

MINUTES
Of the Regular Monthly Meeting
of the
TEMPLETON AREA ADVISORY GROUP
February 21, 2019

The Regular Meeting of the Templeton Area Advisory Group (TAAG)
was held in the Board Room of Templeton Community Service District
(TCSD) located at 420 Crocker Street, Templeton, CA.

MEMBERS PRESENT

Chris Cobey, Vice Chair
Larry Fluer, Secretary
Murray Powell, Treasurer
Matthew Parker, Delegate¹
Joel Woodruff, Delegate
Bruce Jones, Alternate No. 1

MEMBERS ABSENT

Bob Bejarano, Chair
Larry Stone, Delegate

1. CALL TO ORDER

The meeting was called to order by Vice Chair Cobey at 7:10 pm.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was conducted.

¹ Delegate Parker was not in attendance until the Toad Creek Special Committee report under item 8.3 was discussed. The work by the committee for this item was presented by Delegate Jones.

3. ROLL CALL

Secretary Larry Fluer called the roll of names of the list of delegates at the start of the meeting. A minimum of four (4) delegates is required to achieve quorum. Alternate delegate Jones was seated as a voting delegate. The required minimum number of representatives was met and a majority declared with a total of five voting delegates present.

4. AGENCY REPORTS & UPDATES

4.1 County Sheriff's Office (SO), north station – (Liaison: Senior Deputy, Roger Degnan)

- There were 419 calls within the Templeton area during the last month. Most of the calls were for disturbances. There were 13 arrests for minor issues and no significant problems reported.
- There was a series of incidents occurring in the evenings in the downtown area with vehicle windows being smashed followed by burglaries from the vehicle. After one individual was arrested, the rash of vehicle burglaries subsided. Deputy Degnan advised that the vehicle owners should either remove or cover items left inside vehicles so that valuable items will not be visible from the outside. Things in the back seat have been vulnerable.
- Degnan asked that attendees mention these incidents to family and friends, reminding them that valuables are best kept in the trunk of a vehicle out of sight and lessen the opportunity for those that seek to break into vehicles. He concluded by saying that in every single case of theft, the value of the objects taken was of lesser value than the cost of the window replacement.
- Powell asked to confirm that the events had taken place in downtown Templeton. Degnan confirmed that two occurred outside of AJ Spurs, two behind McPhee's, and others next to Nino's.
- Degnan stated that the SO was taking a proactive role with the use of a task force including plainclothes personnel and bicycle teams. When events like this occur within an area the SO activates an operational plan to address the events to deter the activity and take action accordingly.

4.2 Templeton Fire and Emergency Services - (Liaison: Chief Bill White)

- Agency or entity not represented – neither verbal nor written reports were provided.

4.3 California Highway Patrol, Templeton area– (Liaison: Officer Clint Rutter)

- Agency or entity not represented – neither verbal nor written reports were provided.

4.4 District 1 – Supervisor John Peschong (Legislative Assistant Vicki Janssen)

- Vicki Janssen spoke on behalf of Supervisor Peschong.
- The appeal to the Board of Supervisors (BOS) on the York Mountain cannabis cultivation and operations was scheduled for February 26th as the last item of the day (No. 30). It is expected that the appeal will be the first item after lunch, but time could vary depending on the time taken for details preceding the appeal.
- Staff would conduct the item preceding the matter of water on the west side as item No. 29. The BOS had asked the staff to determine whether or not a proposed study to assess water availability in fractured rock was feasible. The BOS is looking for authorities that may be available to take action regarding the needs, and also to consider what may have been done in other Counties that may have conducted such studies. Also, to be found was how this study might fit in with proposed groundwater sustainability plans.
- There is a meeting of the group working on the groundwater sustainability plan on March 5, 2019 at 4:00 pm at Paso Robles, City Council chambers. Also, there will be discussions on groundwater recharge for those that have an interest.
- One of the trees in Templeton Park must be removed. That will be happening in the near term. The tree is diseased and recommended for removal by two different arborists.
- She reported good news on reservoir totals. Salinas was at 101%, Lopez Lake – 72% , Nacimiento – 67%, and Whale Rock – 81.1%.
- Fluer asked what the cut off time would be for the acceptance of written comments that might be made by the public on the York Mountain cannabis appeal hearing to be held on February 26, 2019. Janssen responded that comments could be accepted until sometime on Monday the 25th. Janssen offered to forward all such comments to the BOS clerk to make sure that they were included. Janssen announced her address as vjanssen@co.slo.ca.us for those that wished to have any comments forwarded to the appropriate clerk.

4.5 District 5 – Supervisor Debbie Arnold, (Legislative Assistant Jen Caffee):

- Agency or entity not represented – neither verbal nor written reports were provided.

4.6 County Planning Department – (Liaison: Kate Shea, Senior Planner)

- Shea announced that she had nothing to report, other than the Planning Department was extremely busy. There were no questions from attendees or delegates.

4.7 Templeton Community Services District (TCSD) – (Liaison: Pam Jardini, Director)

- Report from the Fire Department based on the number of calls received on an annual basis. The fire department reported the receipt of 729 calls in 2014. By comparison in 2018 there were 934 calls received over the same period amounting to an increase of 28%.
- The tax to be charged for fire department services was last increased in 1976. The level of services continues to increase while the available funding due to taxes has not.
- Some problems in the construction of the wastewater system. Crews will have to break into the system near the overpass on Las Tablas to make corrections. The effort to conduct repairs is anticipated to be a minor event. The schedule for repair is uncertain at this time.
- The proposed fire department tax increase is to go on the ballot in August of 2019 for those in the TCSD area to increase taxes on residences by \$180/year to provide the needed funding to continue to service the local area. Currently only 6 cents of every dollar on property tax goes to the TFD, but it is insufficient to maintain the operation.
- Water supply update. The available useable water to date is at approximately 20% above normal

4.8 Public Works and Transportation – (Liaison: Joshua Roberts, Transportation Division Manager)

- Agency or entity not represented – neither verbal nor written reports were provided.

4.9 Templeton Chamber of Commerce (liaison: Jennifer Main)

- Main is the CEO of the Templeton Chamber of Commerce (COC). She started the job on November 1, 2018, reporting that this was her first meeting with TAAG.
- She reported on a COC effort called “Back to Business” that has a particular interest in seeing the businesses in the community grow and network and work together to promote business growth.
- She reported that as part of a recent program to present speakers of interest to the business community she has been in contact with the Executive Director of Lady Gaga’s foundation who will be doing a presentation on March 4th. Company cultures will be discussed.
- May 11th Mother’s Day in the Park is anticipated.
- Powell expressed thanks for attendance at the meeting. He posed a question as to whether or not having a TAAG liaison attend COC meetings to present things TAAG is encountering to the COC. The meetings are held monthly beginning at 8 am with the agenda released a week ahead of the meetings. She responded that the COC would be open to such an exchange. Powell requested feedback from the COC if this type of liaison was something of interest to the organization.

5. PUBLIC COMMENTS

- Pam Jardini stated that during a recent pre-application meeting that she had with the Planning Department for a project to be undertaken in Templeton where the Planning Department suggested that the project should be taken to TAAG suggesting that TAAG may conduct a pre-review on the project. Given that this is outside of the standard procedure Jardini was seeking to determine whether or not TAAG wanted to perform a pre-review on any project.
- Powell suggested that many applications are incomplete, and that if there was such a project to discuss that the application form should be completed first before coming before the TAAG Board. Jardini responded that she brought the item forward so that the Board could discuss whether or not such a review might be done.
- Frances Esters, a Templeton resident, stated that she had turned in her candidate statement (Biography) for posting on the TAAG website on February 9th, and that as of tonight's meeting it remained unposted with the election a little over one week away. She expressed a desire to have her statement posted so that it would have the opportunity of being seen. Powell stated that an Election Committee report would soon be issued. The report should address any issues with the "bios" and should resolve the problem and answer any questions.
- Gwen Pelfrey, a Templeton resident, made a comment to follow Jardini's comment regarding pre-review meetings stating that in the past TAAG's review committees would speak with applicants that had come from pre-design meetings with the Planning Department where they could be informed of what local requirements might apply to their project. Examples cited included the need to have applicants made aware of the Templeton Community Design Plan. The things that TAAG would be looking for as well as how community input might be included, and to understand TAAG's role in the process. She suggested that such meetings might be addressed in TAAG's Policy Guidelines.
- Cobey asked whether those interactions between TAAG and the developers required a meeting with a committee or whether they were discussed outside of the committee forum. She relayed that she believed that committee interface was required suggesting that additional information may be obtained by calling the former TAAG Chair [Bill Pelfrey] for discussion. She stressed that some of the major problems that had arisen in the past were not so much about codes and regulations, but more on the subject of "what fits" [within the community].
- At the completion of the consent agenda Fluer made a request for TAAG to add a discussion on the issue of pre-TAAG reviews to be carried over to Old Business for the next month's agenda. Cobey was in accord, and concurred with the need to follow up on the request.

6. CONSENT AGENDA

Copies of the minutes of the January meeting, and of the February Treasurer's Report had been distributed to the board members before the meeting for inclusion on the consent agenda. Powell asked to comment on the Treasurer's Report before further discussion or voting on the agenda items. He mentioned that the annual Post Office Box rental fee originally \$70 increased to \$80 on January 27th, and given the fact that the bill wasn't paid by February 10th resulting in a \$22 late fee which had been paid by Powell using a personal credit card. He sought approval of the actual bill which was now \$102 and reconciled on the report noting that reimbursement was due to Powell. Cobey accepted the notation of the increased fee along with the reimbursement due to be paid as an amendment to the Treasurer's Report to be included in the motion. A motion to approve the consent agenda was made by Fluer, and seconded by Jones. The motion passed unanimously with a vote of 5-0-0.

6.1 APPROVAL OF MINUTES: The minutes for the meeting of January 17, 2019, were approved.

6.2 TREASURER'S REPORT: The Treasurer's Report of February 21, 2019, was approved. See the attachment to these minutes under item 6.2.

7. OLD BUSINESS

Fluer sought to have the board discuss the concept and need for having TAAG involved in a TAAG pre-project review as listed in recommendations by members of the public in Item 5 above. The item will be brought back to the board for inclusion in next month's agenda.

Powell suggested that the subject is placed on the agenda for the PRC for discussion with recommendations to be brought back to the board in March. Cobey concurred stating that it should be included in the agenda for the March 7, 2019, meeting of the PRC.

8. NEW BUSINESS

8.1 Project Review Committee (PRC) Recommendations. Copies of the PRC, and Cannabis Project Review Committee (CPRC) Chair's report of the monthly meetings as applicable were distributed to the delegates for reference and use. Copies of distributed reports are included as attachments to the minutes.

8.1.1 This item discussed after items 8.1.2 through 8.1.4. The comments on 8.1.1 consist of a revised application of Gardner/McAllister (DRC2018-00053) for a minor use permit for three one-acre outdoor cannabis cultivation sites and 22,000 sf indoor cannabis cultivation alongside 4,800

sf accessory buildings to be used for processing, all to be located at 6480A York Mountain Road, Templeton (Adelaida subarea).

- Powell commented that there are two or three 4,800 sf warehouse type buildings, depending on which site plan is considered, plus seven permanent structure type greenhouse buildings of almost 3,100 sf each with the aggregate of buildings totaling approximately 31,000 sf to 36,000 sf. Cobey asked Fluer as Chair of the CPRC to use the areas as stated by Powell.
- The CPRC met on February 7th, and Fluer proceeded to relate a timeline as shown in the CPRC Report of the CPRC Chair dated February 17, 2019 as outlined in pages 1 through 3 of the report.
- Fluer stated that in the special meeting of TAAG held on October 4th, TAAG had recommended approval of the project on a 7-0-0 vote substantially under the belief with comments from Planning Department staff that the project was fully code compliant. Five recommendations were made by TAAG affecting the design two of which were summarized by Fluer.
- Fluer related the receipt of a new site plan received on January 10, 2019. The site plan was dated December 4, 2018. Cobey sent a request to Trevor Keith requesting a change in the date of the appeal hearing to allow TAAG the time to study the new alternative design. Planning and Building refused the request to delay the appeal. The Planning Department in its refusal stated that the new site plan was not a new design instead it was a courtesy drawing that TAAG could comment on as TAAG or as individual members.
- After the County Planning refused TAAG's request for an extension in time to review the alternate design. The item was scheduled to allow the CPRC review the new site plan on February 7, 2019. The applicant's agent Jamie Jones was invited to attend the meeting of February 7th to discuss the alternative plan. She refused to participate in the CPRC meeting and also declined to participate in the meeting of the TAAG board on February 21st, indicating that TAAG had already made its decision on the matter on October 4, 2018.
- In the meeting of February 7th. The CPRC focused primarily on four different issues including 1) neighborhood compatibility and plan for dealing with potential compatibility issues, and, 2) lack of an odor management plan, 3) visibility of outdoor cultivation from offsite locations, and 4) decrease in property values of the surrounding properties.
- As shown in the report of the CPRC Chair, Fluer found additional statements made in the staff report that was used in the Planning Department hearing that were in conflict with the findings as determined by the CPRC review. For example, "nuisance odor will be controlled," and "the cultivation site is not visible from offsite."
- The CPRC has been working on listening to the community concerns as well as to assess the application of the ordinance. Fluer explained that cannabis activity is not viewed by the CPRC as being analogous to conventional

agriculture. Comments made by those that seek to cultivate cannabis that the community is anti-agriculture are not substantiated. If indeed the project is code compliant then where is the plan for dealing with potential compatibility issues, and where is the odor control plan to address outdoor cultivation?

- The voices of the public are telling us that cannabis production is not in keeping with the historical character of the neighborhood. The view of the applicant as stated in a letter seeking responses from those favoring the activity has now been modified to say that the cultivation is in keeping with that of the “immediate” neighborhood. This nuance has been designed to limit the neighborhood which is a unique community in a specific area of York Mountain defined in part by the topography as well as the environment.
- The area to be used for outdoor cultivation is visible from locations offsite. The CPRC report contains pictures which were obtained on Google Earth with locations of the proposed cannabis cultivation areas added to show the visibility of the area from offsite. Viewshed from Highway 46 was affected by the project. Photographs from cameras as well as images from Google Earth were both considered. Figures are included in the report.
- Property adjacent to the proposed project was in escrow when the potential buyer discovered that the cannabis activity on the project property would be in full view from offsite locations.
- As indicated in the CPRC report Fluer related the purposes of the ordinance as a means to protect the public.
- Odor control for outdoor cultivation remains unresolved. No information and no plan have been provided.
- Communications from the community received primarily from neighbors in residence received by TAAG was comprised of from 40 to 45 letters. Two of the letters were in support of the project with the balance in opposition with most of the reasons for opposition related to the inconsistencies as mentioned earlier: 1) neighborhood character, 2) lack of odor control, 3) visibility from offsite, and 4) concern with the potential loss of property value.

Fluer summarized that in the last meeting of the CPRC the committee voted 3-0-0 to withdraw [reverse] the formal approval of October 4, 2018, in favor of rejecting the project, and to recommend rejection of the application based on the alternative plan received from the County on January 10, 2019.

Cobey then opened the discussion to the floor.

- Jim Hallisey. Templeton area resident in the Roblar community related being involved with a similar cannabis cultivation area proposed in the Adelaida area where the proponent had a three-acre cultivation site. The response from the neighborhood was extremely negative. The plan was on Oakdale with 6,000 plants with harvests three times a year. When questioned by Hallisey about the potential odor the grower mentioned that it was kind of like a dead skunk, adding that it was not as bad as living next to a pig farm. Hallisey was not opposed to growing cannabis in the

county. He suggested that there are places to grow it without affecting the investment of the current residents.

- Gary Bang, York Mountain resident located next door to the proposed cannabis project. Bang opened his comments with the fact that he had no particular objection to the use of cannabis. The following points were expressed in his remarks:
 - The project on York Mountain is pathetic.
 - There are holes throughout the project.
 - Why not grow it inside a large building where odor can be controlled?
 - The York Mountain area is a residential area.
 - The cultivation could be done better and not something that a few people could benefit from to the detriment of others.
 - He went on to express the opinion that the project was just “not good” stating that... “Ignoring the environmental concerns as has been done is just not right!”
- Kindra Parker, a resident of the York Mountain community. Parker stated that she preferred not to be recorded. Cobey responded that the meeting was a public meeting and at present there was no control on the recording.
 - Parker felt that the project was in the wrong place, and that the scale of the project was too large for possible acceptance by the community.
 - She did not understand why the setback from residences shouldn't be at least 1,000 feet back from cannabis operations.
 - Concern was expressed over the lack of requirements for environmental issues including air, water and environmental quality, and environmental noise, human health effects.
 - The seven greenhouses are each one bigger than most of the existing residences.
 - Parker stated that the County position of not requiring compliance with CEQA regulations was a major concern. She felt that the County needed to go back to take a harder look at the CEQA requirements.
 - The application approved by the County stated that the water would be 3.56 acre-feet per year. The new water use is now 4.12 acre-feet per year with no explanation for the changes.
 - Inconsistencies in the application and her belief that the project is not right for the neighborhood are part of the basis for opposition.

- Robert Markwitz[?], a resident of 6050 York Mountain Road. Next to the Bang property.
 - Seeing the proposed cannabis grow while driving on Highway 46 the view would be not unlike seeing Stalag 17, lights on all night, security guards, fencing, etc.
 - The proposed water use is equivalent to 35 to 45 homes. It will destroy the water supply for York Mountain.
 - The runoff from the project is to go to the creek [Paso Robles Creek] which is reported by Fish and Game to be compatible with steelhead trout in the future. An improvement on his property resulted in the replacement of boulders in the creek which cost him \$5,000.
 - He stated that the proposed cannabis activity is incompatible with the neighborhood. It is in the flood plain and he finds it impossible to believe that County staff could approve the project.

No more members of the public chose to speak and Cobey closed the public hearing and returned the discussion to the TAAG delegates to consider making a recommendation.

- Jones stated that if all that is considered is the alternative plan then the movement of the greenhouses away from the Bang property line is to be commended. In a review of the alternative plan there appears to be a new problem. The design combines cultivation areas one and two and moves them further up on the hillside. The resultant relocation makes the cultivation more visible from offsite. It is clear that the new location is visible from adjacent properties.
- Jones continued that in the new design:
 - the relocation of the three-acre grow lowers the value of neighboring properties.
 - The reduction of one 4,800 sf building is minor concerning the aggregate area.
 - The spots where buildings and grows can be placed are limited.
 - The real solution to the problem is that they need to scale back the size of the project.
- Jones recommended that a letter should be written to the BOS urging that the applicant to redesign the area to scale it back in size allowing the location to be relocated to be out of sight of the neighbors, commenting that the project is too large.
- Powell commented on being clear that the old plan and the new plan should both be denied. Both plans are not in compliance with the ordinance concerning visibility from locations offsite.

- Neither plan is in accord with Title 22 as it impacts scenic views from Highway 46.
- Powell wanted to correct a statement by Fluer that the original meeting was not February 24th, instead it was October 4th.
- The revised plan submitted to TAAG did not contain anything other than a single site plan drawing. The County did not provide TAAG with any other details other than a one-page revised site plan.
- Yesterday morning [February 20, 2019] the agenda for the meeting of February 26th was put on the County website. The staff report was posted along with many other documents. None of these documents were given to the appellant to be able to prepare for the hearing of February 26th.
- Powell advised that the appellant should request a delay from the County for the hearing of the BOS on February 26th to allow the appellant to have the opportunity to review the staff report and the associated documents.
- Powell commented on neighborhood compatibility citing the fact that neither the applicant nor the agent attended the meeting of the CPRC. He stated that not attending either the CPRC meeting or the board meeting demonstrates a lack of recognizing the need for neighborhood compatibility.
- Powell stated that in researching the site, the proposed site was viewed from various locations off-site and photographs and that Google Earth images were reviewed from a point above the property and the development on the south side of Highway 46. From virtually all locations there is clear visibility to the proposed outdoor growing areas.
- There were other objectionable elements voiced by Powell including the approval from the Planning Department to provide eight-foot-high fencing around the cannabis cultivation and other cannabis activities. Powell stated that such fencing would not prevent the properties overlooking and above the elevation of the cultivation area from seeing the plants.
- Powell then concluded that the proposed project was the wrong project in the wrong location, and that the project was not in compliance with the ordinance. He questioned why the Planning Department ever approved the project given the non-compliance aspects of the proposed project. Powell continued with statements that odor control remains a problem. He cited comments from the experts providing odor control equipment to the industry who state that there are no known methods of odor control that can effectively control odor in the open. His comments were closed repeating the statement that “This is just the wrong project in the wrong place.”

- Woodruff stated that he was in support of the motion with part of the reason being that the new plan does not meet the criteria upon which the approval was issued. He added that the need remains to correct the non-compliance issues as identified by the CPRC. Fluer then clarified that the motion was for rejection and not withdrawal regarding the original project. Woodruff was in concurrence.
- Fluer asked Jones to clarify his previous recommendation.
 - Jones stated that one of the recommendations made by TAAG was to reduce the area of the overall operations, and that as shown in the revised site plan the reduction to eliminate one 4,800 sf building was small with respect to the overall total when all areas of cultivation both indoor and outdoor to include processing operations were considered.
 - He expressed the opinion for TAAG to deny the project based on the fact that the recommendations for a smaller project in the conditional approval of October 4th issued by TAAG were essentially not considered.
 - He then summarized the statements as: The project is too big, some of it is too visible, and it has a negative impact on the neighbors based on visibility, and that the applicant should be encouraged to reapply for a project that is more suitable in size than that which is proposed for this particular property. Jones stated that if he were to make a motion it would be as stated in his summary above. Jones suggested a further modification to the motion would include a statement to the effect that the recommendations made by TAAG on October 4th were not followed. Cobey stated that an amendment to the previous motion was in order and asked whether there was a second to Jones' proposed motion. The motion died for the lack of a second.
- Cobey then sought to clarify further the existing motion asking that Fluer restate the motion as it now stood.

Fluer restated the motion which was seconded by Powell as follows:
Reverse the action taken on October 4, 2018, to denial on the original project as presented, and to deny the alternative project on the basis of the findings contained within the CPRC report [of February 7, 2019].

Cobey then restated the motion as he heard it as follows:

Reverse the action taken on October 4, 2018, to deny the original project and recommend disapproval based on the reasons stated in the CPRC report.

- Cobey then offered his comments stating that although there were five people present and generally in accord that there was a slightly different way in which the direction to be taken was being stated. He noted that Supervisor Peschong made a statement while meeting with some TAAG

representatives as individuals that “This [ordinance] is a work in progress.” Counties throughout California are wrestling with these ordinances. It was the responsibility of TAAG to express what the members of the community are saying.

- Cobey stated that he had heard a great deal of concern and perhaps an overwhelming amount of opposition. He stated that the concerns that he had were found in the CPRC report, e.g., neighborhood compatibility, visibility, odor management and property values. He believes that individual property values are being affected, and property values remain of concern to the public. For all these reasons including the fact that the current plan does not follow the ordinance he expressed the view that he was not in favor of the proposal.
- Powell wanted to make sure that the motion was to deny both the original “plan” and the alternative “plan.” Cobey agreed that this was the case.
- Cobey then restated the motion as he understood it. Fluer disagreed with Cobey’s restatement and restated the motion as originally made which was:

“Reverse the action taken on October 4, 2018, to deny the original project as presented, and to deny the alternative project on the basis of the findings contained within the CPRC report of the meeting of February 7, 2019.”

After further discussion the group finally concluded that the motion was understood.

A roll call vote was taken with the following votes cast: Jones (abstain), Cobey (aye), Powell (aye), Woodruff (aye), Fluer (aye). The motion was approved on a vote of 4-0-1 (Jones).

8.1.2 Cobey requested as to whether or not anyone was present wanting to listen to a presentation or speak on the application by Sprint/Weyrick (DRC2018-00144) to come forward or make the desire known. Seeing none, he asked for a recommendation. Jones made a motion for approval, seconded by Woodruff, of the recommendations found in the PRC Report of the Chair recommending approval for the project. The motion passed unanimously with a vote of 5-0-0.

8.1.3 Cobey requested as to whether or not anyone was present wanting to listen to a presentation or speak on the application by Botts (SUB2018-00095 CO18-0137) to come forward or make the desire known. Seeing none, he asked for a recommendation. Jones made a motion for approval, seconded by Woodruff, of the recommendations found in the PRC Report of the Chair recommending approval for the project. The motion passed unanimously with a vote of 5-0-0.

8.1.4 Cobey requested as to whether or not anyone was present wanting to listen to a presentation or speak on the application by Sarmiento

(SUB2018-00099 COAL 18-0121) to come forward or make the desire known. Seeing none, he asked for a recommendation. Cobey made a motion for approval, seconded by Woodruff, of the recommendations found in the PRC Report of the Chair recommending approval for the project. The motion passed unanimously with a vote of 5-0-0.



A five-minute break was declared by Cobey prior to starting the Toad Creek Watershed Stewards Program.

8.2 Toad Creek Watershed Stewards Program.

Audrey Weichert, Certified Wildlife Biologist, US-LT Resource Conservation District (RCD) gave an informational briefing addressing the Toad Creek Watershed Stewards project with the following significant elements in the discussion:

- Program Mission – To promote awareness about the local watershed and provide the community with the necessary information to reduce their impact on the environment.
- Watershed Stewardship – Self-assessment for individuals and businesses; Focus on water conservation and stormwater mitigation.
- Incentives – Promotional yard signs, recognition on the RCD website; community leadership; access to information regarding potential funding sources for conservation improvements, when available.
- Landowner Outreach – The survey is for landowners with property on or adjacent to Toad Creek. With responses to the survey problem areas of Toad Creek can be pinpointed. The survey will lead to recommendations of priority areas for the County and other involved parties.
- Requests for Templeton area residents or businesses to participate in the Watershed Stewards self-assessment survey (a five-minute survey) - TAAG could be an instrumental partner in helping the Resource Conservation District to get the word out about the Program's existence.
- Cobey asked whether the landowners along Toad Creek would be notified of the project as part of the outreach effort. Weichert responded that the RCD had tried to do so on previous projects without much success. As a result, the RCD was attempting to modify the approach using incentives included in the outline.

- Cobey advised RCD getting in touch with the Toad Creek Committee as well.
- 8.3 Toad Creek Committee report on the matter referred at January 17th by Board to the committee.
- Jones related that there were strong feelings in the community that any undertaking to provide comments from the Toad Creek Committee be coordinated with the previous recommendations of TAAG and with persons that had participated in the project in the past. As a result, the Toad Creek Committee report is pending. See the supplemental information provided by Parker under item 9.6 included as an attachment. Jones commented that it was the expressed intent of the committee to go back to the people who had been involved with the original TAAG report on the matter when previously discussed and to try to solicit broader community input.
 - Dorothy Jennings, a Templeton resident and longtime participant on the Toad Creek Committee stated that TAAG should support the Watershed program. In trying to answer the question of how to deal with property owners along Toad Creek a guideline was developed in the 2011 - 2013 period in conjunction with the RCD. She felt that a Watershed Steward Program appears to be more beneficial. She also noted that the Watershed project as now proposed by the Department of Public Works (DPW) must be reviewed, and it is the current plan of the Toad Creek Committee to schedule the review.
- 8.4 combined with 9.7. Powell report on Election Committee. The Election Committee report was combined with item 9.7 on the agenda.
- Powell distributed a sample copy of the ballot form. Candidate order as chosen by the State of California based on random selection established by the California Secretary of State.
 - Powell reported on the Election Committee meeting which was held in the TCSD meeting room on February 14, 2019. There were three committee members plus three members of the public in attendance.
 - Publicity set up at the Farmers Market on March 2, 2019 was discussed, with recommendations made for the printing of a banner and some small signs to be put up in the park to direct voters to the TCSD meeting room. The estimated cost was checked by Powell who related the nominal costs to the board. The signs would be made of durable materials and suitable to be reused in the future. Cobey moved that TAAG authorize a purchase of a single banner and two posters with an estimated total cost of approximately \$250 +/- . Woodruff seconded the motion. A vote of 5-0-0 approved the motion.
 - Jones wondered about the Market people objecting to the signs. Powell will check.

- Fluer asked where are we on validation of election results? Powell stated that the League of Women Voters were not available on Saturday.
- Powell sought to establish Templeton resident volunteers to observe the election including watching the ballot box, and counting of the ballots (verified by Election Committee members).
- Vicki Janssen will bring the voters registration records and explain how to check in people. The group will arrive at 7:30 am to set up for the election that begins at 8 am. Powell suggests that there be 5 to 6 volunteers sought to act as observers to the election. He asked that volunteers be recommended if delegates had suggestions. Frances Esters suggested that Templeton High School may have Seniors that could be available to serve in that role. Powell responded that the comment would be considered.
- A possible amendment to the Policy and Procedures Guidelines was discussed based on concerns that there could be a potential conflict of interest with two of the candidates running for a delegate position should both be elected. A general discussion on the subject was held with guidance given for immediate family members. Fluer suggested that ideas might be found through investigation of California's requirements for homeowner's associations which limit membership on Boards for the HOA to be limited to one per household. A draft letter was prepared to be sent to Supervisors Peschong and Arnold, but in the end it was not sent.
- Cobey stated his belief that the Guidelines should be a bit more specific on the issue, and the Election Committee recommends that nothing further be done on the matter at this time. Jones agreed with the position. Fluer suggested that trying to resolve this issue before the present election was inappropriate expressing the view that any decision that may follow could present a disservice to the candidates.
- Jones expressed the view that if two people belonging to the same household were elected that the result should be acceptable. Powell suggested that it might be OK to do so. A motion was proposed not to take action on the item. Powell stated that the Election Committee agreed to draft a letter to send to the District one and five supervisors asking for an opinion on the issue.
- A motion was made by Cobey and seconded not to take action on the matter of sending a letter to the District one and five supervisors seeking opinion on the matter of conflict of interest. A roll call vote was taken with the following votes: Parker (aye), Jones (aye), Cobey (no), Powell (aye), Woodruff (aye), Fluer (no). The motion was approved 4-2-0 (Cobey, Fluer).
- A suggestion was made to move the note on the ballot about the voting restriction to no more than three should be prominent by moving it to the

center. Discussion ensued around how to accomplish the graphics and it was left up to Powell to resolve.

- A discussion surrounding the resubmitted candidate statements for publication on the website ensued. The resubmission of candidate statements can be done by the end of the day Monday (February 25th), they would be put on the website by Tuesday. Frances Esters stated that her statement was not yet posted. Jason Kallen stated that Esters statement should be on the website. Cobey stated that there are also other ways to advertise a candidacy which was acknowledged by Esters. A motion was made by Cobey to allow each candidate a one-page revised statement to be put on the website seconded by Fluer. The motion was approved by a vote of 5-0-1 (Woodruff). Fluer offered to put all changes to statements received on the site at the end of the day on Monday March 25th.
- Powell stated that there is no obligation to put any statements on the website, and Kallen stated that there is no reason for not posting Esters' statement. Fluer volunteered to post Esters statement when received.

8.5 Fifth Annual Eroica California Bicycle ride, April 6-7, 2019.

- Eric Benson announced the event would be conducted as a non-profit event. The total route, depending on choices made by the riders, could be between 75 and 80 miles.
- Eroica is a company that puts on events such as this in various countries throughout the world. There will be riders in the Templeton area from all over the country as well as from international countries as well.
- There will be bike rides Saturday and Sunday this year. There will be about 200 riders maximum on Saturday and could be up to 1,000 riders on Sunday. There would be some of the routes designated explicitly for classic bikes. On Saturday the ride will occur between 11 am and 1 pm. Five hundred riders are expected to proceed down Main Street in Templeton to Ramada Drive on Sunday.
- The routes are similar to those used last year — four different routes to be taken on Sunday 5 am in Cambria with a couple of hours to get to Templeton.
- CHP support will be provided as will CalFire. Communications will be provided between rest stops.
- There will be a marathon for runners going in the opposite direction from the bicycles. The marathon starts at 6 am on Sunday.
- Benson described many of the measures used,
- Jones asked what percentage of the bikes were considered Classic bikes. Benson explained that a classic bike was 1985 and earlier.

- Fluer asked whether there were any negative incidents in Templeton last year. Benson was not aware of any; he was also asked about Hwy 46, but there won't be any crossing of Hwy 46 this year.
- Gwen Pelfrey, Templeton resident, wanted to confirm the number of riders this year vs. last year. Benson stated that there could be up to 1,000 riders. The number of available miles was reduced this year from about 100 to 80 to shorten the rides. The number of attendees will be comparable to last year.

9. REPORTS AND ANNOUNCEMENTS FROM COMMITTEES

- 9.1 Project Review Committee (PRC) – Cobey, Chair Next meeting to be March 7, 2019, at 4 pm
- 9.2 Cannabis Project Review Committee (CPRC) (committee not specified in bylaws) – Fluer, Chair. Tentative meeting March 7, 2019, if not the next meeting will be April 4, 2019.
- 9.3 Community Outreach and Public Relations Committee – Stone, Chair (Parker in the absence of Stone)
- 9.4 Traffic Circulation Committee – Woodruff, Chair
- 9.5 Bylaws Special Committee – Powell, Chair
Next meeting TBD.
- 9.6 Toad Creek Special Committee – Parker, Chair
Next meeting TBD. See the attachment to these minutes under item 9.6 for additional information.
- 9.7 Election Committee– Powell, Chair
Next meeting TBD - Refer to the attached election committee report in the attachments under item 9.7.

10. ANNOUNCEMENTS FROM THE DELEGATES (not on the agenda)

None.

11. ADJOURNMENT

The meeting was adjourned at 10:20 pm.

Respectfully Submitted,

A handwritten signature in black ink that reads "Larry Fluer". The signature is written in a cursive, flowing style.

Larry Fluer

Secretary

Encl: Attachments - 56 pages

ITEM 1
MEETING AGENDA



NOTICE OF MEETING; AGENDA

TEMPLETON AREA ADVISORY GROUP

Thursday, February 21, 2019

7:00 pm

A regular meeting of the Templeton Area Advisory Group (TAAG) will be held in the Templeton Community Service District Board Room located at 420 Crocker Street (to the right/east of the fire station) in Templeton, California

MEMBERS

Bob Bejarano, Chair
Chris Cobey, Vice Chair
Larry Fluer, Secretary
Murray Powell, Treasurer
Matthew Parker, Delegate
Joel Woodruff, Delegate
Larry Stone, Delegate
Bruce Jones, First Alternate Delegate
[Vacant], Second Alternate Delegate

-
1. CALL TO ORDER
 2. PLEDGE OF ALLEGIANCE
 3. ROLL CALL
 4. AGENCY REPORTS & UPDATES
 - 4.1. Sheriff's Office (liaison: Cmdr. Keith Scott)
 - 4.2. Templeton Fire and Emergency Services (liaison: Chief Bill White)
 - 4.3. California Highway Patrol (liaison: Officer Clint Rutter)
 - 4.4. Supervisorial District One (Supervisor John Peschong/Leg. Ass't Vicki Janssen)
 - 4.5. Supervisorial District Five (Supervisor Debbie Arnold/Leg. Ass't Jen Caffee)
 - 4.6. County Planning Department (liaison: Kate Shea, Senior Planner)
 - 4.7. Templeton Community Services District (liaison: Pam Jardini, Director)
 - 4.8. Public Works and Transportation (liaison: Joshua Roberts, Transp. Div. Mgr.)
 - 4.9. Templeton Chamber of Commerce (liaison: Jennifer Main, Executive Director)

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5. PUBLIC COMMENT

For this agenda item, members of the public who wish to speak on any topic not on the Agenda that is within the purview of the TAAG may approach the podium on a first-come, first-served basis. Please state your name (and representation, if any) for the minutes, and limit your comments to three minutes. Per TAAG's Bylaws, no action will be taken on items not on the agenda.

6. CONSENT AGENDA

6.1. Approval of Minutes

Meeting of January 17, 2019

6.2. Treasurer's Report

February, 2019

7. OLD BUSINESS

8. NEW BUSINESS

8.1. TAAG board review of applications referred to TAAG by the County Planning Department, and which have been previously reviewed by the Project Review Committee or the Cannabis Project Review Committee. Applicant's name provides a link to the referred application.:

8.1.1. Revised application of [Gardner/McAllister](#) (DRC2018-00053) for a proposed minor use permit for three one-acre outdoor cannabis cultivation sites and 22,000 square-foot indoor cannabis cultivation alongside 4,800 square-foot accessory buildings to be used for processing, all to be located at 6480A York Mountain Road, Templeton (Adelaida sub area). (Delegates Fluor/Powell; agent: Jamie Jones) *Possible action.*

8.1.2. Application of [Sprint / Weyrick](#) (DRC2018-00144) for a conditional use permit for a cell site consisting of a 45-foot faux pine tree and additional panel antennas / equipment on a 12- by 20-foot slab within a fenced enclosure, located at 624 Main Street (cross street: Theater Drive), Templeton. (Delegate Jones; agent: Jessica Rider) *Possible action.*

8.1.3. Application of [Botts](#) (SUB2018-00095 CO 18-0137) for a parcel map to restore Lot 15 back to original configuration, and to eventually construct a house on the vacant parcel, located at 316 Old County Road, Templeton. (Delegate Powell; agent: Skip Touchon) *Possible action.*

8.1.4. Application of [Sarmiento](#) (SUB2018-00099 COAL 18-0121) for proposed lot line adjustment of four contiguous parcels (one of which is outside TUSD boundaries); no proposed development. Location is south of Highway 41 East in Atascadero; street address of one parcel is 6490 Rocky Canyon Road, Atascadero. (Delegate Cobey; agent: Francisco Vargas) *Possible action.*

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- 8.2. Toad Creek Watershed Stewards Program (Audrey Weichert, Certified Wildlife Biologist, US-LT Resource Conservation District). *Informational.*
- 8.3. Toad Creek Committee report on matter referred at January 17 by Board to committee (Delegate Parker). *Possible action.*
- 8.4. Recommended amendment of TAAG Policy and Procedures Guidelines on conflicts and bias (Delegate Powell). *Possible action.*
- 8.5. Fifth Annual Eroica California bicycle ride, April 6-7, 2019 (Eric Benson). *Possible action.*
- 8.6. Prior board approval via email canvass of application of 2019 Tent City Marathon concerning event impacting roads in El Pomar Estrella sub area. (Delegate Cobey). *Informational.*

9. REPORTS AND ANNOUNCEMENTS FROM COMMITTEES

- 9.1. Project Review Committee (Chris Cobey, Chair)
- 9.2. Cannabis Project Review Committee (Larry Fluer, Chair)
- 9.3. Community Outreach and Relations Committee (Larry Stone, Chair)
- 9.4. Traffic Circulation Committee (Joel Woodruff, Chair)
- 9.5. Bylaws Special Committee (Murray Powell, Chair)
- 9.6. Toad Creek Special Committee (Matt Parker, Chair)
- 9.7. Election Committee (Murray Powell, Chair)

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

11. ADJOURNMENT

COMMITTEE REPORTS

The reports of the chairs of the Project Review Committee and the Cannabis Project Review Committee, concerning applications for review at this meeting (if any), and reports of any other committees, may be available for viewing (and downloading and printing) three days before the TAAG meeting at TAAG's website (<http://www.taaginfo.org>), on the "Committee Reports" page. A limited number of paper copies of the reports may be available at the meeting.

TAAG's annual election will be Saturday, March 2, 8:00 am-1 pm, at the TCSD board room. If you would like to assist, please contact any member of the TAAG Elections Committee: Murray Powell (chair; murray@dfrios.com), Larry Fluer (larryfluer@att.net), or Joel Woodruff (woodruffinvestment@gmail.com).



APPLICATION PRESENTATION PROCEDURES

1. Chairperson will call the agenda item.
2. The project applicant or its agent will present the application.
3. The Project Review Committee will present its report.
4. Chairperson will open the floor to Delegates' questions of the applicant or agent.
5. Chairperson will open the floor for public comment. Please direct public comments to the Chairperson, not to the applicant.
6. Applicant or agent addresses public comments by responding directly to the Chairperson.
7. Public comment portion of the proceedings on this item will be closed, and no further testimony will be taken.
8. The TAAG Delegates will discuss the application and, considering all public comments, will consider making a recommendation.

GUIDELINES FOR PRESENTING ORAL COMMENTS

It is important that all participants conduct themselves with courtesy, dignity, civility, and respect for all parties involved. If you wish to present oral comments, please observe the following guidelines:

1. Identify yourself by your full name (and representation, if any) for our minutes, and speak from the rostrum so other attendees will have the opportunity to listen to the comments. (We do not currently use speaker slips, but we ask that speakers sign in on the list provided at the rostrum so that we can include the names of speakers in the minutes.)
2. Address your comments to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Oral comments should be brief and to the point. Your comments should be about issues, and not any individuals involved.
4. Public oral comment is limited to three minutes per individual unless the Chair permits otherwise.
5. Please -- no audience reaction (applause or otherwise) during or after comments.
6. Written testimony (letter, e-mail, etc.) is acceptable, but should be distributed to TAAG members at least three days before the meeting.
7. Once the public comment portion of the meeting is closed, there will be no further public oral comments unless requested or permitted by the Chair.

**ITEM 4
AGENCY REPORTS AND
UPDATES**

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COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Public Works

Courtney Howard, Water Resources Division Manager Public Works
 Rob Fitzroy, Deputy Director of Planning and Building

VIA: Colt Esenwein, Director of Public Works
 Trevor Keith, Director of Planning and Building

DATE: 2/26/19

SUBJECT: Presentation regarding the feasibility of completing comprehensive hydrogeologic studies of fractured rock areas and information on county ordinances that manage groundwater extractions and authorities within the Sustainable Groundwater Management Act. All Districts.

RECOMMENDATION

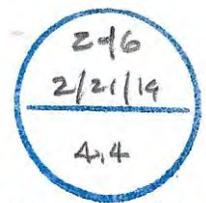
It is recommended that the Board receive a presentation regarding:

1. the feasibility of assessing the availability and sustainability of groundwater resources in fractured rock areas for the purpose of regulating groundwater extractions; and
2. ordinances adopted by other counties regulating groundwater extractions; and
3. how ordinance(s) to manage groundwater extractions relate to the Sustainable Groundwater Management Act (SGMA) and how the County currently regulates groundwater quality and use.

DISCUSSION

In response to growing concerns about increased demand on groundwater outside of basins as defined by Bulletin 118, and in the Adelaida area west of the City of Paso Robles specifically (see attached map), on August 21, 2018, the Board directed staff to provide information regarding:

- whether studying fractured rock and non-basin areas is feasible, including costs to study the areas if found feasible;
- ordinances in other counties that contain provisions about well spacing and production volume triggers;
- the authorities under which the County could take action to address concerns related to groundwater use; and
- the relationship of any such action to groundwater sustainability agency (GSA) authorities and groundwater sustainability plan (GSP) development.



Concerns in the fractured rock areas include impacts of pumping on neighboring wells and exceeding the reliable supply. GSI Water Solutions, Inc., a local hydrogeology firm, developed the attached memorandum (Attachment 2 - GSI Memo) that describes the scope of work, cost and level of certainty associated with studying fractured rock areas in order to address these concerns.

Impacts on Neighboring Wells

The impact of pumping from a hypothetical "Well A" on neighboring wells can be analyzed through a controlled test in which static levels in neighboring wells are measured before turning on the pump in "Well A" and then measuring them again when the pump is turned on. However, it is staff's understanding that the current interest is to determine if pumping from a *proposed* well will in any way impact the ability to pump from existing wells. In order to make any such determination, the fractured rock area would need to be well understood from a hydrogeologic perspective. For example, the geometry of the fractured area would need to be mapped in order to understand if the proposed well would tap into the same fracture as existing wells; and other hydrogeologic information, such as aquifer permeability, is needed to calculate cones of depression at the proposed rates of extraction. While it is anticipated that well logs from existing wells can be obtained, the interconnectedness of fractures with respect to the new pumping location is not easily mapped without additional field studies.

Reliable Supply within Fractured Rock Areas

Understanding the reliable supply within fractured rock areas is relevant to the determination of how much demand *the fractured area* can sustain *over time*. This approach evaluates whether the overall pumping in an area would exceed recharge over time rather than the immediate impact of pumping from "Well A" on neighboring wells only. In addition to the degree of field studies needed to map the subsurface geologic structure and understand the amount of recharge and volume of storage, it is anticipated that there will be limited water level data available because these fractured rock areas are outside of basins that have been extensively studied. Long-term seasonal level measurements are necessary to establish a defensible determination of reliable supply.

As outlined in the GSI Memo, the amount of information needed to address questions about the quantity and reliability of groundwater in fractured rock areas is substantial. Engagement with surrounding land owners would be essential in order to gain access for field studies and to provide a forum for obtaining community input. Staff has been contacted by community members in the Adelaida area that are willing to share available information.

Ordinances in Other Counties

The attached table (Attachment 3) summarizes ordinances that staff has located to date that are intended to address groundwater sustainability and were adopted by counties as opposed to groundwater management agencies with clear statutory authority to regulate groundwater use, including well *operation*.

Only three of the seven ordinances have provisions related to impacts on neighboring wells. Some of the ordinances create defined limited areas of application (based on well-documented existing threats within said areas) while others are county-wide. Exemptions based on the proposed use (e.g. domestic), if any, vary.

In some counties, such as Plumas and Sierra,¹ well construction permit applications are referred to groundwater management agencies of the type described above so that these agencies can confirm that all their applicable usage regulations have (or will be) satisfied before the county issues a well construction permit.

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County Authorities and GSA Authorities

Under its police power authority, the County may adopt local, police, sanitary and other ordinances and regulations *not in conflict with general laws* (i.e. not preempted by state law) and subject to the constraints applicable to all legislation.² Such ordinances and regulations include both land use and groundwater use regulations.³

The County has previously utilized its police power authority to manage groundwater use. For example, in 2014, the County adopted a regulation managing the “exportation” of groundwater through a permitting system that acknowledges the right to appropriate surplus groundwater (Export Ordinance).⁴ In 2015, the County adopted a land use ordinance (Offset Ordinance) that requires, among other things, that all new or expanded crop production overlying the Paso Robles Groundwater Basin (Paso Basin), unless exempt, obtain an agricultural offset clearance.⁵ The adoption of the Offset Ordinance followed the expiration of an urgency ordinance (Urgency Ordinance) adopted by the County in 2013 pursuant to Government Code Section 65858 which imposed similar requirements and contained an extensive list of findings and declarations justifying the ordinance.⁶

None of the County’s prior efforts to manage groundwater use have been implemented through an ordinance substantively amending the County’s ministerial⁷ well construction ordinance, originally enacted by the County in 1973. Rather, the efforts have included the addition of a new chapter to Title 8 (in the case of the Export Ordinance) or amendments to Title 22 (in the case of the Offset Ordinance), and the County’s well construction ordinance (codified in Title 8.40) remains limited to an ordinance governing the manner in which wells are to be constructed so as to protect groundwater *quality* as opposed to groundwater *supply*. A chart depicting this dual regulatory framework is attached (Attachment 4).

¹ Sierra Valley Groundwater Management District Ord. 17-02 (<http://www.sierravalleygmd.org/files/2b09fb5fd/17-02+Ordinance+%28Requirements+for+New+Water+Well+Permits%29%28with+amend%29.pdf>)

² California Constitution, Article XI, § 7.

³ *Baldwin v. County of Tehama* (1994) 31 Cal.App.4th 166, 173, 171 (finding that “the field of groundwater use is within the municipal police power” and “state law [...] does not *wholly* preclude county regulation” (emphasis added) (*Baldwin*). It is important to note that in *Baldwin*, the Court was asked only whether a county is precluded from the regulation of groundwater because state law (pre-SGMA) has preempted the field. Thus, the Court did not reach the issue of whether the County of Tehama regulation at issue conflicted with any particular state law, including Article X, Section 2 of the California Constitution.

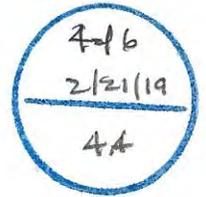
⁴ San Luis Obispo County Code, Chapter 8.95; *Kotz v. Walkinshaw* (1903) 141 Cal. 116, 135-136 (finding that the overlying “landowner’s right extends only to the quantity of water that is necessary for use on his land, and the appropriator may take the surplus”).

⁵ San Luis Obispo County Code, § 22.30.204.

⁶ Government Code Section 65858 authorizes the adoption of an “interim” or “urgency” land use ordinance “to protect the public safety, health, and welfare” provided that certain requirements are met, including the adoption of findings supporting the urgency. In upholding the County’s adoption of the Urgency Ordinance in *Paso Robles Water Integrity Network v. County of San Luis Obispo* (2014) (CV12-8301), the San Luis Obispo County Superior Court found that the “the recited facts [supporting the findings] may reasonably be held to constitute an urgency: water levels have dropped as much as 25 feet in two years; several residential homeowners have experienced *severe drops* in water levels in their wells; some have had to drill new, *much deeper* wells or lower their pumps; others have resorted to trucking water to their homes from potentially unsanitary sources; others have testified that their wells are in imminent danger of going dry” (emphasis added).

⁷ In *California Water Impact Network v. County of San Luis Obispo* (2018) 25 Cal.App.5th 666, 672, the Second District Court of Appeal found that the County’s existing well construction ordinance sets forth a ministerial process not subject to CEQA. The case is pending Supreme Court review.

Generally speaking, the development and adoption of an ordinance of the type described above (and that is not an urgency ordinance) involves the following major tasks/effort:



- research and technical analysis;
- community, agency, and stakeholder engagement;
- draft ordinance preparation;
- environmental review;
- public review;
- Planning Commission approval (if developed as a land use regulation); and
- Board of Supervisors approval.

The process to develop and adopt an ordinance, including ensuring that the record contains an adequate justification for the ordinance, typically takes two to three years and involves substantial staff and consultant resources. For example, with respect to the Offset Ordinance, it took approximately 36 months, involved approximately 5 full-time equivalent staff (FTEs) and relied on extensive existing studies of the Paso Basin to develop the Environmental Impact Report, a total cost of approximately \$600,000. Implementing the Offset Ordinance requires approximately 1-2 FTEs between the Agricultural Commissioner and the Departments of Planning and Building, Public Health, and Public Works, which is funded through application fees. Developing and implementing an ordinance for the Adelaida area would incur similar costs, require additional staff and require funding for conducting the necessary technical studies as outlined in the GSI Memo. Additionally, individual applicants would face significant costs in order to provide an analysis of their proposed use on the area.

Preparing an ordinance regulating groundwater use *in fractured rock areas* (as opposed to in an extensively studied groundwater basin with a history of documented “undesirable results”) and / or through regulations on the use of land or operation of wells *in order to address impacts to neighboring wells* (rather than impacts to the sustainability of the larger supply), would present additional difficulties from a justification / defensibility perspective. With respect to fractured rock areas and as indicated above, often little is known about the nature of the supply. Thus, despite the deferential (rational basis) standard of review, it could be challenging to prepare an ordinance that is “rationally related” to the protection of the resource and even more challenging to prepare an urgency ordinance containing the requisite findings. With respect to regulations aimed at impacts to neighboring wells, any such ordinance would be susceptible to challenge on the basis that it is inconsistent with general water rights. Unfortunately, there is little case law on the rights of any overlying owner to a specific means of extraction or a reasonable depth, and most of the cases that do exist involve disputes where the new user (an appropriative user) has an inferior water right (to the overlying user). Even in such contexts, courts have held that overlying landowners have a *limited* right to maintenance of the water table at a *reasonable* level to enable extraction without *unreasonable* expense.⁸ As a result, any such regulation would likely place the County in the position of determining, among other things, a “reasonable” level or use, a “material” expense and “substantial” injury.

Like many of the special acts creating groundwater management agencies, SGMA specifically authorizes the adoption of regulations governing well spacing and well operation.⁹ Thus, in addition to the difficulties mentioned above, the County’s adoption of such regulations within the jurisdiction of another GSA *without*

⁸ *Allen v. California Water & Telephone Co.* (1946) 29 Cal.2d 466; *Trussell v. City of San Diego* (1959) 172 Cal.App.2d 593.

⁹ Water Code § 10726.4(a)(1).

coordination could lead to a dispute about whether such regulations are in conflict with SGMA. Based on all of the above and because SGMA emphasizes the importance of coordination in connection with the management of adjacent supplies and overlying and adjacent land uses, it is expected that any action by the County to regulate groundwater use in basins defined by Bulletin 118 through land use ordinances or otherwise would be coordinated with GSAs and GSA partners.

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Future Actions

Staff reminds the Board that the Offset Ordinance automatically terminates upon adoption of a GSP for the Paso Basin (January 2020).¹⁰ It was anticipated that Paso Basin GSAs, having a clear statutory authority to regulate groundwater extractions and well spacing, would implement management provisions *within the GSP*. However, it is uncertain as to whether this will be the case based on staff's review of available draft chapters of the GSP. Assuming there continues to be support among the other GSAs within the areas of the Paso Basin over which the County has land use jurisdiction, staff anticipates returning to the Board in 2019 to update the termination language to cover the time between GSP adoption and GSA implementation of the management actions generally described in the GSP.

OTHER AGENCY INVOLVEMENT/IMPACT

Any County-led groundwater management efforts would be anticipated to require coordination among internal departments, including County Counsel, and with external stakeholders including groundwater users, GSAs, local water purveyors and regulatory agencies.

For areas subject to SGMA, the State Department of Water Resources acts as the agency in charge of reviewing GSPs, proposed management actions therein and implementation activities. The State Water Resources Control Board acts as the agency in charge of enforcement in situations of non-compliance specified in SGMA.

FINANCIAL CONSIDERATIONS

There is no cost associated with this presentation.

The approach to addressing financial needs associated with GSP implementation, including roles and responsibilities of implementing agencies, approach to coordination with land use and well permitting agencies, and other related terms will need to be negotiated in accordance with the projects, monitoring and/or management actions that are identified in each GSP.

RESULTS

Receiving a presentation regarding studying fractured rock areas and groundwater management authorities will be informative to the public and other agencies, thereby contributing to a well-governed community.

San Luis Obispo County Code, § 22.30.204 H: "Termination. The provisions of this section for the Paso Robles Groundwater Basin (excluding the Atascadero Sub-basin) shall expire upon the effective date of a final and adopted Water Code section 10720 et seq. groundwater sustainability plan(s) by a local groundwater sustainability agency or agencies, covering the entirety of the Paso Robles Groundwater Basin within the land use jurisdiction of the County of San Luis Obispo."

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ATTACHMENTS

- 1 Vicinity Map
- 2 GSI Water Solutions, Inc. Memorandum Regarding Fractured Rock Areas
- 3 Groundwater Management Ordinances in Other Counties
- 4 Existing County Regulatory Framework
- 5 PowerPoint Presentation

File: CF 340.300.01 SGMA

Reference: 19.020

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**CONSENT
AGENDA AGENDA
ITEM 6.2
Treasurer's Report**

**Templeton Area Advisory Group
Treasurer's Report
February 21, 2019**

REVISED

Checking Account Bank Statement Activity	Date	Balance
Bank Balance	12/31/18	\$1,434.79
Checks Cleared – 1/1/18 – 1/31/19		- 0 -
Other Charges – 1/1/19 – 1/31/19		- 0 -
Deposits - 1/1/19 – 1/31/19		1,000.00
Bank Statement Balance	1/31/19	\$2,434.79

Account Activity – February 1, 2019 thru February 21, 2019:

Deposits – 2/1/19 – 2/21/19	- 0 -
Checks Written – 2/1/19 – 2/21/19	- 0 -

Current Account Balance	2/21/19	\$2,434.79
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Accounts Payable –

Annual TAAG Post Office Box Rental – Paid on 2/20/19 by Personal Credit Card
\$102.00 Reimbursement due to Powell

**ITEM 8
NEW BUSINESS**

**TEMPLETON AREA ADVISORY GROUP
(TAAG)
Cannabis Project Review Committee Meeting
February 7, 2019**

TO: TAAG Delegates

C: Applicant or representative, Megan Martin, Planning Supervisor; Kate B. Shea, Supervising Planner; Vicki Janssen, Legislative Assistant; Jen Caffee, Legislative Assistant

FROM: Larry Fluer, Chair, Cannabis Project Review Committee (CPRC)¹

SUBJECT: Report of the CPRC Chair with recommendations from February 7, 2019 CPRC meeting for consideration by the TAAG Board at the regular meeting scheduled for February 21, 2018.

DATE: February 17, 2018

The CPRC met for approximately two hours at its regular meeting on Thursday, February 7, 2019. Committee members present were Larry Fluer, Murray Powell, and Joel Woodruff.

One application, further identified as DRC2018-00053 Gardner/McAllister was noticed and scheduled for review by the CPRC on February 7, 2019. The original project referral application had been heard by the County Planning Department administered by a hearing officer on September 21, 2018, and a MUP was approved with conditions at that time. Members of the public in the vicinity of the project, generally known as York Mountain, filed an appeal against the permit issuance on October 3, 2018, (APPL2018-00004).

- The original referral project was reportedly sent to TAAG for review early in 2018; however no trace of email notification to any current TAAG member was ever

¹ The report was written by the CPRC chair as a summary of this CPRC meeting. The chair consulted with the assigned project leads to solicit comment before this report's release. **This report is not intended to serve as the equivalent of minutes of the CPRC meeting – it is only the chair's report, written solely by him.** Other CPRC members are welcome to supplement, expand upon, or object to, any information in this report by email or other communications with members of the TAAG board.

found. A copy of the mailed application was found among TAAG's papers months later. The current TAAG board was not aware of the project until informed by the Planning Department Liaison to TAAG of the Planning Department hearing that was scheduled.

- Notice of the County Planning Department hearing was given to residents in the vicinity of the project five days before the hearing of September 21, 2018. Residents posted signs along the road to inform the neighborhood, but the posters were torn down. Three attempts to have signs in place resulted in the same action with the signs being torn down by others.
- TAAG requested that the County delay the Planning Department Hearing to allow TAAG's Committees and Board to review the project, but the request was denied.
- Several TAAG representatives attended the County Planning Department hearing on September 21, 2018, as individuals; however, it was not possible to represent a TAAG position as TAAG had not yet achieved consensus.
- An appeal of the County Planning decision was filed on October 3, 2018.
- A Special Meeting of TAAG held on October 4, 2018, after the administrative hearing of September 21, 2018, but the project was not subjected to prior review by TAAG's Project Review Committee. The schedule was accelerated as TAAG believed that an appeal was imminent.
 - The TAAG meeting room was filled with an overflow audience with attendees representing the community, and the cannabis industry. The applicant's agent represented the project as being fully code compliant. The TAAG Vice Chair, serving as the Acting Chair for the meeting expressed the view that in his opinion that the plan was legal, and that the product was agricultural within an agricultural zone. [In retrospect this opinion was not correct as cannabis is not an agricultural crop.] He also noted that he thought that the notice given to the residents of the surrounding area was inadequate. TAAG representatives voted to approve the project with a 7-0-0 vote with recommendations developed during the meeting with limited time for consideration.
- On January 8, 2019 the applicant's agent, Jamie Jones of Kirk Consulting, invited the appellants to Kirk's Offices and presented an alternate design for the project that highlighted changes in the proposed plan including relocation, removal, and rearrangement of some facilities. Two TAAG members attended the meeting as guests of the appellant to observe the discussion.
- On January 10, 2019 an email communication was received from County Planning's Megan Martin, along with a single page of a site plan reflecting a new design. No other detail was distributed to TAAG by the County. The transmittal

message noted that TAAG could submit additional comments on the proposal as TAAG or individual members of TAAG could attend the appeal hearing to speak as individuals from the community.

- On January 30, 2019 a letter was issued by Chris Cobey to Kate Shea at County Planning asking to confirm that the design change was just this single page document sent on January 10, 2019. In his letter Vice Chair Cobey requested that the appeal, now scheduled for February 26, 2019 be taken off the BOS agenda so that TAAG could review the design to include the detail that may not have been provided.
- On February 1, 2019 Fluer updated the TAAG website with a tentative meeting schedule for including the York Mountain project in the CPRC meeting of February 7th indicating that TAAG was awaiting a response from the County concerning a delay in the appeal hearing. Letters of notification to February 7, 2019, meeting along with requests for documentation were sent to the applicant's agent Jamie Jones on February 3, 2019. Ms. Jones replied that she would confer with her client and let me know about attendance no later than February 5, 2019.
- On February 5, 2019 Cobey (and TAAG delegates) received an email response from Rob Fitzroy, Acting Director of Planning and Building that the copy of the new site plan was sent to TAAG as a courtesy, and that the hearing schedule would not be changed. The County did not consider the design change to be a new project for review. Fluer then scheduled a CPRC meeting at the regular meeting scheduled for February 7th to review the alternate design.
- On February 7th a response was received from Jamie Jones that Kirk would not be attending the CPRC Meeting, or the meeting of the TAAG Board on February 21st as TAAG's position on the project was established on October 4th.
- The CPRC met on February 7th to discuss the documents received to date including over 40 letters from the public some of which were sent directly to TAAG, and others that had been sent to CPRC members in correspondence received by the appellants.
- The meeting was attended by from 12 to 15 members of the public and three members of the CPRC. The majority of attendees were from the York Mountain Community with few exceptions including a resident from a CAC in the San Miguel planning area, one or two others from the El Pomar-Estrella sub-area in Templeton, and one or two from Atascadero. Neither the applicant, nor the applicant's agent was present.

The format of the Chair's Report is taken in part from that requested of CACs by the County Planning Department.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

UNKNOWN, assuming there are no pending or future additional reports or information expected beyond that contained in the County's referred materials. A site plan of December 4, 2018 was received from the County on January 10, 2019.

NO

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.) See the discussion in Part III

NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

Upon reconsideration of the project as proposed TAAG's CPRC voted 3-0-0 to reject or deny the project based on the following:

At the time of the October 4, 2019 Special Meeting TAAG had limited knowledge of the cannabis ordinance and its application for projects undertaken. The approval granted at the October meeting was in part because the law was a new inclusion in Title 22, Land Use Ordinance, and not yet fully understood; and in part with the limited experience in using the ordinance to review cannabis applications. Also, there remains little or no readily available source of rationale provided by the drafters of the ordinance or outreach effort to inform the CACs within the County of the workings of the ordinance in other than an active project environment which is not a training venue leaving the CACs in the position of making a best effort to apply regulations that continue to be in need of improvement. During the annual training session, the County arranged a "cracker barrel" session of 15 minutes where groups wanting to learn something about the regulatory approach to cannabis was presented. The content of the cracker barrel sessions was no more than an introductory question or two which held little if any meaning to recipients in attendance at the time.

County Planning staff that attended TAAG meetings to answer questions in the May to September time frame focused on specific issues, but did little to improve the basic understanding of the overall regulatory approach. It quickly became clear that there were areas of the ordinance which were subject to interpretation and lacked consensus as to the intent.

On February 7, 2019, the CPRC the committee focused on four primary areas of concern driven by comments from the community. These included the following:

- Neighborhood Compatibility: 22.40.010 and 22.40.040 A2.g
- Odor management plan: 22.40.040 A2b.
- Visibility of outdoor cultivation: 22.40.050 (outdoor cultivation) and 22.40.060 D.6 (nurseries)
- Property values: 22.01.010

22.01.010 - Title and Purpose (in pertinent part)

B. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county;

C. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development;

D. To protect and enhance the significant natural, historic, archaeological and scenic resources within the county as identified by the county General Plan;

In addition to specific comments above, several additional statements contained in the Staff Report, *Tentative Notice of Action*, from the Planning Department Hearing of September 21, 2018 comments in Attachment 1, Exhibit A – Findings were considered by the CPRC in the review process.

A summary of comments considered at the CPRC meeting of February 7, 2019, is provided below. Refer to Appendix A of this report for the full text of references quoted in this report.

Neighborhood Compatibility and plan for addressing potential compatibility issues: 22.40.040 A2.g

Analysis: The original County project referral, from the applicant contains the following statement: page 24 of 35

Cannabis cultivation is consistent with previous and current agricultural use of the property and surrounding area. There is no projected increase in noise level from this project. The property owners nearest neighbors have provided letters of support for the project (attached).

The concept of neighborhood is addressed in LUO 22.40.010 (see above) in terms of character. To those that have residences in the community the character is that of residential use on rural land that happens to be in the agricultural zone. These properties are not engaged in agricultural activities. Indeed, cannabis cultivation, is not the cultivation of an agricultural crop, it is a special use, and the “character” of the community (neighborhood) is residential which happens on land within the AG zone.

There is NO known plan provided to address potential compatibility issues that have been raised and it is compatibility that is now being questioned. Community members attending the meeting with Kirk Consulting on January 8, 2019, and with the CPRC on February 7th have registered opposition to the original design and the proposed alternative. TAAG received two (2) letters of support of the original design from relatives of the owner of the property on which cannabis activities will occur. By contrast TAAG representatives received over 40 letters of opposition at the time of the CPRC meeting. It is clear that the community has spoken with less than 5% of the letters in support and over 95% of the letters in opposition.

The community is unique due to the topography of the York Mountain area. Having a specialized non-agricultural use on an AG property surrounded by AG zone is a zoning issue. It does not speak to the “character” of this unique neighborhood.

The projected noise level, not to be increased as stated by the applicant’s agent, is not able to be determined or validated based on the fact that the equipment to be utilized has not yet been identified. However, mechanical equipment anticipated to be used to operate greenhouses on a 24/7 basis will undoubtedly contribute to an increase in the base level of sound expected thereby disrupting the norm experienced by the community.

Odor Management Plan 22.40.040 A2.b

Analysis: When the first cannabis-related projects were referred to TAAG questions were asked of County Planning Department personnel (Brandi Cummings) regarding the reasons behind the 300-foot set back distance for outdoor cannabis cultivation. TAAG was informed that the 300-foot distance was established to mitigate odor. As TAAG continued to investigate the matter of odor it was found that the 300-foot distance was arrived at subjectively, and that there is no documentation to indicate that a 300-foot distance is sufficient to dilute the odor to below the olfactory detection threshold (ODT) level of the most common distasteful odors of cannabis which give it the skunk-like odor reported.

Page 9 of 16 of the referral package contains the agent’s response to the County questionnaire regarding odor. To the question of: “Will this project produce any emissions (i.e., gasses, smoke, dust, odors, fumes, vapors)? The agent answered

“NO.” The NO answer is not felt to be a responsible answer. Putting the responsibility on the adjacent property owners in a position of having to monitor the neighborhood for nuisance odors, and reporting issues to code enforcement for follow up is NOT a realistic plan and not in keeping with the intent to regulate through a set of controls managed by the County as expected by the requirements of §22.40.010 to protect the public health, safety, and welfare through effective regulatory and enforcement controls.

The odors produced in closed ventilated greenhouse operations may be controlled through the use of activated carbon or other qualified treatment systems coupled with a compatible greenhouse design; but odors generated from outdoor cultivation operations have become the subject of concern to communities inside of and outside of California causing jurisdictions where legal outdoor growth has been allowed to rethink their position.

22.40.010 – Purpose of Chapter

The purpose of this Chapter is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law and federal enforcement guidelines, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of San Luis Obispo County by establishing minimum land use requirements for cannabis activities.

Articles in the news include reports from Santa Barbara County in the Carpinteria area that document the difficulties with odors. Recent activity in Nipomo with the use of a large greenhouse operation is controversial, and attempts to control odor in the open air have proven to be difficult if not impossible.

It is possible to conduct modeling to demonstrate the travel of odor from outdoor operations to the surrounding community, however, such modeling has not been performed by the County and instead the County Ordinance has transferred the responsibility for odor control to the neighbors using a Draconian method of control which can be boiled down to a statement of...If it smells bad, call code enforcement.

Calling code enforcement is NOT an odor control plan. Lacking a practical approach, the outdoor growth as currently allowed by the ordinance is called into question. The neighborhood occupants are consistent in their opposition and they too are aware of the publicity regarding odors from cannabis operations in Santa Barbara County, Spokane, WA, Nipomo, and other locations. Recent articles on smell published in the New York Times², New Yorker magazine and other news magazines are on the surface for the public to

read.

² “Dead Skunk” Stench from Marijuana Farms Outrages Californians, <https://www.nytimes.com/2018/12/19/us/california-marijuana-stink.html>, site visited 2/14/19

In talking with members of the public who reside in the York Mountain community TAAG delegates have consistently heard of potential odor expressed as a significant concern for the neighbors. The new site plan has concentrated the three acres of cannabis into a single plot which serves to amplify concentration and release of odors. The fact is that there is NO Odor Management Plan for the outdoor cultivation area, or for the curing and drying operations that is apparent.

Cannabis plants shall not be easily visible from offsite. § 22.40.050 D.6 (outdoor cultivation) and §22.40.060 D.6 (nurseries).

Visibility Screening and Fencing.

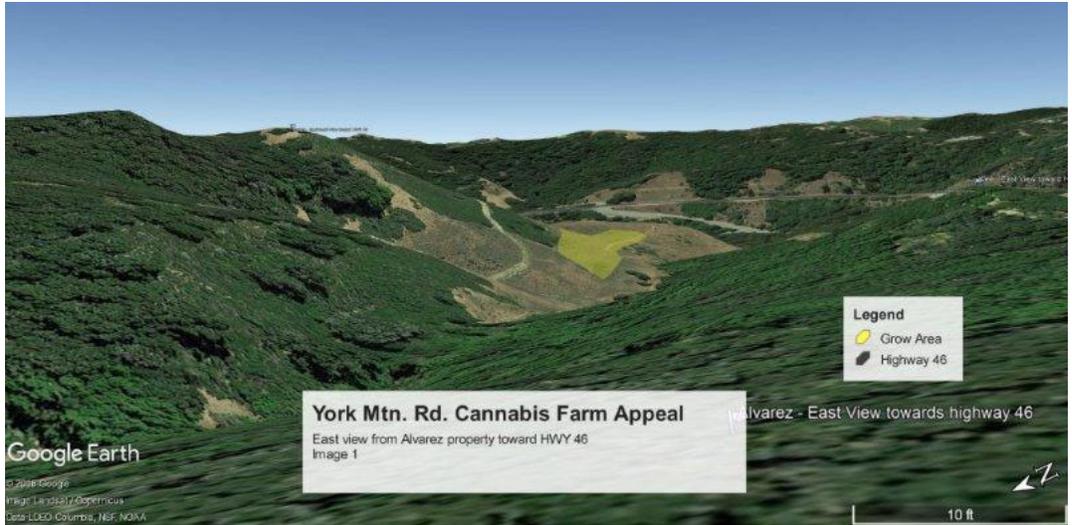
Analysis: The Notice of Final County Action, Exhibit A following the Hearing of September 21, 2018 contains the following statement [underlining mine for emphasis to the item of visibility]:

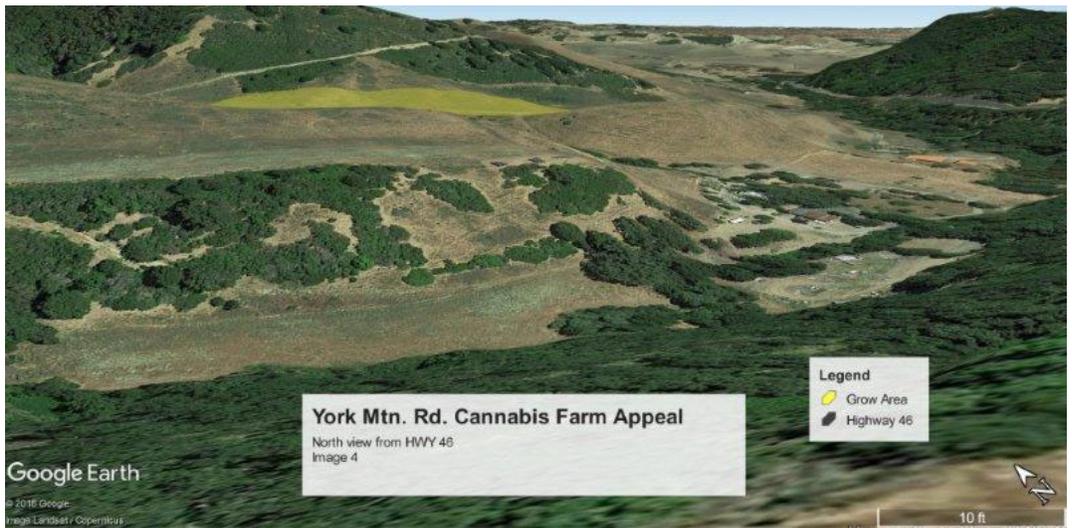
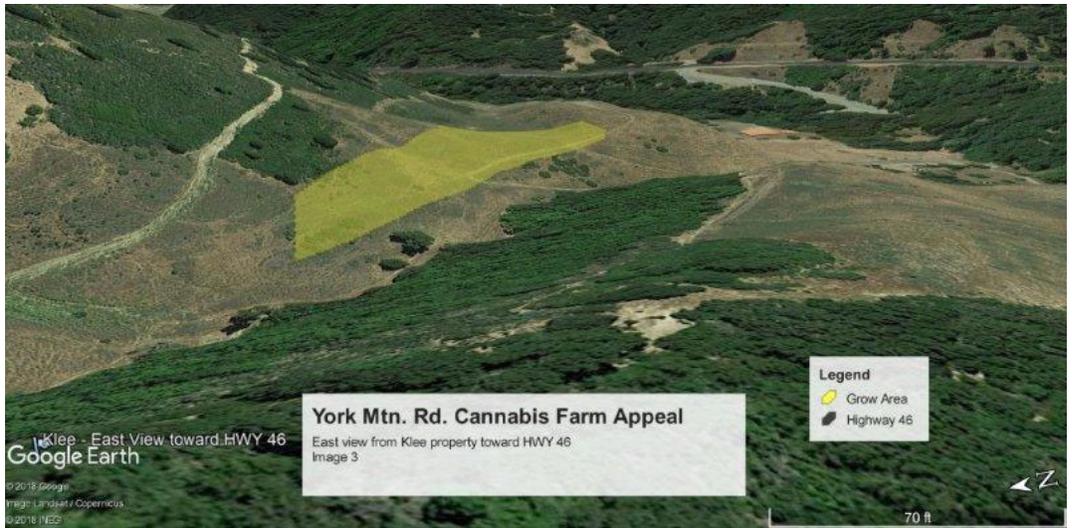
E: The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the cannabis cultivation does not conflict with the surrounding lands and uses (agriculture and rural residential), the site is more than 1,000 feet from sensitive land uses, and the cultivation site is not visible from off-site.³

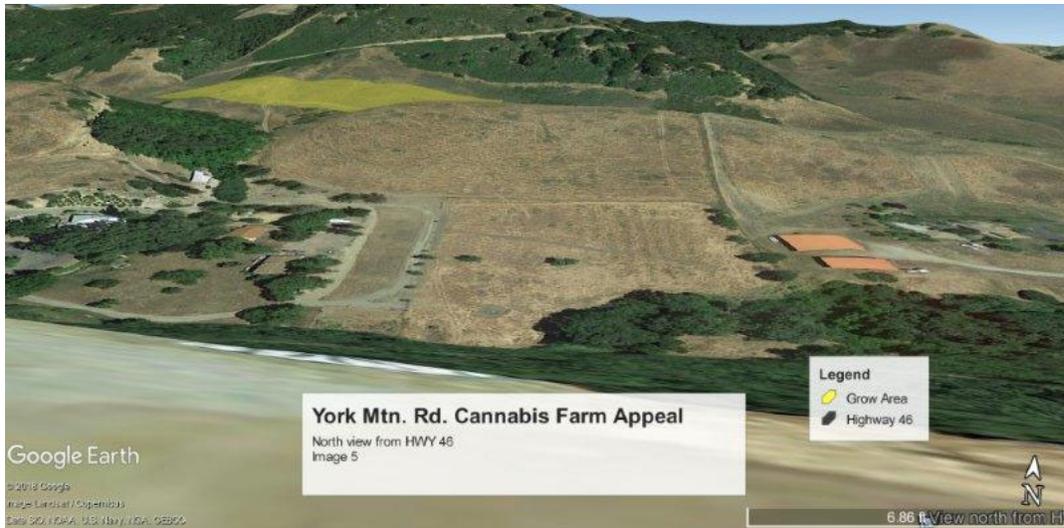
The statement is misleading and not substantiated as evidenced by photographs of the site. The proposed outdoor cultivation area in both the original and the alternative designs will be readily visible from the neighboring properties and to traffic along the scenic Highway 46 corridor. Five photographs illustrating the visibility from the surrounding area and neighboring properties follow. Neither the original design nor the alternative site plan received by TAAG for comment accomplishes the intent of the ordinance. The location of the outdoor cultivation is easily identifiable as the plants are to be cultivated in large above-ground pots. Unlike grapes, orchards or similar products they do not blend into the earth, but sit on top of the ground and are immediately recognizable.

The bright green area shown in the photographs indicates the proposed location of the outdoor cultivation area shown in the alternative site plan. Pictures have been furnished to TAAG by the appellants.

³ Notice of Final County Action, Hearing Date: September 21, 2018, Subject Jim McAllister and Laura Gardner, County File number: DRC2018-00053, Exhibit A – Findings, Paragraph E







There was no special effort made to view the area to be used for cultivation from the locations where these pictures were taken. The second picture from the Bongio property is further discussed in the section on Property Values below.

22.01.010 - Title and Purpose [underscoring added by the author]

This Title is the Land Use Ordinance of the county of San Luis Obispo, Title 22 of the San Luis Obispo County Code. These regulations are hereby established and adopted to protect and promote the public health, safety and welfare, and more particularly:

A. To implement the General Plan and to guide and manage the future growth of the county in compliance with the General Plan;

B. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county;

C. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development;

D. To protect and enhance the significant natural, historic, archaeological and scenic resources within the county as identified by the county General Plan; and

E. To assist the public in identifying and understanding regulations affecting the development and use of land.

Property Values

The references from LUO 22.01.010 in explaining the purpose of the Land Use Ordinance contain an expressed intent to minimize adverse effects on the public resulting from inappropriate creation uses or designs including land uses through the use of appropriate standards for development as well as to protect and enhance the significant natural historic and scenic resources within the county as identified by the county General Plan. (See items C and D in the adjacent text box)

Analysis: The ready visibility of cannabis plants in the location chosen for the proposed cannabis operation has already claimed one of the first victims of the project which has yet been through the complete permitting process. The buyers of the Bongio property which oversees the cannabis activities site recently pulled out of the escrow when it was discovered that cannabis activities were to take place on the site. The seller of the property now has to deal with the issue of finding a buyer as the disclosure laws are anticipated to cast a cloud over any potential sale, and the prospective buyer of the property has lost a considerable sum in pre-purchase activities, including physical and environmental testing and investigation done in the course of conducting due diligence.

A manager of a local vacation rental business near the proposed site has expressed written concern and negative impact on her rental which affects the owner's potential income. The business owner wonders why the existing licensed trade and the business interests of others should be affected by an agricultural effort that is outside of the character of the area.

During the public comments given to TAAG during the Special Meeting on this property on October 4th supporters from the design team and members of the cannabis industry related comments to TAAG as to how property values would increase because of cannabis operations. TAAG representatives have

been finding, through the release of news articles, that the only increase in values seems to be coming from the owners of the cannabis properties, and quite the contrary from the neighboring surrounds. Although the loss of a property sale may not be real until the property for sale is sold. On the other hand, the loss of a potential sale, and loss to the potential buyer is fact. Recent articles appearing in a local newspaper, *The Spokesman*, in the Spokane, Washington area reported a loss of value in terms of reduced property values for a property in proximity to a cannabis operation there.⁴

As reported to TAAG by a potential buyer of property adjacent to the property used for DRC2018-00053, the buyer dropped out of an escrow to purchase the adjoining property finding after extensive research on environmental and standard property issues that the Gardener/McAllister cannabis operation would be located in full view of the parcel that he and his wife planned to purchase for the construction of a residence. The property is currently off the market.

⁴ The following paragraphs are printed in part from an article appearing in the Spokesman published in Spokane, WA, December 11, 2016, "Roger Bertsch can't stand the smell that wafts from his neighbor's property. Sometimes it's barely detectable in the afternoon breeze. But sometimes, he said, the skunky aroma is so penetrating he can't keep the windows open, let alone enjoy a meal on his patio. And because of the smell of his neighbor's marijuana farm, the Spokane County Assessor's Office recently took 10 percent off the value of Bertsch's property on the outskirts of Cheney, the office of the Board of Equalization confirmed this week." - By Chad Sokol chadso@spokesman.com (509) 459-5047; site visited 2/1/19: <http://www.spokesman.com/stories/2016/dec/11/marijuana-farm-odor-hurts-neighbors-property-value/> [Underscoring, other than included in the link has been added by the author to highlight information related to its use in the text of the report].

Staff Report and Notice of Final County Action – Planning Department Hearing September 21, 2018

Notable quotes considered in the Planning Department Hearing of September 21, 2018, as included in the Tentative Notice of Action, for DRC2018-00053, Attachment 1 – Exhibit A – Findings of the same date, and the Notice of Final County Action issued September 21, 2018.

- Section C, page 1 of 2: *“As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.”*^{5, 6}

Analysis: This statement has not been substantiated on points including the lack of plans for odor control, protection of neighborhood character and others including questions raised on location relative to the flood hazard zone and apparent conflict with locations of blue line streams as shown in the maps available to the public on the County’s Land View website system.

- Section D, page 1 of 2 in pertinent part...” *The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the cannabis cultivation does not conflict with the surrounding lands and uses (agriculture and rural residential) ...and “nuisance odor will be controlled.”*⁷

And...

- Section E, of Exhibit A – Findings of the Notice of Final County Action as follows:
*E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the cannabis cultivation does not conflict with the surrounding lands and uses (agriculture and rural residential), the site is more than 1,000 feet from sensitive land uses, and the cultivation site is not visible from off[-]site.*⁸

⁵ *Tentative Notice of Action*, Planning Department Hearing of September 21, 2018, as included for DRC2018-00053, Attachment 1 – Exhibit A – Findings of the same date, Section C.

⁶ *Notice of Final County Action*, Hearing Date: September 21, 2018, Exhibit A – Findings, Paragraph C.

⁷ *Tentative Notice of Action*, Section D.

⁸ *Notice of Final County Action*, Paragraph E.

Analysis: Section 22.40.010, the purpose of the ordinance declares the intent of the ordinance is to *protect the neighborhood character* among others. The statements made attempt to limit the application pertinent to the immediate neighborhood. The residents of the York Mountain community believe that their community is the neighborhood and that the inference to what might be viewed as occupants of the adjoining properties is inconsistent with the expressed purpose of the ordinance. The character of the neighborhood is that of a residential community and not one of specialized agriculture. It consists of a number of small parcels of residential construction and uses on agricultural property that has been subdivided in accord with County regulations. While there may be a yet to be revealed plan for odor control of greenhouse operations there has been no plan for control of odor for outdoor cultivation or drying operations of which CPRC is aware. The equipment to be used has not been designated, nor has information been provided to allow examination.

- Section E, page 1 of 2 in pertinent part...” *the cultivation site is not visible from off-site.*”⁹

Analysis: This statement is fictitious. Photographs show visibility of the cultivation from all surrounding properties. This visibility represents a significant contrast between the proposed project and the cultivation recently approved by TAAG under DRC2018-00160 Stratton/Hartenberger where the cultivation area is well hidden from the view of neighboring properties on all sides. The Gardner/McAllister cultivation and related activity is not a covert location, it is evident and on display, and has hurt the potential sale of adjacent lands for residential use within the AG zone.

- Section H, page 2 of 2 in pertinent part...” *The cannabis cultivation, as proposed, will comply with all the requirements of State and County for the cultivation of cannabis...*”¹⁰

Analysis: TAAG made a decision to support the project in October of 2018 based in part on trust of the County Staff, the applicant’s agent, and the inexperience of the TAAG delegates in dealing with an ordinance in the beginning phases of development. The ongoing development is evidenced by what is now called a “cannabis ordinance update” which was passed by the BOS on December 11, 2018 and the update has not yet been completed. The statements above are questionable and more than one appears to be a misrepresentation of the facts that are now before TAAG for consideration.

Conclusion: For the reasons stated above, without including information that is still being revealed from a public request for information from the appellants to the County, the CPRC recommends that:

⁹ Ibid.

¹⁰ *Tentative Notice of Action*, Section H.

- 1) the TAAG board withdraw the former motion for approval of the project with recommendations, based on the findings in this report, and
- 2) notify the County that TAAG's current recommendation is to deny or reject both the original plan and the alternate plan provided in the form of the "courtesy" site plan drawing dated December 4, 2018 furnished by the County on January 10, 2019.

Are there significant concerns, problems or impacts in your area of review? If "Yes," please describe the impacts along with any recommendations to reduce the impacts in your response.

As outlined in detail in the above discussion.

If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If "No," please describe.

Not determined.

What does the community like or dislike about the project or proposal?

Dislikes: The overwhelming response from the community is in opposition to the plan, and community does not find anything in the plan to like. There have been two letters of support and over 40 letters in opposition received by TAAG for this project to date. The majority of the primary concerns raised in opposition are centered around:

- 1) A change in neighborhood character which has an impact on the established lifestyle of the relatively close-knit community to the advantage of a business interest, and
- 2) a concern with potential odors from cannabis operations both indoor and outdoor areas, and
- 3) the ready visibility of the cannabis operations to include the outdoor plantings as well as greenhouse and related operations resulting in a loss of view shed, and a transformation of what had been an idyllic rural environment into a commercial enterprise deemed to be unfitting to the area, and
- 4) a loss of property values resulting from a change in the living environment that has been considered by the majority of the community to be not fitting with the established community character and avoidance by those that seek the rural lifestyle with agricultural uses historically encountered in this area of the County.

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

Yes, the community has expressed to TAAG a concern about the limited access on York Mountain Road, the poor state of the existing road, and has represented

the belief that added traffic brought about by the cannabis cultivation will be detrimental to the area.

Does the community wish to have a trail in this location?

Unknown.

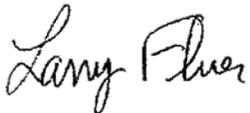
If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify or establish intense uses that would not otherwise occur?

Unknown.

If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If "No," please describe.

The community feels that what the County formerly called View-Shed would be negatively impacted by the proposed outdoor growth and the proposed relatively large number (7 x 3,000 sf) greenhouses to be constructed. The nature of the proposed greenhouses will reflect sunlight and be readily visible to those that travel Highway 46, and that open growth of cannabis plants in a 3-acre outdoor cultivation will be readily visible from both Hwy 46, and surrounding properties. Pictures provided by the appellants have been reviewed by CPRC personnel. Additional pictures can be furnished on request.

Respectfully submitted,



Larry Fluer
CPRC Chair

Encl: Letters from supporters and opponents

APPENDIX A
LUO TITLE 22 REFERENCES

Title 22 References

22.01.010 - Title and Purpose [underlining by CPRC Chair for emphasis]

This Title is the Land Use Ordinance of the county of San Luis Obispo, Title 22 of the San Luis Obispo County Code. These regulations are hereby established and adopted to protect and promote the public health, safety and welfare, and more particularly:

- A.** To implement the General Plan and to guide and manage the future growth of the county in compliance with the General Plan;
- B.** To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county;
- C.** To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development;
- D.** To protect and enhance the significant natural, historic, archaeological and scenic resources within the county as identified by the county General Plan; and
- E.** To assist the public in identifying and understanding regulations affecting the development and use of land.

[22.01.010]

CHAPTER 22.40 – CANNABIS ACTIVITIES

22.40.010 – Purpose of Chapter

The purpose of this Chapter is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with State law and federal enforcement guidelines, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment in the unincorporated areas of San Luis Obispo County by establishing minimum land use requirements for cannabis activities. Cannabis activity, as defined in Chapter 22.80 of Title 22, includes the cultivation, possession, manufacturing, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product. Therefore, this Chapter recognizes that cannabis activities require land use controls due to the unique federal and State legal constraints on cannabis activity, and the potential environmental and social impacts associated with cannabis activity.

22.40.040 - Requirements for All Cannabis Activities

A. Application requirements.

1. Site plan, floor plans, and a general description of the nature, square-footage, and type of cannabis activity(ies) being requested shall be submitted with the land use permit application.

2. All cannabis activities shall include an operations plan including at a minimum, the following information:

a. On-site security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the commercial cannabis business;

b. Odor management plan;

c. Size, height, colors, and design of any proposed signage at the site;

d. Parking plan consistent with Chapter 22.18;

e. Proof of ownership or lease agreement with landowner's consent;

f. Employee safety and training plan;

g. A statement on neighborhood compatibility and a plan for addressing potential compatibility issues;

h. Waste management plan; and

i. Vicinity map showing at least one-thousand (1,000) feet of surrounding area and the distances to the following uses: any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility. Distance shall be measured from the nearest point of the property line of the site that contains the cultivation to the nearest point of the property line of the enumerated use using a direct straight-line measurement.

TEMPLETON AREA ADVISORY GROUP
Project Review Committee
Addressing the Area's Land Use Planning Since 1994

TO: TAAG board members

C: Applicants/representatives, Kate B. Shea

FROM: Chris Cobey, Chair, Project Review Committee (PRC)¹

SUBJECT: Report of recommendations from February 7 PRC meeting for February 21 TAAG regular meeting

DATE: February 18, 2019

The PRC met for approximately 34 minutes at its regular meeting on Thursday, February 7, 2019. Committee members present were Murray Powell and Chris Cobey; absent were Larry Stone and Bruce Jones. Three applications were considered. Notice of the meeting was previously posted on TAAG's website. The Committee separately recommended approval of each application as submitted by a vote of 2-0.

Unless noted, the only comments at the meeting were from applicants or their agents.

The format of this Chair's Report is taken from that requested of CACs by the County Planning Department. In the non-PDF version of this memo, the applicant's name provides a link to the *initial* referral materials for each project received by TAAG from the County Planning Department.

* * *

Applicant: [SPRINT / WEYRICK](#)
(DRC2018-00144)

Agent, if any: Jessica Rider for Sprint

Planning Department managers: Kip Morais (805 /781-5136; kmorais@co.slo.ca.us)

¹ The report was written by the PRC chair as a summary of this PRC meeting. A full draft of the report was not circulated to other PRC members for comment and review before this report's release. This report is the product of the chair alone. **This report is not intended to serve as the equivalent of minutes of the PRC meeting.**

Nature of application: Cell tower

Project description²: Proposed cell site consisting of a 45-foot faux pine tree and additional panel antennas/equipment on a 12- by 20-foot slab within a fenced enclosure

Location: 624 Main Street, Templeton.

PRC reviewer: Bruce Jones

PART I: IS THE APPLICATION INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
 NO

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
 NO (Please go on to PART III.)

PART III: YOUR RECOMMENDATION FOR FINAL ACTION.

Recommend that the application be placed on the February 21, 2019 TAAG meeting agenda for recommended **approval, including extension of tower from 30 feet to 45 feet.**

Overview (from application):

Request to build a cell tower disguised as a faux pine tree surrounded by commercial property on the east, west and south sides and commercial/agricultural on the north side; exemption requested from 30-foot maximum height to 45 feet; extended height would not be higher than surrounding trees.

Are there significant concerns, problems or impacts in your area of review? If "Yes," please describe the impacts along with any recommendations to reduce the impacts in your response.

No.

² Copy of "Project Description" from referral package sent to TAAG.

If your community has a “vision” statement in the Area Plan – does the community feel this project helps to achieve that vision? If “No,” please describe.

No existing “vision” statement. Community feeling unknown; no notice to nearby landowners.

What does the community like or dislike about the project or proposal?

One email query concerning amount and consequences of presumably increased electromagnetic waves.

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Yes.

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

No community input received on this subject.

Does the community wish to have a trail in this location?

Unknown; no community input received on this subject.

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Not applicable.

Other comments:

At this point, this project does not appear to present any conflict.

Applicant: [Botts](#)
(SUB2018-00095 CO 18-0137)

Agent, if any: Skip Touchon

Planning Department manager: Holly Phipps (805-781-1162 or hhipps@co.slo.ca.us)

Nature of application: Proposed parcel map

Project description³: Restore Lot 15 back to original configuration and to eventually construct a house on the vacant parcel.

Location: 316 Old County Road, Templeton

PRC reviewer: Murray Powell

PART I: IS THE APPLICATION INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
 NO

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
 NO (Please go on to PART III.)

PART III: YOUR RECOMMENDATION FOR FINAL ACTION.

Recommend that the application be placed on the February 21 TAAG meeting agenda for recommended **approval**.

Overview:

Proposed reversion of parcel lot line to allow future construction.

Are there significant concerns, problems or impacts in your area of review? If "Yes," please describe the impacts along with any recommendations to reduce the impacts in your response.

No.

If your community has a "vision" statement in the Area Plan – does the community feel this project helps to achieve that vision? If "No," please describe.

No existing "vision" statement. Community feeling unknown; no notice to nearby landowners.

What does the community like or dislike about the project or proposal?

No community input received.

³ Copy of "Project Description" from referral package sent to TAAG.

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Proposal calls only for lot line adjustment; no construction.

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

No community input received.

Does the community wish to have a trail in this location?

Unknown; no known public input of any kind.

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Not applicable.

Other comments:

None.

Applicant: [Sarmiento](#)
(SUB2018-00099 COAL 18-0121)

Agent, if any: Francisco Vargas (Kirk Consulting)

Planning Department manager: Cindy Chambers (805-781-5608;
cchambers@co.slo.ca.us)

Nature of application: Lot Line Adjustment (LLA)

Project description⁴: LLA; no proposed development

Location: 6490 Rocky Canyon Road, Atascadero; El Pomar
Estrella sub area (nearest other street: Highway 41)

Reporting PRC member: Chris Cobey

PART I: IS THE APPLICATION INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

⁴ Copy of "Project Description" from referral package sent to TAAG.

- YES (Please go on to PART II.)
 NO

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
 NO (Please go on to PART III.)

PART III: YOUR RECOMMENDATION FOR FINAL ACTION.

Recommend that the application be placed on the February 21 TAAG meeting agenda for recommended **approval**.

Overview (from application):

Lot line adjustment to four parcels to allow placement of one parcel into Williamson Act.

Are there significant concerns, problems or impacts in your area of review? If "Yes," please describe the impacts along with any recommendations to reduce the impacts in your response.

No.

If your community has a "vision" statement in the Area Plan – does the community feel this project helps to achieve that vision? If "No," please describe.

The is no "vision" statement known of in Area Plan.

What does the community like or dislike about the project or proposal?

No notices have been sent to surrounding landowners. No known opinions on the proposal.

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Not applicable; this is a lot line adjustment.

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

No known public opinions on this proposal.

Does the community wish to have a trail in this location?

Unknown; no known public input of any kind.

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Not applicable.

Other comments:

In a January 2019 letter to the Planning Department Project manager, a County Agriculture Department reviewer commented favorably on the proposed LLA (highlighting added; not in original text):

The applicant proposes to reconfigure three existing parcels of 28.26, 12.61, 362.59 acres each to create three parcels of 5.61, 22.65, and 375.2 acres each. The project site is located off Highway 41 East, east of Atascadero. The project site is within both the Agriculture and Residential Rural land use categories and has a history of cattle grazing. **The purpose of the lot line adjustment is to locate the two smaller parcels in the Residential Rural land use category and place the larger agricultural parcel in a Williamson Act contract.**

The Agriculture Department considers the proposal to be better than the existing configuration in terms of agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations.

The Agriculture Department supports lot line adjustments that protect agricultural resources for commercial agricultural consistent with Agriculture Element policies. Comments are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

[end]



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8.3



Program Mission

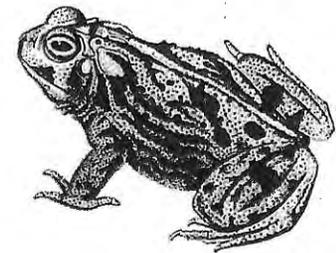


To promote awareness about our local watershed and provide the community with the necessary information to reduce their impact on the environment.



Watershed Stewardship

- Created a self-assessment for **individuals** and **businesses** in Templeton
 - Focuses on water conservation and stormwater mitigation actions
- Program Brochures for background information
- Based on the self-assessments, businesses and landowners will be able to evaluate their strengths in watershed conservation and determine if they qualify as a Toad Creek Watershed Steward.





Incentives

- Promotional yard signs
- Recognition on our website
- Community leadership
- Access to information regarding potential funding sources for conservation improvements, when available



Landowner Outreach

- Additionally, we have created a simple survey for all landowners whose property is on or adjacent to Toad Creek
- With responses, we'll be able to pinpoint the problem areas of Toad Creek
 - Make recommendations of priority areas for County and other involved parties





Our Requests for You

- If you are a Templeton area resident or business, please participate in our Watershed Stewards self-assessment survey!
- The online survey is simple and takes only about 5 minutes.
- TAAG could be an instrumental partner in helping the RCD get the word out about the Program's existence and mission.



Take the
self-guided
survey at:
us-ltrcd.org

Questions or Comments?



Contact:

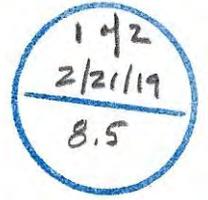
Audrey Weichert, Conservation Biologist
Upper Salinas-Las Tablas RCD
(805) 434-0396 ext. 3185



Thank you for listening!



2/21/19
Item 8.5



Eroica California 2019

Fifth Annual Vintage Bicycle and Gravel ride & festival. www.eroicacalifornia.com

Eric Benson – Eroica California Route Director – San Luis Obispo
Shannon D'Aquisto - Cancer Support Community Central Coast
Non-Profit Partner - Templeton
Amedeo Polito - Eroica California Director & World Wide - Italy

Brief History of Eroica – Cambria 2019

Date: April 6 & 7, Saturday and Sunday

Total Participants: 95% are from out of the area or Country
Saturday – 200
Sunday - 1000

Participants impacting Main St/Ramada Dr
Saturday – 200
Sunday – 500, (+150 Las Tablas Rd, +150 Templeton Rd), +200 Cambria SR1

Routes (Maps)
Saturday - 80miles 9:30am Start
Sunday - 30, 70, 80 & 110miles 5am Start

Timing – Riders in Templeton
Saturday ETA – 11am – 1pm
Sunday ETA - 8am – 12pm

Traffic Control
Special Event signage around Templeton (see maps)
Lighted message signs along Santa Rita Creek Rd and Kiler Canyon Rd
Flaggers at start of dirt on Santa Rita Creek & Arbor Rd/Kiler Canyon intersection
CHP leading Saturday group through Templeton
Cal Fire, SLO Ambulance, Ham radio on course

Rest Stops
Barrel House – Tin City
Olea Farm – Templeton Rd

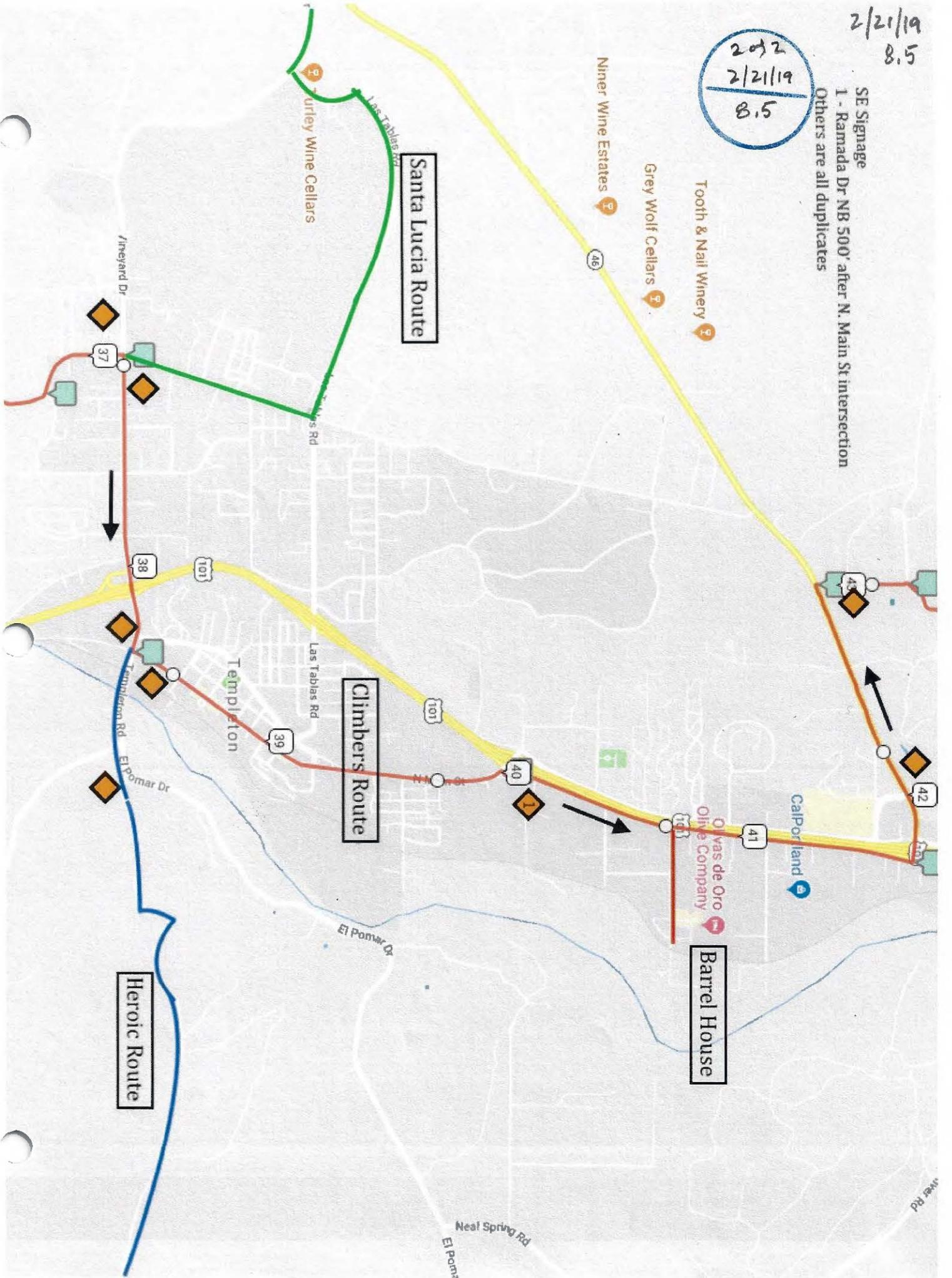
Permits
Cal Trans, SLO County, CHP

Questions

2/21/19
8.5

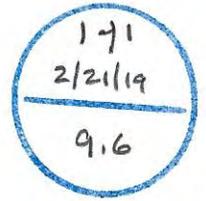
2022
2/21/19
8.5

SE Signage
1 - Ramada Dr NB 500' after N. Main St intersection
Others are all duplicates



**ITEM 9
REPORTS AND
ANNOUNCEMENTS FROM
COMMITTEES**

Toad Creek Committee
Monday 18th February



Chair Matthew Parker and Members Bruce Jones and Dorothy Jennings met to go over the report from the Public Works Department at the January TAAG Meeting.

The committee came to the conclusion that we need to go through the Drainage and Flood Control study with the input of local residents before we can recommend the study back to the full TAAG board. The reasoning behind this is because the study was completed in 2014 and many things have changed in Templeton.

After the TAAG elections, the Committee would like to hold public meetings with residents along Toad Creek to compile an updated Toad Creek Watershed Report. The committee will be reaching out to previous members of the committee.

The Toad Creek Committee would also like to recommend that TAAG fully support the Toad Creek Watersheds Program presented by Audrey Weichert from the US-LT Resource Conservation District.

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2/21/19
9.7

**TEMPLETON AREA ADVISORY GROUP
(TAAG)
Election Committee**

1
2
3 TO: TAAG Delegates
4
5 C: Vicki Janssen, Jen Caffee
6
7 FROM: Murray Powell TAAG Election Committee Chair¹
8
9 SUBJECT: Report of the February 14, 2019 Election Committee meeting held at 1 PM at the
10 Templeton Community Service District meeting room to organize the TAAG
11 annual Board Delegate election to be conducted on March 2, 2019
12
13 DATE: February 14, 2019
14

15
16
17 The Election Committee met for approximately two hours on Thursday, February 14, 2019.
18 Committee members present were TAAG Delegates Murray Powell, Larry Fluer and Joel
19 Woodward.
20

21 There were three (3) members of the public in attendance.
22

23 **Agenda.**
24

25 Five items were placed on the agenda:
26

27 Item 1. Consider publicity setup at the Templeton Farmers' Market held on March 2, 2019 to
28 encourage Templeton residents to participate in the March 2, 2019 election process.
29

30 The Committee discussed the possible use of a banner and signs to be displayed on
31 March 2nd in front of the TCSD meeting room and three or four lawn type signs to be
32 displayed in the park area publicizing the March 2nd election. Powell volunteered to
33 check on prices for these items. Powell checked with two local companies that provide

¹ The report was written by the Election Committee chair as a summary of this meeting. The chair consulted with the Committee's members to solicit comment before this report's release. **This report is not intended to serve as the equivalent of minutes of the Election Committee meeting – it is only the chair's report, written solely by him.** Other Committee members are welcome to supplement, expand upon, or object to, any information in this report by email or other communications with members of the TAAG board.

34 banner and sign services. A 3 foot X 6 foot banner will cost between \$150 and \$165.
35 Lawn type 12 in. X 24 in, signs cost \$29 each. 16 in X 24 in. signs cost \$45 each.
36

37 Item 2. Establish a number of independent Templeton volunteers to assist with and observe
38 the conduct of the March 2, 2019 Board election.
39

40 Powell reported on those Templeton residents who have volunteered to assist in past
41 TAAG elections. Powell offered to contact various residents to request their assistance
42 in this year's election. Cobey volunteered to add a notice to the Board's February 21st
43 meeting agenda inviting interested Templeton residents to voluntarily assist with the
44 conduct of the election
45

46 Item 3. Consider provisions to be added to TAAG's Policy & Procedures Guidelines
47 (PP&G's) to clarify TAAG Bylaw Conflict of Interest definitions concerning relationships
48 between TAAG Board members.
49

50 The Committee discussed language for an amendment to the TAAG PP&G's to provide
51 additional guidance on possible conflicts of interest. This issue has arisen in regards to
52 the relationship of two candidates running in the TAAG March Board election that reside
53 at the same mailing address. Cobey spoke on the possibilities of actual and potential
54 financial and personal relationship conflicts among TAAG Board members. Jones
55 commented on the issue. Other public audience members' were invited to present
56 opinions or comments on the subject. No other public comments were offered.
57

58 A discussion by the Committee members explored various issues regarding Board
59 members who are related as defined by the TAAG Bylaws in Article IV Section 1 that
60 identifies immediate family member's as spouse, partner, children and so on. The
61 intended meaning of the term partner was discussed. Powell opined that the term
62 applies to various arrangements between individuals over and above a legal domestic
63 partnership arrangement. Fluer presented the example of HOA Board guidelines that
64 frequently limit HOA Board membership to one seat per household.
65

66 The Committee elected to take no action at this time regarding a proposed amendment to the
67 PP&G's. The Committee discussed sending a letter to Supervisors Peschong and Arnold with a
68 copy to the SLO County Counsel requesting guidance for all SLO County CAC's on situations
69 involving actual or perceived conflict of interest issues related to personal relationships between
70 CAC Board members. A draft (attached) of this letter is submitted for TAAG Board consideration.
71

72 Item 4. Confirm eligibility of candidates who have declared their intention to run in the
73 March 2, 2019 Board election.
74

75 Powell confirmed that seven candidates identified in Item 5. below are qualified in
76 accordance with TAAG Bylaws to participate in the March election.
77

78 Item 5. Develop the March 2, 2019 election ballot form for submission and approval to the
79 Board.
80

81 The Committee agreed to use the California Secretary of State's current (2018)
82 alphabet drawing to determine the sequence of candidate names to be presented on
83 the ballot. The following names are presented in accordance with this placement
84 method. A copy of the proposed ballot document is attached to this report for Board
85 consideration and approval.

86
87 Chris Cobey – Incumbent Board Member
88 Bruce Jones – Incumbent Board Member
89 Marie Roth
90 Jon DeMorales
91 Jason Kallen
92 Frances Esters
93 Rocky Spurgeon
94

95 Respectfully submitted,

96 Murray Powell
97 TAAG Election Committee Chair
98

99