vacation rentals are 1.5 miles and 4 miles away. No other issues or concerns have been raised.

SILVEIRA: There are 18 letters of support, including from past TAAG members and immediate neighbors. That is a lot of support from neighbors for this application.

POWELL: You keep saying modification, but you are requesting a variance.

PICKENS: A modification is a different category.

POWELL: Vacation rental rules in the Adelaida area are more restrictive than in the county at large. The ordinance was hammered out by local residents to protect the rural ambience. Personally I'd like to see the Adelaida rules extended to the whole county. If you go to the coastal towns, you'll hear plenty of terrible stories about the impact of vacation rentals. We are here only

for one reason: You are requesting a variance to the separation rule. Support letters are irrelevant. The problem is that once we approve a modification, it sets a precedent. This is not personal against you. If your neighbor who is "not using their permit" turned it in, you'd be in compliance, but as it is, you are too close to the other rental property.

PICKENS: I understand your concerns about precedent. But the planning dept allows these conversations on a case-by-case basis. One shoe does not fit all. Modifications are allowed all the time.

SHIRLEY: Noted that this property had entered a prior application for temporary events.

PICKENS: That was withdrawn last year.

SHIRLEY: We rejected that before, because we didn't want to see that many events. Is it still the plan to have events?

APPLICANT: We don't have that permit.

POWELL: Can they still apply for temporary events if they don't have a vacation rental permit?

PICKENS: Yes, but it's not a quick and easy process. They would have to file a different minor use permit, which would come back to you.

POWELL: We are only an advisory board, you understand. We make recommendations. But as I see it, this ordinance holds. You can try to amend the ordinance, the way the people who got the ordinance through did.

ERIC TOLLE: From a county perspective, the reason why there might be a modification component in an ordinance is typically to accommodate an extenuating circumstance, something that makes the case unique. The question we ask at each request for modification is: What is the extenuating circumstance?

SILVEIRA: So each case can be considered separately.

APPLICANT: I have worked in law enforcement. There is the spirit of the law and the letter of the law. We see both of those arguments here.

JERRY JONES: They put the 1500-foot separation in there for a reason, and I'm inclined to respect that.

SHIRLEY: I tend to agree.

POWELL: If the applicants wanted to put in a winery, they would have setback requirements. That ordinance lists reasons for modifications. This ordinance should maybe list reasons for modifications, but that is not the business before us.

SCOTT SHIRLEY called for vote.

POWELL made a motion to deny the request for modification.

JONES seconded.

Roll call vote:

Shirley: yes

Powell: yes

Jones: yes

Silveira: no

7. NEW BUSINESS

7.1 Concern voiced by Templeton resident regarding new bright paint colors at 105 S. Main Street. Templeton Community Design Plan (1990) reads that the "dominant color of new buildings should relate to the inherent color of the primary building's finish materials." Under Guideline VI: Architectural Guidelines, B. Downtown Commercial Buildings, 8: Color, "brick, stone, wood, stucco, and terra cotta tile ... are earth tones. Wherever possible minimize the number of contrasting colors appearing on the building exterior."

SHIRLEY: I put this on agenda because someone in town asked why TAAG approved the colors [which it did not]. The buildings on the property are all different colors. New businesses have to abide by community design plan; should old businesses be allowed to do something like this? It is a violation of the design plan.

TOLLE: I don't know if code enforcement would get involved. I'll find out how that might be handled.

7.2 Discussion regarding pending SLO County Land Use Permit Application No. DRC2020- 00157 to approve a Phased Conditional Use Permit (CUP) to allow more than 3 acres of disturbance and a Variance for grading on slopes over 30% for purposes of establishing a shared residential access road, improving an existing ag driveway approach to residential standards, and constructing four primary single-family residential homes with subsequent utilities on two contiguously owned parcels to construct four primary single family residential homes, one 6,650-square-foot and one 5,500-square-foot residence on each parcel, on slopes in excess of 30% with a total of 8.23 acres of site disturbance. The project site consists of two contiguous parcels, owned by Doug Anderson (Applicant) located along the south side of Peachy Canyon Road in Rural Templeton (Lot 4, APNs 026-331-056 & 057; Lot 5, APN 026- 331-058) approximately 116 acres and 174 acres, respectively, for a total area of +/- 290 acres. The properties are undeveloped consisting of steep and very steeply sloping topography (average slope of +/-24%) and dense oak woodland. The project will result in a total of 8.23 acres of site disturbance.

Oak Woodland Impact: The proposed project will result in the removal and impact to oak woodland habitat, with anticipated removal of 126 oak trees and impacts to an additional 150 oak trees. The project site is densely vegetated with oak woodland on steep and very steeply sloping topography, some areas in excess of 40%. Due to the dense vegetation existing on the site, it would be difficult to

establish and revegetate the graded areas with oak trees.

SLO County Title 22 Land Use Ordinance (LUO) Section 22.58 – Oak Woodland Ordinance: The County adopted the Oak Woodland Ordinance to establish criteria to limit the clear-cutting of oak woodland. The intent is to maintain the character of the existing landscape. Residential development subject to a ministerial permit is not subject to the regulations within the Oak Woodland Ordinance. The proposed residential development is subject to discretionary approval as required by other standards of the LUO and is subject to the California Environmental Quality Act (CEQA), where potential impacts associated with tree removal may be evaluated and mitigated. The proposed project will result in the removal of 126 oak trees and impacts on approximately 150 oak trees. The Applicant proposes to establish a conservation easement on the property to mitigate the impacts of the removal and other impacts to the oak woodland habitat.

Discussions of the environmental impacts of this project with the projects Planning consultants, Kirk Consulting, indicates that the project will require at least a County prepared Mitigated Negative Determination (MND) environmental study in order to comply with California Environmental Quality Act law (CEQA). Kirk Consulting has been advised that it is TAAG's general policy to generally defer its reviews and recommendations on projects until draft MND's are issued for public review and comment. At this time, the County has not issued its environmental review for this project.

The project's Application, Project Description and other information can be found on the following SLO County Planning Citizens Self Service (CSS) website address:

https://energov.sloplanning.org/EnerGov_Prod/SelfService#/plan/20ca6a47-3f0a-4819-8225-d8f63c10471d?tab=attachments

NOTE: One public letter entered into the record, see Addendum B.

SILVEIRA: Are they full-grown oak trees that are being cut down?

TOLLE: The rules say you have to plant two trees for each oak tree impacted. If you're cutting them down, you have to replace with four.

SHIRLEY: They are offering a conservation easement as mitigation.

PUBLIC QUESTION: Would such a conservation easement confer tax benefits?

TOLLE: This will probably change in process. This is essentially a public notice of the project. It will go through geology review, environmental review, it will be some time.

8. ANNOUNCEMENTS FROM COMMITTEES

8.1 Project Review Committee

none.

8.2 Cannabis Project Review Committee

POWELL: With indoor cannabis cultivation, if part of a building is occupied by other activities, how do you handle setbacks? Setbacks refer to property lines.

TOLLE: I'll have to look into that. I know they would have to have their own security plan.

POWELL: TAAG approved Twin Harbor lab, a cannabis testing lab in a building with other tenants.

8.3 Community Outreach and Public Relations Committee

JONES is developing business cards for delegates, and banners to increase TAAG visibility through presence at the farmer's market.

SILVEIRA was asked to have the principal of What's Up North County, local social media, talk to TAAG.

8.4 Traffic Circulation Committee

none

8.5 Bylaws Special Committee

none

8.6 Water/Toad Creek Committee

none

8.7 Elections Committee

none.

9. ANNOUNCEMENTS FROM DELEGATES (on items not on the agenda)

none.

10.ADJOURNMENT

Meeting was adjourned at 9 pm.

ADDENDUM A – AGENDA ITEM 6.1

Four letters from the public, received by TAAG, regarding DRC2021-0002:

Received June 5, 2022 from Larry Stone

June 5, 2022

TAAG Board Delegates and Alternates,

Regarding N-DRC2021-0002, a vacation rental within 1,500 feet of an existing vacation rental:

As one member of the team of neighbors that advised County staff in the drafting of the current Adelaida Vacation Rental Ordinance, I can offer a brief history of the process and explain my objections to granting any exceptions to the distance requirement between vacation rentals.

The desire for the Adelaida vacation rental ordinance originated from the perception among area residents that the Willow Creek-Adelaida area of north San Luis Obispo County was becoming increasingly saturated with commercial business entities: tasting rooms, vacation rentals, and the like. No set of limits or guidelines seemed to be in place to protect the rural ambiance so cherished by residents.

Beginning in 2015 and over the course of some 18 months, neighborhood groups such as the Willow Creek Preservation Group and Save Adelaida met with SLO County Planning staff, then liaison Vicky Shelby, and then County Supervisor Frank Meacham. Frank was very supportive of our efforts to provide some structure and order to an increasingly congested and chaotic neighborhood.

Compromise was the key to the successful creation of the ordinance. Our original proposal was modeled after ordinances creating historic preservation overlay zones and would have affected those properties with addresses on certain roads in the Willow Creek-Adelaida area; additionally, a key provision of the original proposal was that new vacation rentals could be no closer than 1500 feet from the property line of an existing vacation rental. 1500 feet seemed an appropriate distance between vacation rentals in that, at that distance, the topography of the area tends to obscure structures and that any increase in traffic would be mitigated by the

distance between rentals. County Staff suggested that the ordinance apply to all of the Adelaida Sub-Area of the North County Planning Area and that the distance requirement be modified to no closer than 1500 feet from the structure licensed as a vacation rental. These changes to our original idea seemed acceptable to members of the neighborhood groups involved because any ordinance regulating vacation rentals was better than none at all.

I have a number of concerns regarding the applicant's request for an exception. Avera Events' proposal to locate another short-term rental less than 500 feet from a currently licensed vacation rental seems unwarranted because the current restriction does not prevent the applicant from using the property. The applicant can still rent the property to tenants on a long-term basis. Granting an exception to the VR distance rule would increase traffic congestion on the West end of Jack Creek Road and would diminish, not enhance, the neighborhood's rural ambiance.

Avera Events is also a business entity operating a wedding venue. Allowing businesses to use provisions of an ordinance meant to allow private homeowners to rent out personal property on a short-term basis seems contrary to the original intent of the ordinance.

Finally, I am concerned about future use of the property. Originally, Avera Events applied for a Temporary Event permit for 25 events hosting up to 150 persons. That request was apparently withdrawn and the application states in bold face capital letters "PROJECT IS FOR NOW ONLY FOR A VACATION RENTAL" Given that the applicant operates a wedding destination on the same property that is also applying for a vacation rental permit, will the applicant later re-apply for a Temporary Event permit?

Granting exceptions to clearly delineated rules enables opportunism and weakens neighborhoods. As good fences make good neighbors, so good rules foster good communities. The Adelaida Vacation Rental Ordinance is an example of a good rule; please do not recommend granting an exception to the 1500-foot distance requirement.

Thank you,

Larry Stone

Received June 6, 2022 from Kathy Stone

TAAG Members,

I am opposed to Avera's requested exception to the Adelaida Vacation Rental Ordinance (AVRO) distance requirement. I was a member of the neighborhood group that worked with the Board of Supervisors, TAAG, Planning Commission, and County staff to create the existing AVRO. After one and a half years of meetings and compromise, the ordinance was adopted to provide guidelines for vacation rentals in our area.

The need for regulating short term rentals in the Adelaida grew out of a widespread concern over the increasing number of vacation rentals, event centers, and tasting rooms serving food and hosting concerts. The Board of Supervisors also recognized the saturation of commercial businesses in this rural/AG area and agreed with County staff that 1,500 feet between vacation rentals was reasonable.

The ordinance has not stopped the proliferation of new businesses in the Adelaida. In fact, Avera Events is a wedding venue business. However, the AVRO has established reasonable limits that should be adhered to. Asking for a 500 foot exception to the required 1,500 feet does not seem reasonable.

Granting such an exception chips away at the foundation of the ordinance and opens the door to setting a precedent for future similar exceptions. Thank you and I hope you will deny this application.

Kathy Stone

Received June 6, 2022 from Diane Burkhart

Honorable TAAG Board members,

I am writing to oppose Avera's (N-DRC2021-0002) request for an exception to the distance requirement contained in the Adelaida Vacation Rental Ordinance (AVRO).

One of the largest issues facing our county is the lack of affordable housing, an important component of which is long term rentals. This lack of worker housing is exacerbated by the loss of inventory as homes are converted to short term vacation rentals. Unrestricted STVRs drive the loss of affordable units and negatively impact our rural neighborhoods. The supervisors recognized this when approving the AVRO, and approving exceptions serves to weaken a needed and necessary law.

Approving a short-term rental less than 500 feet from a currently licensed vacation rental dilutes the meaning and intent of the ordinance, is bad for the neighborhood and aggravates the housing shortage. I respectfully urge you to deny the request. Thank you.

Best,
Diane Burkhart

Received June 6, 2022 from Alice Griselle

Members of TAAG,

I was a member of the neighbors that organized to establish regulations for vacation rentals in the Adelaida area. We spent a year and a half with TAAG, the Planning Commission and the Board of Supervisors discussing, compromising and refining the regulations to fit the specific characteristics and development patterns of our area. The final product was the Adelaida Vacation Rental Ordinance.

You have a letter submitted to you by Larry Stone that goes into more detail regarding the creation and approval of the ordinance. Mr. Stone also gives the reasons why the 1,500 feet should be observed. I agree with his letter, and I hope you recommend the denial of this application.

Thanks for your consideration,
Alice Griselle

ADDENDUM B – AGENDA ITEM 7.2

July 19, 2022

To: Chair Shirley, Vice-Chair Powell, and Delegates Diel, Davis, Donovan, Jones and Silveira of the Templeton Area Advisory Group

From: Alice Griselle

Subject: Agenda Item 7-2: DRC2020-00157

Thank you for sending me the TAAG agenda. I noticed that an application for a CUP and variance to construct four homes with access from Peachy Canyon in the Adelaida subregion is on the agenda.

In reviewing the information, I have many questions as I am sure you also have as our advisory group. The construction of four homes is not in question. But again, it's the request for a variance and need for a CUP due to the typical Adelaida topography and environmental concerns from which they are requesting to take exception. The questions are the following.

-Is there a better development plan for four homes that could reduce the area of disturbance and eliminate or minimize the variance on slopes over 30%?

The property is typical of Adelaida topography. It has 26 acres of 0-10% slopes: 30 areas of 10-20% slopes: 65 care of 20-30% slopes and 171 areas over 30%. It is unclear why a CUP and variance should be approved based on the required findings.

-Is this development taking advantage of the views to the detriment of the environment? Could the homes be better located on the property to eliminate excessive grading and removal of oak trees. These are quotes from the application. "The properties are undeveloped consisting of steep and very steep sloping topography (average slope of 23%) and dense oak woodland." and "The project site is densely vegetated with oak woodland on steep and very steeply sloping topography, some areas in excess of 40%. Due to the dense vegetation existing on the site, it would be difficult to establish and revegetate the graded areas with oak trees."

-Shouldn't the availability of water be determined before approval of this application? According to the application there is an existing well but no proof that the four homes can be served by wells at their locations. Many Adelaidans are having water problems due to the fractured rock formations that provide our water. The Supervisors approved a water study which is underway due to the water issues in our area.

-Is there an alternate plan that could provide for the 4 homes while reducing the number of oak trees to be removed? The proposal is the removal of 126 oaks and to affect 150 oak trees. Additionally, if no conditions are placed for future removal of oak trees by the single family property owners then many more could be removed to make way for vineyards or other uses.

-Is there an alternate plan that could provide an access driveway that could provide a road that doesn't need to be installed on average slopes of 24% and in some places on slopes in excess of 40%? Proposed single family residences and access improvements will result in 8.2 acres of site disturbance on slopes over 40% and there will be 1.8 acres of impervious surface.

-Is there another plan that could minimize the earthwork proposed? The driveway is 3000' long with a 20' width of asphalt or all weather base. Two driveways of 950' and 425' are proposed. The application notes that the driveway takes +/-11,400 cubic yards of cut and fill. The application notes that the homes take 4,300 cubic yards of cut and fill with additional disturbance for the utilities.

-if approved, will conditions be applied to lessen the impact on the Adelaida and neighbors? For example, will conditions be applied to comply with the visual impact analysis? The analysis states that the houses will be almost completely screened from Peachy Canyon by existing vegetation. However, if there are no conditions to maintain the screening vegetation that currently exists then the analysis doesn't mean anything. If there are no conditions to maintain the existing oak woodlands then areas could be cleared by future home owners.

If there are no conditions for location of the water tank(s) then they could be highly visible and unscreened. These are just some examples.

In summary, the overarching question is, "Is this the best design for the four homes on the property considering the natural topography of the property". The granting of the CUP and variance for properties that are not unique for the Adelaida area or where no unique circumstances exists seems unwise and precedent setting. It seems the best solution is for the four homes to be developed keeping in mind the findings for a conditional use permit and with no requests for variances.