



**LOS OSOS COMMUNITY ADVISORY COUNCIL**  
**October 28,2021 7pm Zoom**

The LOCAC meeting was **called to order at 7PM** and the **Roll Call** showed as present Trish Bartel, Sue Morgenthaler, Lynette Tornatzky, Jim Stanfill, Larry Bender, Tim Carstairs, James Bishop, Deborah Howe, and Jan Harper. Council members absent were Yael Korin and Sandra Sarrouf. Yael Korin arrived t 8:29pm.

**COUNTY AND LOCAC AGENCY REPORTS** began with **Captain Klingenberg of the California Highway Patrol**. Los Osos saw 7 collisions and one DUI arrest during the month of September. Most all accidents were non injury events. This month the CHP initiated Focused Traffic Enforcement on Los Osos Valley Road with their Motorcycle Officers. This will be done periodically throughout the year.

Council Member Deborah Howe asked for details regarding traffic incidents on El Morro near the elementary school, her concern being the safety of children going to school. Statistics were asked of the Captain regarding calls at that location as were statistics requested by resident Jeff Kreps regarding speeding violations in our residential areas.

**Kerry Brown gave her County Staff Report**. The first announcement is that the Los Osos Vacation Rental Ordinance was postponed by the Coastal Commission last month but is now scheduled for a November 17<sup>th</sup> hearing.

The County search for a firm to do a water offset study received one proposal, and they are hoping to award the contract within the next couple of weeks. The time frame involves 3 months for recalculations, then 2 months for public review.

**Supervisor Bruce Gibson** elaborated on Kerry's announcement of the Vacation Rental Ordinance at the Coastal Commission. He believes the ordinance will go forward as it was initially recommended with no significant changes. He will be present at the meeting to speak and/or answer questions if needed.

Kansas continues to operate for the homeless. Blake Fixler is doing day-to-day management of the site having had experience dealing with managing public expectations with situations during COVID. Kansas is still at less than full capacity. As of today, the no overnight camping ordinance in Los Osos goes into effect. Signs were posted, enforcement can start as notice has been given to all who are in violation. Tent encampments are still an issue and are the next level of challenge as those camped in tents require a greater level of service than those sleeping in vehicles.

For redistricting, the county only received the new census numbers last month, numbers to use for drawing lines for the new supervisorial districts. There was not much population growth during the last 10 years so essentially the present lines do not need to be changed.

There were radical changes proposed with some of the maps, one from the staff was put in simply to show the effects of changing things within the city of San Luis Obispo. One has North County breaking up District 2, taking in Cambria and San Simeon. District 2 has been intact for 50 years and is a group of several "communities of interest." There should be a significant amount of public input to oppose this suggestion.

The next redistricting meeting will be on November 19<sup>th</sup>, bringing the next set of map options and public input. At the November 30<sup>th</sup> meeting, the supervisors will vote on one map to promote. There is a growing concern as to how radically the districts should be divided and the decision will be made by a simple majority of the board.

Questions raised to Supervisors Gibson started with when might the tent encampments be moved? Again, there must be reasonable alternatives, places for these folks to go. The county here is dealing with more severe mental health and addiction issues. A program manager is being searched out.

Blake Fixler announced that as of November 1, the RTA will be making an hourly stop at the Kansas site in both directions, not just the single stop a day that presently exists.

Deborah Howe asked why is redistricting occurring if it isn't necessary? It remains to be seen what the individual supervisors will say. Only Supervisors Gibson and Ortiz-Legg expressed any direction as to where the maps might be headed. None of the others indicated any policy direction other than to ask that more maps be submitted by the public. The basic structure has worked for a long time, voting age populations and protected groups are evenly balanced. Our changes must compare to that.

Chair Trish Bartel suggested perhaps LOCAC could submit a letter to the county in support of maintaining District 2 intact. Supervisor Gibson added that we need to be grouped in appropriate boundaries so our voice can be heard. What happens now will be in place for 10 years, this is our time to participate in our democracy.

Dave Bowlus asked if San Luis Obispo should be under one supervisor. Apparently with all the comments coming in, they have only heard from 3 people that think San Luis Obispo should be united. The elected leaders in SLO are fine with the way the present supervisorial districts represent their city. Many in SLO see their community interest as the county: economics, government, a cultural hub, etc. Also, the natural result of forming districts is respectful to the geography of the area. The city as a whole is large and challenging to lump together.

A question was asked if there was confidence in the accuracy of the census numbers. The Supervisors are accepting them as accurate; they have heard no specific critics speaking out nor any law suits over false numbers. They are just being accepted for what they are.

Chris Isler asked if we could request a more scheduled patrol through the park on Palisades, it is a dangerous situation. The children are losing a wonderful facility between the library, the park, and then of course there are the tennis courts, the community center, the Catholic Church...impacts are everywhere.

The Sheriff takes care of safety for the residents, on Palisades it is complicated as the individual situation of each homeless person is different. Law enforcement is out there interacting with the homeless and they bring with them, among others, psychiatric help and social workers. If anyone witnesses any specific safety issues, please call the sheriff at 805-781-4550. They are out regularly.

**CSD Director Tony Gatchell gave the CSD report.** The CSD is also redistricting for voting and representation. Their next meetings will be held on November 4<sup>th</sup> and December 2<sup>nd</sup>. Draft maps are on the CSD website, questions can be directed to Ron Munds.

CSD is now working again with Parks and Rec on the community dog park. He encouraged public participation, then next meeting for these discussions is with Parks and Rec on December 14<sup>th</sup>.

The Emergency Services committee will be meeting on November 18<sup>th</sup> to discuss future emergency services. Water infrastructures are moving forward on a couple of wells, one set to increase production with 125 acre feet of water when completed.

**Lynette Tornatzky had a busy Chamber of Commerce month.** Oktoberfest this year will be Oktoberfest, a drive through event on October 31<sup>st</sup> from 12 to 3pm. Drive through to pick up your German BBQ and growlers! Tickets are available Friday from 11-2 at the Chamber office, and until the event on the 31<sup>st</sup> they were still available at Nardone.

Light up Los Osos is on again in December, no date has been specified as of yet. Christmas tree lighting at the corner of Los Osos Valley Road and Palisades is set for December 3<sup>rd</sup>. On December 11<sup>th</sup> the Christmas Parade will be returning. Please check the Chamber's page for details, lbpchamber on Facebook.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA** Patrick McGibney updated us on the last BMC meeting. The BMC is recommending a change the sustainable metric used in data calculations from 2700 acre feet yearly to 2300 acre feet. The

last 6 years the metrics showed sea water still coming in, the BMC is trying to reverse that. Unmetered well usage cannot be calculated but a good example of usage is the Sea Pines Golf course . Their use is estimated at 50 acre feet a year of water from the aquifer plus another 30 acre feet a year from recycled water. That 80 acre feet a year adds up to 25 million gallons of water, 71000 gallons a day to keep their greens. As long as wells are unmetered, we cannot judge consistently nor accurately what usages are.

Jeff Kreps noted that the Traffic and Circulation Committee has not met for a long while. He'd like to know how engaged we are with a new biking plan. The BAC has a new methodology for listing future projects, but this does not change our status for the list. In November they will be discussing their plans to go forward with their new title which is more inclusive of other alternative modes of transportation. This will be a time we can comment and get involved, perhaps give us a chance to get onto their project list.

We've seen no changes from Parks and Rec since 2006, how do we make sure we are making ourselves heard?

**MINUTES FROM THE SEPTEMBER 23<sup>RD</sup> MEETING WERE APPROVED.** Motion by Jim Stanfill, 2<sup>nd</sup> by Lynette Tornatzky

## **LOCAC COMMITTEE REPORTS, COMMENTS, ACTION ITEMS**

**Treasurer's report, Deborah Howe.** We still do not have access to our bank account of \$1742. Our check from the county for \$1461 has not yet been deposited. Our 501 (c) (4) notice from the IRS has arrived and we have an appointment next week to sign signature cards. Deborah will make sure there will never be only one signer on the account so that this will not happen again in the future. The Chamber needs to be paid, Sandra for zoom and Lynette for help and security with the website.

## **COMMITTEE REPORTS:**

**Larry Bender of the Land Use Committee** will discuss a couple of projects that follow later on the agenda. There will be a few more coming up next month and he asked that LOCAC decide when the November meeting will be rescheduled.

**Jan Harper from Traffic and Circulation** reported there have not been meetings as there has been nothing new to discuss. She stays in contact with both our county liaison and the 2 representatives from our area on the Bicycle Advisory Committee.

**Deborah Howe** went to the last Bicycle Advisory Committee meeting. They are considering to converting to an active transportation committee, allowing them access to more funding.

Deborah asked if there would be interest in starting a subcommittee of LOCAC that would deal with active transportation such as walking, biking, etc. It was clear a subcommittee is a great idea and there were words of encouragement for that effort. We have a place for an active lifestyle, but we do not have the paths to support this.

She has already been working on a path to the elementary school, where the children need to find safe travel. SLOCOG provides funding for this, but we need to be a LOCAC Committee.

Jeff Kreps spoke of a 2018 grant for a block of sidewalk on El Morro that keeps getting deferred. Latest projected date was 2021.

**Ad Hoc Water committee of James Bishop and Deborah Howe** offered us a presentation, an overview of how the sea water intrusion works with our basin. Fresh water and ocean water exist in balance within the aquifer. The location of where they interface is based on elevation of freshwater above seawater. If the elevation of the freshwater is reduced, the sea water edge will come in, if that point raises, the sea water level will move out. They want to raise the freshwater elevation.

Maps were shown giving location of our monitoring wells. They are not plentiful, and not all that accurate. If anyone is interested in this presentation, please go to [LOCAC.info](http://LOCAC.info) and listen to the recording of this LOCAC meeting, the presentation starts at approximately 8:14.

Patrick McGibney noted that the sustainable yield for our basin is an estimate. Anything under 80% means we have a margin of safety. With the sustainable yield adjustment, we have no safety net. We had thought there was excess water due to the bad numbers used for the calculations. The county has been giving away water we do not have. The new number in place for the sustainable yield is 2300, down from 2900.

8:29 Yael Korin arrived.

Linde Owen noted that salt water is still expanding into the lower aquifer, despite James' positive outlook, we still have things to take care of. Even the CSD is talking about outside water. She urges caution.

When Deborah spoke, her first comment was that the purpose of the ad hoc water committee is to provide information, they do not take a position.

The latest from the BMC sustainable yield data regards the amount of water that can be taken out of the basin without causing sea water intrusion. With old metrics, we were safe but with the revised calculations, we are no longer. The most significant change came from the Broderson leach field where the input of water back into the basin has been lower than expected. We are only getting 50% of the benefit expected from that water. They are hoping that will improve over the next 3-5 years.

Presently the BMC has approved funds for a transient model for testing, different from the method they are now using. The system is more accurate and will improve their ability to predict the basin in the future. The BMC is receiving \$150000 from the county, they are petitioning for matching funds for the remainder of the \$300000 needed.

Many California communities have had to truck in water, we are fortunate to have an aquifer.

Before moving on to the Consent Agenda, Trish asked for clarification on the intent of the statement we made about our actions going forward when reviewing a project with new water usage. We will condition when we can, otherwise we have chosen to deny recommendation of a project with new water use because of our water situation.

## **CONSENT AGENDA**

- **C-DRC2021-00013 MUP for addition of 410sf of living** areas to existing single family residence in Los Osos. Mary and Floyd Hogue owners, Timothy Belcher Design. This was passed unanimously by LUC, it involves no new water usage.

This project was unanimously approved by LOCAC.

## **REGULAR AGENDA ITEMS**

- **C-DRC2021-00014 New single- family residence**, Bill Hurley of Dos Osos Timberworks and Paul and Melanie Kasson, owners. This project was not recommended for approval by LUC. The vote was 4 against the project, 2 for the project, 1 abstain. There seemed to be no question the owners are following county directions, but the 4 against approval voted in support of the LOCAC letter “Expect us to condition projects where we can, and project denials will be made with the understanding that existing building requirements may not address the current basin condition, thereby imperiling the ability of Los Osos to have a water supply adequate for

current residents.” 2 felt strongly the owners are complying with the county regulations.

In introducing this project, Larry Bender said the this is a new house normally considered good, but since there are questions for future water concerns by the committee, LUC could not come to a consensus.

Again, LOCAC discussed the letter and our water concerns. Sue Morgenthaler reminded the group that our job is not to blindly ok a project because the county says they are following county regulations. Our job, as designated in the “Annual Reporting and Formation Guidelines for Community Advisory Councils” is:

*CACs understand that they are to include comments with their recommendations which explain their reasons for supporting or not supporting a proposal, and on how the proposal may affect their community. It is acknowledged that CAC’s do not directly approve or deny projects.*

Bill Hurley, contractor for this project, reiterated that the Kassons (applicants) have followed the rules and all that was asked of them by the county.

A comment from the public reminded us that much of Los Osos lives under a building moratorium, is it really fair that some can build, some can’t? Also, at this point we are in overdraft, our basin is not sustainable.

Motion: Although all county rules are being followed, we deny recommendation of this project based of new water usage. Again, “Expect us to condition projects where we can, and project denials will be made with the understanding that existing building requirements may not address the current basin condition, thereby imperiling the ability of Los Osos to have a water supply adequate for current residents.”

The denial passed 3-2 while 4 abstained.

- **C-DRC-2021-00008 Request for a MUP/CDP** to build a 10-stall horse barn (3185sf), 65'X135" horse riding arena, a 1200 sf ADU with new water and septic system on the property. James Muscarella owner. Although this is new water usage, it does not involve drawing water from our basin. This was approved by 6, with 1 abstain.

The builder stated they were told by the county that ADUs are not legal therefore they have altered their plans to make the additional unit a guest house. The size of a guest house maxes out at 600 square feet.

Although this project lies above a different aquifer, questions were raised regarding runoff from the new uses and the Los Osos Creek, a creek that runs out to the ocean and as it travels, seeps down into the Los Osos aquifer.

The creek is approximately ¼ mile from the horses. Kerry was asked if the county would condition the project with the safety of the creek. She said they would normally consider that but there is nothing specific they would be required to do.

Tim Carstairs made a motion to recommend approval of the project, Lynette made the 2<sup>nd</sup>. There was 1 abstained, the rest of the council voted to approve.

- **LOCAC Position on Redistricting**

We will draft a letter requesting the District 2 coastal region and is “communities of interest” stay together during the redistricting process. We need to add our voice in opposition to dividing the coastal communities, the “communities of interest” of the North Coast. This letter will be approved by the Council through email then forwarded to the Supervisors. If there are any comments by the public, please speak up and contribute.

Next meeting will be November 18<sup>th</sup>, 7pm on zoom.

**Meeting adjourned at 9:19.**

