CALL TO ORDER and ROLL CALL  
Chair La Fevers called the meeting to order at 5:35 p.m.

**Commissioners Present:**  
David Allen, Vice-Chair  
Jane L. Benefield  
John Callender  
Glenn La Fevers, Chair  
John Moyer

**Others Present:**  
Alexandra Barnhill, Deputy City Attorney  
Nick Bobroff, Associate Planner  
Jackie Campbell, Community Development Director  
Shanna Farley, Assistant Planner  
Approximately 10 interested persons

**PLEDGE OF ALLEGIANCE** - Chair La Fevers called for the flag salute.

**INTRODUCTIONS, PRESENTATIONS, ANNOUNCEMENTS**  
Community Development Director Jackie Campbell announced that at 5:30 p.m. on February 16th the City Council will hold a special meeting in the Council Chambers to consider whether to take a position on the Paredon Oil and Gas Initiative. She added that City Hall will be closed on Monday, February 15th.

**CONSENT CALENDAR**  
Minutes of the regular Planning Commission meeting held January 4, 2010.

**MOTION**  
Upon a motion by Commissioner Benefield, seconded by Commissioner Allen, the Planning Commission voted 5-0 to approve the minutes of the regular Planning Commission meeting held on January 4, 2010.

**NEW PUBLIC HEARING**  
**Durtche Residence Addition**  
**Planner: Nick Bobroff**  
Hearing on the request of Barry Horwitz, agent for Robert Durtche, to consider case No. 09-1524-DP/CUP/CDP (application filed August 26, 2009) for review under the provisions of the Planned Residential Development (PRD-20) Zone District to construct an addition to an existing single family residence partially located within the street-side setback; and to consider the exemption pursuant to §15301 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA). The application involves APN 003-303-006, addressed as 4791 Seventh Street.

Associate Planner Nick Bobroff presented the staff report. He provided a description of the project and site location, and reviewed the project’s history. He explained that the existing dwelling is legal non-conforming in terms of parking and the street-side yard setback, and that the proposed addition would resolve the parking nonconformity by adding a new two-car garage. He provided an analysis of the findings that need to be made for a Conditional Use Permit to be issued. He said staff was recommending approval of the project.

In response to a question as to whether Public Works would require installation of a sidewalk and repositioning of a hedge along Holly Avenue, Mr. Bobroff explained that the Conditions of Approval require a sidewalk and that the owner has the option to re-install a three-foot tall hedge or fence behind it.

**PUBLIC HEARING OPENED**
Chair La Fevers opened the public hearing at 5:52 p.m.

Barry Horwitz, agent for the applicant, reminded the Commission that they reviewed the project conceptually in November and at that time seemed receptive to issuing a CUP for the encroachment into the side yard. He said the applicant is in agreement with the staff report and conditions as they appear.

PUBLIC HEARING CLOSED
Chair La Fevers closed the public hearing at 5:53 p.m.

Commissioner Benefield said the project was good and she would support approval.

Commissioner Callender said he seconded Benefield’s comments.

Commissioner Moyer said the project was nice and an improvement to the property.

Chair La Fevers concurred with the statements and said he was pleased everything worked out with the ARB. He noted there was a consensus.

MOTION
Commissioner Allen moved and Commissioner Moyer seconded to adopt the resolution approving Project Number 09-1524-DP/CUP/CDP. Motion was passed 5-0.

Carpinteria Sanitary District Bluffs Project  Planner: Shanna R. Farley

Hearing on the request of Penfield & Smith, agent for Carpinteria Sanitary District, to consider case No. 09-1535-CUP/CDP (application filed November 25, 2009) for review of a proposal to construct a new sewer line along Carpinteria Avenue and Dump Road. The project includes siphon pumps, manholes, abandonment in place of the existing sewer line along the Carpinteria Bluffs and removal of manholes along the abandoned line; and to accept the Mitigated Negative Declaration prepared by the Sanitary District pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). As a result of this project, significant but mitigable effects on the environment are anticipated in the following categories: Aesthetics, Cultural Resources and Biological Resources. The application involves Carpinteria Avenue between the western side of the Carpinteria Creek Bridge and the City boundary at Highway 150. Various zone districts are included in the review of this project.

Assistant Planner Shanna Farley presented the staff report. She provided information on the project’s background and site characteristics and reviewed the project’s history. She described the installation of new lines and manholes that would take place. She provided an analysis of the project and explained that it was found consistent with all applicable policies of the General Plan/Coastal Plan. She provided environmental information on the Mitigated Negative Declaration. She said staff was recommending approval as presented.

In response to a question about where damage and erosion had been occurring, Ms. Farley explained that a repair had been made behind the S & S Seeds building adjacent to Viola Fields. She also explained that Condition 30 requires that the Sanitary District be responsible for repairs in the event of a failure of the abandoned line and an encroachment permit would include a requirement for posting a financial surety (Condition 37). She said it is typical for abandoned lines to be left in place and to be filled with a slurry mix.
PUBLIC HEARING

Chair La Fevers opened the public hearing at 6:17 p.m.

Craig Murray, General Manager of the Carpinteria Sanitary District, said his organization has been planning the project for over a decade and its total cost would be $2.5 million. He spoke about how lines are to be placed in more accessible areas and noted the new lines would be a benefit to the commercial buildings on the bluffs. He said the project was partially funded through Proposition 50 grant money and that Citizens for the Carpinteria Bluffs was supportive throughout the grant process, and that the project would allow the environment on the bluffs to be more natural. He explained that inert drilling mud would be used for the segment under Carpinteria Creek and if the mud makes it to the surface there is a contingency plan in place. He said there is also a re-vegetation plan for areas where manholes are being removed on the Bluffs. Regarding the pipelines, he explained that they are made of vitrified clay and are not expected to collapse, and that their depth ranges from five to ten feet. He noted they are generally deeper than water and gas lines.

Regarding a question from Commissioner Allen about the effects of the lines if they were to collapse, he explained that they are not like a water line failure and that he does not think you would see anything significant with an abandoned line. He said the plan for abandoned lines is to plug the ends of each line with concrete.

In response to a question from Commissioner Moyer regarding whether two water mains on Dump Road were not included on the plans was an issue, he said that the engineering firm’s plan set for the land use permit did not depict every underground utility and that they would work with the Water District. He said the average depth of the new sewer line was eight feet, and fifteen to eighteen feet at the Bailard Avenue interchange where topography dictates.

Commissioner Callender expressed concern that staff received a letter from the U.S. Fish and Wildlife Service with mention of adverse impacts to federally listed species that could occur on the project site and the Commission is being asked to certify that negative impacts are being mitigated. Mr. Murray answered that the Sanitary District intends to address any concerns from agencies and intends to undertake any recommendations listed in the letter.

Community Development Director Jackie Campbell explained that before the City issues the Sanitary District engineering permits to start work they will require that the District obtain all other regulatory agency permits, including Fish and Wildlife and Fish and Game.

Chair La Fevers asked for clarity on construction activities and hours of operation. He said boring activities might be a 24-hour operation and the permit conditions do not reflect that. Mr. Murray explained that there is one part of the project that might go beyond the 7:00 a.m. to 4:00 p.m. hours, but that the engineering consultant does not think it will take more than one overnight period.

Assistant Planner Shanna Farley asked the Commission to look at Condition 20. She said they would like to edit the condition to extend hours to allow flexibility in the event of a frac-out or continuous drilling under Carpinteria Creek for that segment of the new line.

Mr. Murray continued to answer Commissioners’ questions, explaining that they hope to bid the project in the near term because the bidding climate is favorable. He said the sequence of the project depends on the contractor’s preference, but the Sanitary District would like to start the project this summer. Regarding traffic effects, he said they would make their way down Carpinteria Avenue and construction might last six to eight months.
Giti White of the Rincon Point community said relocating the sewer line from the bluffs is a good idea and long overdue, but she would like it coordinated with an environmental review and permitting process. She asked the Commission not to “rubber stamp” the Sanitary District’s MND and to not issue a CUP. She asked that more time be taken to work with the applicant on a process that informs decision makers and community members of the foreseeable consequences of the project. She pointed out that the project not only relocates lines but increases their capacity and extends them into areas that currently do not have sewers, which might be growth inducing. She asked that the application be revised to give more disclosure of the size and capacity of the lines, their connections to other lines, and potential environmental impacts. She expressed concern that manholes are being relocated to an area that routinely experiences flooding and might pose risks to water quality when inundated. She asked that the potential impacts to water quality be disclosed, analyzed and mitigated as a condition to any CUP for the project.

PUBLIC HEARING CLOSED
Chair La Fevers closed the public hearing at 6:50 p.m.

Commissioner Allen asked for information regarding the issue of piece-mealing. Community Development Director Jackie Campbell explained that the Septic to Sewer program which included Rincon Point and the Sandyland area already had EIRs prepared which looked at growth inducing effects and cumulative effects. She said staff believes that these effects have already been analyzed. She said undeveloped properties on the bluffs are in the urban area, are zoned for specific uses and have already been scoped in the City’s General Plan. And, there is no agricultural land in the immediate area. Therefore, connecting to a sewer line on Carpinteria Avenue as opposed to the bluffs does not create a growth inducing effect.

In response to a question from Commissioner Moyer about possible flooding in the manholes, Campbell stated that the MND addresses water quality and hydrology and concludes there is little or no significant impact on those areas (pages 29-30 of MND). She said the project area does not cross a floodplain.

Mr. Murray said he did not think the location of the manholes would be subject to flooding, either in a routine or catastrophic event.

Commissioner Allen stated that he has not seen the Rincon Point EIR but accepts staff’s comment that it analyzes the cumulative impacts. He added that the uses and densities of undeveloped parcels were anticipated by the Sanitary District through review of the General Plan and the Coastal Plan update in 2003. He said adequate analysis has been completed regarding growth inducing effects of the proposed lines, and he is satisfied by the condition for repair of the lines in the unlikely event of failure. As the benefits far outweigh the negatives regarding relocating lines out of the bluffs, he expressed his support for the project.

Commissioner Benefield agreed with Commissioner Allen’s comments and said there are enough conditions to make the project viable.

Commissioner Callender expressed concern regarding the Fish and Wildlife Service’s letter but said he did not see sufficient cause to vote against the project. He said the Sanitary District is dealing with parts of Carpinteria that are treasured and valued at a very high level and asked them to take the appropriate caution in carrying out the project so that there are no negative impacts.

Commissioner Moyer described the project as great and that he is all for seeing it start as soon as possible. He commented that he will not be afraid to go into the
ocean certain times of the year due to pollution.

Commissioner Allen thanked Giti White for her comments regarding growth inducement and said they might be valid but the Commission is constrained in that the development at the bluffs is anticipated in the General Plan. He said the potential for use is not an issue they can examine in what they are charged in doing tonight.

Chair La Fevers echoed his support for the project. He said he reviewed the MND and found it acceptable. He agreed with Commissioner Allen that the project brings significant benefits along with minor impacts that can be mitigated. He said the Conditions of Approval in the staff report do an excellent job of encompassing both the City’s requirements as well as those of the MND and comment letters from agencies. He said there appears to be a consensus and asked for a motion for approval.

MOTION
Commissioner Callender moved that the Commission accept the recommendation and adopt the resolution approving Project 09-1535-CUP/CDP. Commissioner Benefield seconded the motion and noted it should include amendments, changes and revisions to conditions put before them. Motion was passed 5-0.

MATTERS PRESENTED BY COMMISSIONERS
Commissioner Benefield stated that she was impressed with a discussion she attended involving department heads, the City Council, and members of the public concerning the City Work Program for 2010. Regarding the Paredon Oil and Gas Initiative, which she distinguished from the Paredon Project, she said it is the Planning Commission’s obligation to inform the public of how it affects the planning process. She said it strikes at the heart of the Planning Commission’s purpose and expressed concern that people are not going to read the Elections Code 9212 Report, which describes the Initiative and its effects. She asked about how the information regarding the planning impacts can get out. She asked whether the Commission could participate in the upcoming workshops, maybe as panel members, and how they can be most effective in the process.

Chair La Fevers questioned whether the discussion was appropriate, noting it had been dealt with by the Commission at the previous meeting.

Deputy City Attorney Alexandra Barnhill said that providing an update regarding the status of the Commission’s prior request to the City Council was appropriate. She noted that because no action is being taken that Commissioner Allen would not have to recuse himself. She pointed out that the Commission had made efforts to contact the City Council and offer its services. She stated that the Council will be considering the issue at an upcoming special meeting and as individuals they could attend the meeting and communicate with the Council but noted that the Council has not thus far requested the Commission’s presence at that meeting or their input into the process regarding the Initiative. She identified several ways in which the public could be informed about the Initiative’s impacts on the planning process. She noted that there will be upcoming community roundtables which the public can participate in; the City is considering addressing issues related to the initiative on a “Frequently Asked Questions” portion of their website; and the public can review staff reports and the Elections Code 9212 Report in order to educate themselves, as well as the City Attorney’s litigation regarding the land use effects. She said staff believes that those measures are sufficient to inform the public how the Initiative affects the planning process.

Commissioner Callender stated that he would support holding a public hearing which would include a staff report regarding the Elections Code 9212 Report. He noted General Plan guidelines state the Commission should promote
understanding of the General Plan and expressed concern that we will be living with the effects of the Initiative for many years to come if it is passed. He asked for an agendized item and for the public to be invited.

Deputy City Attorney Alexandra Barnhill explained that staff does not see an avenue for adding such an item to the agenda absent direction from the City Council, which has delegated some of their planning authority to the Commission. She said there is no way to put it on the agenda in a traditional manner because the Commission would not be issuing or making a recommendation on a permit for development or amending a local land use law, and if agendized, it is not clear what decision they would be making. She said she believed their concerns would be addressed in another context.

Chair La Fevers announced that the League of Cities Planning Institute will be held in Monterey in March and there is an opportunity for Commissioners to sign up to attend. Commissioners Benefield and Moyer indicated they would be attending and would bring a report back to the Commission.

**DIRECTOR’S REPORT**

a. Distributed Information
   i. City calendar for the month of February 2010
   ii. Community Development Project Status Report as of January 31, 2010
   iii. Construction Permit Report as of January 31, 2010

Community Development Director Jackie Campbell noted that the ARB meeting of January 14th was cancelled and ARB minutes from the January 28th meeting will be in next month’s packet.

**ADJOURNMENT – 7:15 p.m.**

ATTEST:

Secretary, Planning Commission

Chair, Planning Commission