

Final

Avila Valley Advisory Council Meeting Minutes - November 10, 2014

- 1) Call to Order - Chairperson Jim Hartig called the meeting to order at 7:00 PM. Roll was taken: Anne Brown, MaryEl Hansen, Bill Tickell and Liz Johnson were excused; Ken San Filippo is substituting for Anne. Liz Johnson (Alternate) will now serve as the Council Member representing See Canyon and Bill Tickell will serve as their Alternate; there is still an opening for a See Canyon Alternate representative.
- 2) Approval of October 13th Meeting Minutes - Motion was made and seconded (Danoff/Hartzell) to approve the amended minutes: #7 Old Business: b) replace "Building permit" with the word, application. Motion carried.
- 3) Chair's Comments - Chairperson Hartig thanked everyone for attending this meeting on Veteran's Day.
- 4) Public Comment - Karla Bittner, Chair of the AVAC Paramedic Committee, reported to the Council that the Committee has met with APOC, who recommends to the Board of Supervisors the status level of Avila Beach. At this time, Avila Beach is considered Rural and it is the Committee's recommendation to APOC to change Avila Beach's status to Urban and provide a paramedic at Station 62. The Committee will meet with Supervisor Hill in advance of the Board of Supervisors' Meeting to gain support for this recommendation.
- 5) Treasurer's Report - Treasurer Julia Hartzell shared that the balance of \$1,261.39, with a copying expense of \$2.38.
- 6) County Reports
 - a) Sheriff's Department- Commander Aaron Nix provided a detailed report of 10/1-10/31. Total calls for service: 172 including: assist other agencies - 16, crimes against persons - 4, domestic violence - 1, crimes against property - 8, disturbances - 14, welfare/citizens assists - 19, suspicious circumstances - 17, incomplete 911 calls - 27, alarm calls - 9, self-initiated field activity - 55. Details were presented with a full report presented to the Secretary for the file.
 - b) Highway Patrol - No report
 - c) Planning - Ryan Hostetter listed a number of items: Bob Jones Trail meeting, Thursday at 6 PM where the changes to the proposal will be presented; Mavis rental was approved, Scoping Meeting for Chevron's project will be set-up, but has not yet been scheduled; Harbor Terrace Project's Draft EIR comments are due by November 15; Advisory Council Chairs' Meeting is Friday; Large County Projects' Status Report is available.
 - d) Public Works - Jeremy Ghent stated that the Public Works will be conducting the Avila Beach Circulation Study with interviews beginning next year. Jeremy gave the summary of what he has found relative to the history of circulation studies/counts of Avila Beach: the time of the count is around May 12. In 1989, DKS Circulation Study was conducted and a recommendation was to make four lanes on Avila Beach Drive and San Luis Drive; this failed at the Board of Supervisors' level and subsequently, Public Works hired another consultant, Wilbur Smith, in 1990. They did not use peak hours, nor summer data, nor weekend data. They modified the Coastal Plan to only collect data during the second week in May. Another topic: Vendor/Business Right of Way could possibly lead to a new ordinance; Jeremy is sharing this as a heads-up. Dave Flynn is meeting with the Avila Beach business community to understand the scope of their parking issues in Avila Beach. Another topic: there have been complaints about the entrance to the Avila Barn; necessary improvements will need to be made to help with the traffic flow. Traffic counting station will be setup on Avila Beach Drive permanently by February/March. According to the Planning Department, the local Coastal Plan will have to be changed. This kicked-in the General Plan Amendment process which could have ramifications with the Coastal Commission. The County relies on these counts for their level of service/funding with fee funding (development and direct

impact). They want to handle commuters - 350 hours are impacted on peak summer days. Motion was made and seconded (Danoff/Matakovich) to draft a letter from AVAC requesting that the Impact Fees (non-five year update) stay the same, which is \$3800, to go to capital improvements, and can adjust to a constant count. Motion carried. These data will paint a better picture of the traffic circulation in Avila Beach.

e) County Parks - No report

f) CAL Fire - Batt. Chief Paul Lee reported there were 65 calls for service with 12 as medical.

Vegetation Management Program is on the Bob Jones Trail towards Ontario Ridge and will begin mid-December. 2015 Lighthouse Vegetation Burn is set for October '15. Chief recommended changing your smoke detector batteries.

g) County Supervisor - Adam Hill stated that Public Works has a new Director, Wayne Hoggin. The county is also hiring a new Parks Director, which is a separate position. Amgen, Stage 4, is coming May 13. Services are being coordinated along with the public meetings and planning. All County costs will be covered. Electric bikes discussion indicated that the Ventura River Trail to Ojai has no electric bikes. PG&E has provided the Independent Review of the Seismic Data; these data will be reviewed. There was a concern raised about the transfer of a long-term employee from Avila Beach parks. Supervisor Hill will look into it. Long-term Avila resident, Betty Woody, who has volunteered for 17 years assisting this employee, has resigned as a result of this transfer, of this employee who has one year left to retirement.

7) Old Business

a) Colony Lane Lot Split SUB2013-00054 - Supervisor Hill referenced Colony Lot 11 as an exception because it is in a non-residential location. Karla Bittner indicated to the Council that Supervisor Hill did not support the recommendation of the Council at the Board of Supervisors' meeting and granted the two units as vacation rentals. She indicated that Supervisor Gibson was supportive.

b) Lot 69 San Luis Bay Estates – San Luis Bay Estates Committee have ideas shared on this proposal which went from 4 houses on one acre lot to eight houses on the lot. This areas used to be for maintenance and tennis courts. More information is needed.

c) Harbor Terrace DEIR Comments - Sherri Danoff provided some general comments along with a detailed report summary on this EIR. A number of concerns were raised: the timing of the construction permits, no geotechnical investigation, no summer traffic analysis. Mike Grantham talked about the construction over a two years period with 8000 truckloads over the dry season. Motion was made and seconded (Danoff/Grantham) to send the report presented it to Steve McGrath, and the County Planning Department, meeting the deadline of November 15 for public comments. Discussion involved the Chumash letter being included with the Council's comments and it was the consensus of the Council to remove the letter from AVAC's response. Motion carried.

d) Bob Jones Trail EIR - Julia Hartzell presented AVAC's Subcommittee response to the Bob Jones Pathway Recirculated Draft Environmental Impact Report addressing Segments 4 and 5, and adding Alternative 6 which consolidates the undercrossing for San Luis Bay Drive, the undercrossing for Highway 101, takes pathway off Monte Road, and provides options for Land Conservancy Apple Orchard. The next steps are: a Public Workshop on Nov. 13, Final AVAC Review by Bob Jones Committee and an AVAC letter will be issues by December 8. Julia thanked the planners for listening to the community's input.

8) New Business

a) Ontario Road Tree Farm/Pond Project - Megan Martin shared that a Minor Use Permit has been submitted to expand an agriculture farm. Staff is reviewing this request. Information "hold" letter is

due Nov. 16. There is proposed grading of the 1.3 acres, with expansion of an ag pond, planting of redwood and pine trees, no irrigation plan nor farm presented at this time, and it is a "phased" project. The intent to present a detailed project description, to be reviewed under CEQA, no EIR considered. Jana Hanson indicated that there is bulldozing going on, possible code violations and she has sought legal counsel, as it is her understanding that there are plans for 28 pole lodges, with a lake for swimming and a BBQ. Thomas Nishikawa is concerned that dirt has been moved on to the Buddhist Temple property. Barry Bridge, President of the Buddhist Temple, asked if there is an application into the State for a lake permit. Jay Murrell indicated that the driveway to the Buddhist Temple is now exposed and requires fencing since the trees have been removed. Also, he asked, "will this development have access to Lopez Lake water?" Jay Norrell indicated that access to his property requires a bridge on Ontario Road. Now there is a proposal for a bridge across the creek; is this true?. Once agriculture, can it be switched to recreation? Norm Blackburn walks by the property regularly and he stated that he backs up Dr. Hansen's claims, as there is no archeological evidence left due to the bulldozing, etc. Martha Brand wanted to know how to respond to these actions. Neighbors are not notified. Is there to be a 300 foot buffer? They are not noticed on any hearings regarding this development; they are not notified because the project has not been accepted. The community members were told to notify Harley Voss if there is a code violation: 781-5600 or hvoss@co.slo.ca. Mary Chiu stated concerns about: environment, fencing, project not well defined, traffic analysis. There is also an issue with Biddle Ranch parking and drainage. Property owners were concerned that their properties have been adjusted over time and have no proof of their landscape changes. Lisa Newton suggested that if someone wanted an aerial photo of his/her property from years ago, they can call Golden State Aerial - 549-0399.

b) Wild Cherry Canyon Development - Denise Allen read a statement from Kara Woodruff about the history of the Wild Cherry Canyon conservation project. This summary is included with the minutes.
***Inserted at end.

9) Community Liaisons

a) Avila Beach Civic Association - Lisa Newton announced the ABCA Annual Holiday Potluck and General Meeting. It is 12/6 at the Civic Association Building. She also indicated everyone is invited.

b) Avila Beach Community Foundation - Rick Cohen presented a written statement: "Hello members of AVAC. Once again I must apologize in advance, as I will not be able to attend next Monday's meeting. It is the same evening that the Avila Beach Foundation board meets to determine which grant applicants we will be funding for the coming year. We had a record number of applications this year - 15 proposals were submitted. Six were first time applicants seeking support for a variety of programs or projects centered on Avila Beach/Avila Valley. The Foundation's board will be greatly challenged in weighing the needs of long time grant recipients with those of new and emerging opportunities. I will be able to report on grant awards at the next AVAC meeting. The Foundation will also be holding elections to determine Trustees and officers for the coming year at next week's board meeting. We will have two, possibly three openings for new Trustees in 2015. A special Foundation ad hoc committee will be meeting again in November with staff of Port San Luis to further discuss repair work needed on the Avila Pier, and ways we can help with funding needs. That's it for now. My best wishes to each of you for an enjoyable holiday season."

c) Port San Luis - Steve McGrath presented a written report: "Jim and AVAC members: With apologies, but I am unable to attend the meeting this evening I would particularly have liked to be there for the discussion of the Harbor Terrace EIR.

For a brief recap of Harbor issues:

The large boat launch facility will be out of commission for a few months as the two parallel concrete pier caps are removed, the piles inspected and repaired if necessary, and two new concrete caps installed. This is largely due to a significant grant from the Joint Cable Fisheries Liaison Committee.

The Gas Company continues work on replacement of the gas line on the Harford Pier. Safe to say this is not a typical project for them and is taking longer than expected, but, so far, with minimal disruption to pier users.

Chris Dorn has submitted the construction documents for the new restaurant at the end of the pier, and these are with 'plan check' now. Look to see construction start early in 2015.

I continue to work with Coastal Conservancy, Wildlife Conservation Board, a committee of the Board of the Community Foundation on funding for repairs to the Avila Pier.

And Harbor Terrace:

There will be another meeting of the Harbor Commission this Thursday at 1:00 to review the proposals received for development and operation of the project.

The proposals can be seen here:

<http://www.portsanluis.com/harbor-terrace/#request-for-proposals>

My last staff report for the proposal review can be seen here:

<http://www.portsanluis.com/meetings/harbor-commission-meetings-agendas/agendas/2014-10-30/harbor-terrace-rfp-reviews.pdf>

The staff report for this coming meeting has not been published yet. The draft Environmental Impact Report for this much discussed project will be reviewed by AVAC's Land Use Committee at the meeting this evening. I know, and have known since we started down this path many years ago, that traffic is of concern. This is one of the reasons why the District updated its Master Plan and supported a major amendment to the Local Coastal Program that now describes in significant detail the project that is being proposed we wanted to make sure that when we proposed a project, that our Master Plan, with its program level EIR, the San Luis Bay Area Plan, and the proposed project all aligned. This is the case; this project is an implementation of all that planning. Final design and operational matters will be determined by the Harbor District, in public meetings, and will require County review for conformance with the environmental review and coastal development permit, when one is received. The San Luis Bay Area Plan defines how traffic studies are to be conducted, and this we have done. The one wrinkle is that the consultant insisted on assuming 100% occupancy at the campground. While I am sure any operator would be delighted with that, all projections are for numbers more like 75% to 80%.

I am sorry I cannot be there to discuss this in person with AVAC, but prior commitments have me out of town. Steve"

d) PG&E/Diablo Canyon - Eric Daniels read the following report:

- 1) Unit 2 at Diablo Canyon Power Plant was safely returned to 100 percent after a scheduled refueling and maintenance outage that began Oct. 5. Unit 1 is safely operating at 100 percent power. During the outage about 1,000 contract workers joined PG&E employees in performing more than 10,000 work activities, which included a refueling of Unit 2, equipment upgrades, extensive safety inspections and tests, and numerous plant improvements. More than 120,000 hours of work was safely completed in support of the continued safe, reliable, and affordable operation of the clean energy facility.
- 2) I have been assigned a new territory and my
- 3) focused area will shift from most of San Luis Obispo and all of Santa Barbara Counties' communities to those in Santa Cruz, San Benito, and Monterey. I will retain the local communities of Paso Robles, Atascadero, and Grover Beach in my portfolio. John Shoals will step in as the sole liaison of PG&E for AVAC and the communities that I will be leaving. I will, however, be your host at the EEC tonight. See you then.

10) AVAC Committees

- a) Land Use - Sherri Danoff indicated that the items had been discussed.

- b) Diablo - Ken Thompson thanked Eric Daniels for his professionalism and hard work.
 - c) Port - Mary Matakovich is happy to be elected to the Harbor Commission.
 - d) Avila Beach - No report
 - e) San Luis Bay Estates - No report
 - f) Avila Valley - No report
 - g) See Canyon - Denise Allen stated: Code Enforcement has been involved with the development in See Canyon with Educational Mitigation including posting signs and distributing pamphlets; Denise Allen wrote a letter to Supervisor Hill, asking him to remind the developer of his responsibility which resulted in reposting of the signs and distribution of the pamphlets.
 - h) Squire Canyon - Kirk Collins expressed that there are issues and concerns around flooding and the flow of the creek.
- 11) Next Meeting Date: Monday, December 8, 2014 - 7:00 PM
12) Adjourn at 9:03 PM.

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November 2014

Greetings, Members of the Avila Valley Advisory Council:

AVAC has asked me to provide a brief summary of the Wild Cherry Canyon conservation project, and I happy to do so.

As you know, Wild Cherry Canyon is a nearly 2500-acre undeveloped, coastal property located between Avila Beach and Port San Luis. For many years, the American Land Conservancy (ALC) was under contract to purchase the land interests of Wild Cherry Canyon, and transfer those to State Parks. State Parks was then to establish a new open space recreational area for the public, including a several-mile coastal trail connection through the Irish Hills.

The land interests of Wild Cherry Canyon are complex, but the simple explanation is that a partnership led by Denis Sullivan holds two, back-to-back leases on the property that extend another some 160 years. Thus, most if not all of the rights and obligations associated with the ownership of Wild Cherry Canyon for the next 160-ish years are under control of the partnership. The underlying fee title, however, is owned by a subsidiary of PG&E called Eureka Energy. If the ownership doesn't change, therefore, once the leases terminate many decades from now, the control and total ownership of the land would revert to PG&E.

ALC had made excellent progress in advancing the Wild Cherry Canyon project. First, it had negotiated with PG&E for the transfer of the underlying fee title to the state. Second, it had raised over \$14 million towards the purchase of the long-term leaseholds from a variety of sources including the Wildlife Conservation Board, the State Coastal Conservancy, CalTrans, the Regional Water Quality Control Board, the County of SLO, SLOCOG, the Hind Foundation, and private foundations and individuals. However, in order to close the deal and open the park,

the last part of the funding had to be secured. This over \$6 million portion was to come from State Parks (a budgeted amount), which requires approval by the State's Public Works Board. Staff of State Parks had worked very diligently to prepare the approval package for the Public Works Board. However, the Wild Cherry Canyon project was never agendized on the Public Works Board agenda, and therefore the vote to fund the project using State Parks funds never occurred. There are a multiple reasons that the item was never agendized. First, the item was set to be agendized in late 2011, but then-Governor Schwarzenegger pulled it from consideration as punishment for then-State Senator's Blakeslee's earlier budget vote. Second, by the time Governor Brown took office in 2012, the state was facing difficult budgetary times, and very few if any new State Parks acquisitions were being advanced. Frustrated by the multiple delays, the partnership terminated ALC's option to purchase and the deal was official dead by the spring of that year.

It is unfortunate that the partnership gave up on conserving Wild Cherry Canyon, as much has changed in state government since then. The economy has strengthened and the political and financial environment for new park acquisitions has improved dramatically. Indeed, the nearby Pismo Preserve project (sponsored by the Land Conservancy of San Luis Obispo County) just recently closed, and this new 900-acre coastal public park will be open for visitors in 2015. Interestingly, funds allocated for Wild Cherry Canyon from the State Coastal Commission and the Wildlife Conservation Board were moved from that project to help close Pismo Preserve. If the owners of Wild Cherry Canyon decided to adopt another 100% park/conservation approach, the local Land Conservancy would be well positioned to take the lead on the project and there is much public and state agency support for this outcome.

If you would like additional information or have questions, please don't hesitate to contact me. Thank you for this opportunity to discuss Wild Cherry Canyon, a truly unique property that, if conserved, would provide fabulous benefits for people, wildlife, as well as our local economy.

Sincerely,
Kara A. Woodruff