

Tuesday, March 19, 2002

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 A.M..

**PRESENT:** Supervisors Harry L. Ovitt, Peg Pinard, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Shirley Bianchi

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.**

**SUM            AGN**

1            A-1    **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES:**            Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi  
**NOES:**            None  
**ABSENT:**        None

**RESOLUTION NO. 2002-118, resolution proclaiming Monday, April 1, 2002 as "Cesar Chavez Day of Service and Learning" in San Luis Obispo County, adopted.**

**Chairperson Bianchi:** reads the resolution; indicates Governor Gray Davis has also proclaimed April 1, 2002 "Cesar Chavez Day of Service and Learning."

2            B-1    This is the time set for members of the public wishing to address the Board on items set  
              thru    on the Consent Agenda.  
              B-18

**Chairperson Bianchi:** opens the floor to public comment without response.

Consent Agenda Item B-9 is withdrawn. Item B-14 is amended by deleting pages 46 through 69.

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

**AYES:**            Supervisors Ryan, Ovitt, Pinard, Achadjian, Chairperson Bianchi  
**NOES:**            None  
**ABSENT:**        None

**Consent Agenda Items B-1 through B-18 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-18, as amended, are on file in the office of the County Clerk-Recorder and are available for public inspection.

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Board of Supervisors Items:

B-1    Reappointment of Leon Herman and Lester Hoffman to the Estrella Public Cemetery District, **Approved.**

B-2    Reappointment of Kelly Wicks and appoint Greg McMillian to the Shandon Public Cemetery District, **Approved.**

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County Fire Items:

B-3    Purchase of fire department rescue vehicle and equipment to provide emergency medical response in the Carrizo Plains and California Valley; and 2) a budget adjustment in the amount of \$115,000 from County Fire Public Facility Fees; 5th District, **Approved.**

- B-4 Amended agreement with TriTech Software Systems to provide fire department computer aided dispatch hardware and software technology enhancements; and 2) a corresponding budget adjustment in the amount of \$91,992 from County Fire Public Facility Fees, **Approved.**

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General Services Items:

- B-5 Amendment to the fixed asset list for Budget Unit 2300 - County Garage, replacing five vehicles totaling \$117,700 and approve a corresponding budget adjustment in the amount of \$16,121 from Budget Unit 2590 - Sheriff-Coroner Inmate Welfare Fund, **Approved.**
- B-6 Budget adjustment in the amount of \$100,000 from Public Facilities Fee - Fire, to fund a capital project to create a modular facility at the Morro/Toro Fire Station, **Approved.**
- B-7 Response to Auditor-Controller's recommendations of Lopez Lake Recreational audit, **Received and Filed and staff is directed to return with final action within six months.**
- B-8 Contract with Bomar Security & Investigation to provide security guard services at the San Luis Obispo County Regional Airport, **Approved.**
- B-9 Request to approve a agreement with the Partnership for the Children of San Luis Obispo County to lease a portion of County owned property located at 717 Walnut Drive in the City of Paso Robles to develop a dental clinic for low income children, **Withdrawn.**

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Planning Items:

- B-10 Contract with VADO, Inc., to provide database administration services for the Tidemark permit tracking system, **Approved.**
- B-11 **RESOLUTION NO. 2002-119**, accepting an avigation easement from LOVR-SLO, for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**

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Public Works Items:

- B-12 Purchase of a trolley vehicle for Cambria Transit using Transportation Development for the 20% local match; 2nd District, **Approved.**
- B-13 Agreement with North Coast Engineering, Inc. for enhancement of Main Street, Cambria; and 2) a corresponding budget adjustment in the amount of \$61,425 from North Coast Road Impact Fees; 2nd District, **Approved.**
- B-14 The following map:
- A. Tract 1926, a proposed subdivision resulting in 18 lots by Andrew Charnley, Main Street, Templeton, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NOS. 2002-120 and 2002-121**, approving an agreement for road fees and an open space easement agreement; 1st District, **Adopted as amended.**

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Other Items:

- B-15 Reappointment of Curry Dillion and Joseph Gurican to the Emergency Medical Services Agency Board of Directors, **Approved.**
- B-16 Contract with Betty Woolslayer for completion of In-Home Supportive Services mandated "employer of record" activities to establish a public authority, **Approved.**
- B-17 Request to reduce the Economic Advisory Committee Membership, **Approved.**
- B-18 **RESOLUTION NO. 2002-122**, amending the position allocation list for Budget Unit

2660 - Probation by adding one limited term Deputy Probation Officer I/II position and a request to approve a corresponding budget adjustment in the amount of \$142,043 from the Sex Offender Management 2001 Grant Program, **Adopted.**

- 3 C-1 This is the time set for hearing to consider resolutions to vacate a portion of: 1) San Miguel Road, west of the City Atascadero; and 2) Fallen Oak Lane, southeast of the City of Paso Robles; 1st and 5th Districts.

**Mr. Tim Smith:** County Right-of-Way Agent, presents the staff report for San Miguel Road; states this request is by the property owner to provide the proper realignment of the road right of way; indicates this will allow for the relocation of the building setback for Lot 27 of the Colony subdivision; states this area is not within the County Maintained Road System and this request is consistent with the County General Plan; indicates staff supports the request.

**Supervisors Ryan and Ovitt:** address the maps on page C-1-4, with Mr. Smith responding.

**No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:** Supervisors Ryan, Achadjian, Ovitt, Pinard, Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**RESOLUTION NO. 2002-123, resolution vacating a portion of San Miguel Road a purported public road west of the City of Atascadero, Supervisorial District No. 5, adopted.**

- 4 C-1 **Mr. Tim Smith:** County Right-of-Way Agent, presents the staff report for Fallen Oak Lane; indicates this request is by the owners of the land adjacent to Fallen Oak Lane; states the owner intends to relocate agricultural fencing to the centerline of the old road to accommodate their new vineyard; indicates the road vacation is necessary to clarify the fence line boundary; states the area is not within the County Maintained Road System and is consistent with the County General Plan.

**Mr. David Peterson:** indicates he is representing Ms. Sharon Angles; states there are a number of issues relating to adverse possession and prescriptive easement and he believes they have reached an agreement with the Stinsons which would eliminate all issues of concern; asks the Board to postpone this item for approximately thirty minutes so the final agreement can be worked out.

**Mr. Ronald Waiton:** indicates he lives in the area; states his concern for a precedent being set and for future access to Fallen Oak Lane, with Mr. Smith responding.

**Chairperson Bianchi:** continues this item to after the morning break.

- 5 C-2 This is the time set for hearing to consider an appeal by Rebecca Adams of the Subdivision Review Board's approval of a parcel map/coastal development permit to subdivide an approximate 12,855 square foot site into two lots, located on the western corner of Cypress Avenue and "D" Street east of Ocean Avenue in the community of Cayucos; 2nd District.

**Mr. Terry Wahler:** Planning, presents the staff report; describes the site location; addresses survey errors involved in early lot boundaries which have created problems for the residents; presents a brief history of the applicants property; addresses the issues of the appeal including: 1) the Subdivision Review Board's approval of the variance is based on erroneous factual testimony; 2) dangerous ingress and egress; 3) parking; 4) the small parcel size; 5) the historical significance of the residence at 391 "D" Street, etc.; indicates staff's recommendation is to affirm the decision of the Subdivision Review Board.

**Ms. Rebecca Adams:** Appellant, states the ordinance prohibits the abandonment of a road

to provide sufficient square footage for a lot split; indicates the only reason the site has the minimum square footage to qualify is because of a previous road abandonment of ten feet that occurred after the 1980's; addresses the issuance of a variance; the front setback and parking issues; presents the Board with photos of the neighborhood; speaks to the historical significance of the property; states if the Board should deny her appeal she requests they require the Subdivision Review Board's original front setback conditions be met and a change of zoning from Residential Multi-Family to Residential Single Family on each newly created parcel.

**Mr. Leonard Lenger:** Land Surveyor Representing the Applicant, addresses the five foot setback from Cypress Ave.; presents the history of the garage/apartment and the survey discrepancy; addresses the lawsuit relating to the 10 feet; discusses the 10 foot abandonment and if approved the setback issues go away; addresses the landscaping.

**Chairperson Bianchi:** asks staff to show the pictures that the Applicant presented to the Board on the overhead projector.

**Ms. Margaret Crofts:** Applicant, thanks Mr. Wahler and the staff for their hard work..

**Ms. Adams:** reiterates her point relating to the ordinance specifically prohibiting the abandonment of roads to provide sufficient square footage for a lot split; addresses the size of the surrounding homes in the area.

**Supervisor Ovitt:** addresses a condominium in the area; questions if the project will have curbs, gutters and sidewalks.

**Mr. Richard Marshall:** Public Works, states the site currently has curbs, gutters, and sidewalks on "D" Street; indicates those improvements will also be required as a condition of the subdivision; provides the Board schematics to demonstrate the different options; states there is a provision within the standards which is referred to as "mountainous terrain"; indicates the assumption would be a parking lane would be provided on one side of the street instead of both and the result would be the street would be 30 feet instead of 36 feet; believes if the Board approves an abandonment of five feet instead of the feet discussed today it would be enough square footage and the property would still qualify for a subdivision.

**Supervisor Ryan:** questions the public's benefit, with staff responding.

**A motion by Chairperson Bianchi, seconded by Supervisor Achadjian to deny the appeal, adopt the resolution affirming the decision of the Subdivision Review Board, approving the Negative Declaration and Tentative Parcel Map./Variance/Coastal Development Permit C0 00-0008/S990220223P/D990146V, based on the findings in Exhibit A and C subject to the conditions of approval as set forth in Exhibits B and D and modifies the front setback to five feet under the provision to allow for the subdivision of the property, is discussed.**

**Supervisor Ovitt:** clarifies this would be a five foot abandonment that would allow for a full width street and curbs, gutters and sidewalks with, Mr. Marshall responding this will allow for the modified improvements.

**Supervisor Pinard:** asks if County Counsel would respond to the Appellants statement relating to the legality of the variance.

**Mr. Jim Orton:** Deputy County Counsel, states the ordinance prohibits the use of a variance to get below the minimum lot size and staff has testified that these parcels will meet the minimum lot size.

**Matter is fully discussed and thereafter, on motion of Chairperson Bianchi, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES:** Supervisors Chairperson Bianchi, Achadjian, Ovitt, Pinard, Ryan  
**NOES:** None

**ABSENT: None**

**the Board denies the appeal, approves the abandonment of five feet of the right of way on Cypress Avenue to allow for the subdivision and RESOLUTION NO. 2002-124, resolution affirming the decision of the Subdivision Review Board and conditionally approving the application of Margaret Crofts for Variance D990146V, adopted as amended. Further, the Board approves the Negative Declaration in accordance with the provisions of CEQA (PRC 21000 et seq.)**

- 6 C-2 **Thereafter, on motion of Chairperson Bianchi, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES: Supervisors Chairperson Bianchi, Achadjian, Ovitt, Pinard, Ryan**  
**NOES: None**  
**ABSENT: None**

**the Board approves the abandonment of five feet of the right of way on cypress Avenue to allow for the subdivision and RESOLUTION NO. 2002-125, resolution affirming the decision of the Subdivision Review Board and Conditionally approving the application of Margaret Crofts for a Tentative Parcel Map for Parcel Map CO 00-0008, adopted as amended.**

**(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)**

- 7 C-1 Consideration of a resolution to vacate a portion of Fallen Oak Lane, southeast of the City of Paso Robles; 1st and 5th Districts, is brought back for hearing

**Mr. Tim Smith:** County Right-of-Way Agent, indicates the parties have met and reached an agreement.

**Mr. David Peterson:** states they have reached an written agreement and now they have no objections to the abandonment.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and on the following roll call vote:**

**AYES: Supervisors Ovitt, Achadjian, Pinard, Chairperson Bianchi**  
**NOES: None**  
**ABSENT: Supervisor Ryan**

**RESOLUTION NO. 2002-126, resolution vacating a portion of Fallen Oak Lane a purported public road, Southeast of City of Paso Robles, Supervisorial District No. 1, adopted.**

**(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)**

- 8 C-3 This is the time set for hearing to consider an agreement with Aircon Energy, Inc., to install a cogeneration system at the Courthouse.

**Mr. Duane Leib:** General Services Director, presents the Board with the 2001 Energy User News “Best Public Facility” Energy Efficiency Award; indicates this award recognizes the County for an innovative and successful project to renovate the Government Center Central Plant and air condition the old Courthouse, while achieving significant energy efficiencies in the operation of the facility; indicates they are asking the Board to approve an energy services Design and Installation agreement with Aircon Energy, Inc for a Cogeneration system in the Government Center Central Plant, and approve the findings of the energy audits that the projected energy savings under this contract meets the requirement of Government Code Section 4217.12 which, as defined in the Public Utilities Code, is a payback term not exceeding 35 years.

**No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian, with Supervisor Pinard casting a dissenting vote, motion**

carries and the Board approves an Energy Services Design and Installation agreement with Aircon Energy, Inc, an Encompass Company, Sacramento, California, in the amount of \$2,437,495, for a Cogeneration system in the Government Center Central Plant, and approve the findings of energy audits that the projected energy savings under this contract meets the requirement of Government Code Section 4217.12 which, as defined in the Public Utilities Code, is a payback term not exceeding 35 years.

9 D-1 This is the time set for a request by Supervisor Pinard to authorize processing of a General Plan Amendment to expand the commercial retail standards in the inland San Luis Bay Area Plan for the Avila Village in San Luis Bay Estates.

**Supervisor Pinard:** states the San Luis Bay Estates Subcommittee of the Avila Valley Advisory Council (AVAC) is proposing that the existing Area Plan Standards for the Commercial Retail land use category in San Luis Bay Estates be expanded to ensure that new uses in the “Avila Village” are neighborhood commercial-oriented in character which is in keeping with the intent of the approved San Luis Bay Estates Master Development Plan and Policies in the Framework for Planning of the County General Plan.

**Mr. Bob Fowler:** Avila Village, states the first notice he received relating to this item was this morning when he read the newspaper; states as one of the property owners of Avila Village he would like to be informed; indicates he did not receive written notice of today’s Board Item.

**Mr. Nisan Matlin:** AVAC, states he’s in favor the General Plan Amendment; indicates the goal of the modified language is to ensure that the future commercial retail needs of the residents are met.

**Mr. Hy Weiser:** President of the San Luis Bay Estates Master Homeowners Association, thanks Supervisor Pinard for her concern relating to this matter; states he looks forward to neighborhood serving facilities.

**Ms. Sherri Gooding:** AVAC, asks the Board to move forward on the proposed amended language.

**Mr. Terry Graham:** questions if this request has had a phased EIR.

**Supervisor Pinard:** explains the reason for the changed language is because the San Luis Bay Area Plan didn’t match the Land Use Plan regarding the description of zoning.

**Mr. Warren Hoag:** Planning, states Supervisor Pinard is correct; the Board is being asked to authorize the processing and if approved the environmental work starts.

**Board Members:** discuss various issues, comments and concerns regarding: the opinion of AVAC on this General Plan Amendment; the notification process; allowing a continuance to allow the owners of Avila Village to review this proposal; a discussion needs to take place regarding limitations to square footage.

**Matter is fully discussed and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian and unanimously carried, the Board continues this item to April 9, 2002.**

10 CS The Board announces it will be going into Closed Session regarding:

**I. PENDING LITIGATION (Gov. Code, § 54956.9.)** It is the intention of the Board to meet in Closed Session concerning the following items:

**A. Conference with Legal Counsel - Existing Litigation(Gov. Code, § 54956.9(a).)** (Formally *initiated*) 1) *In re PG&E*, 2) *Lum v. County of San Luis Obispo* and, 3) *Save the Mesa v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)**

4) Significant exposure to litigation (Gov. Code, § 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 5) Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases 2.

**Chairperson Bianchi:** opens the floor to public comment.

**Mr. Terry Graham:** addresses *Graham v. City of Atascadero*, indicating this case involves the County; presents a photo showing Mr. Graham's involvement in environmental law enforcement.

Thereafter, the Board goes into Open Public Session.

11 PC This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

**Mr. Bob Blair:** indicates Nipomo Community Services District has changed their meeting times to 9:00a.m.; states he is here today to bring to the Board's attention to the problems that have occurred at the intersection of Dale Ave. and Los Berros; urges a small road improvement to this intersection.

**Mr. Michael Winn:** addresses public safety regarding speed limits; states there is no legal statute for enforcement standards only for construction standards; indicates this issue is being discussed at the State level and he will keep the Board informed.

**Mr. Gary Fowler:** thanks the Board and Mr. Edge for their work relating to the Tobacco Measure; feels the Board did everything they could.

**Mr. Terril Graham:** discusses the origin of law; fraud in government and the cost of litigation.

**Mr. Jesse Hill:** speaks a the GIS tracking system for parcels and mitigations and hopes something like this will be implemented.

**Mr. George Layman:** hands the Board a copy of the Agenda for Save the Mesa; indicates many of the same members of Save the Mesa are members of the Nipomo Community Advisory Council (NCAC); feels the advisory groups should go away because these groups are being used for personal agendas. **No action taken.**

12 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: Items 1 thru 5 - No public report required because no action was taken.

13 C-4 This is the time set for hearing to consider proposed amendments to the General Plan Land Use Element: **(A) G990030M** - Cypress Ridge Ltd. - a request for a Land Use Element amendment to the South County Area Plan, changing an approximate 17.5 acres of a 389 acre site from residential suburban to recreation and establish a use limitation for the proposed `recreation portion, located at the southeast corner of El Campo and Halcyon Roads within the "Cypress Ridge" development, in the Palo Mesa Village Area on the Nipomo Mesa; 4th District; **(B) G990025M** - Ken Craig - a request for a Land Use Element amendment to the South County Area Plan by changing the land use category on forty acres from residential rural to approximately sixteen acres of recreation and approximately twenty-four acres of public facilities/recreation, in order to accommodate a total of sixteen residential lots and provide for a future school site, located on the northwest corner of Willow Road and Via Concha, west of the Black Lake village on the Nipomo Mesa; 4th District; and, **(C) G990001T** - Gary Robertson, et al - a request for a Land Use Element amendment to the South County Area Plan by adding 9 lots to the existing "Summit Station area" currently being served by Nipomo Community Services District for water, located on the north side of Lyn Road, between Camino Perrillo and Stanton Road, south of the Los Berros village area; 4th District.

**Ms. Kami Griffin:** Planning, indicates there are three different items before the Board today; states the Board is being asked to take tentative action today and continue this item

to April 2, 2002; indicates items C-4-A and C-4-B have requests for review and therefore should be treated as an appeal when hearing the item.

**G990030M is presented.**

**Mr. John McKenzie:** Planning, presents the staff report; describes the location; addresses the current land uses and surrounding land uses within the Palo Mesa area; describes the proposed project as recommended by the Planning Commission; indicates there was a request for review by Mr. William Robinson on the adequacy of the proposed Negative Declaration for Cypress Ridge Ltd.; indicates staff's recommendation is for approval.

**Supervisor Pinard:** questions the water calculations and if this project will have an internal recycling system, with staff responding.

**Mr. Dennis Sullivan:** representing the Applicant, addresses the water issues relating to the project; indicates there was a traffic analysis done and there are no accumulative impacts relating to this project; feels this project will be a positive addition to the community.

**Ms. Susan Ostrov:** John Wallace and Associates, addresses the long time planning of the Nipomo area and the involvement of the Nipomo Area Advisory Group; speaks to the economy of the area; states this project is consistent with the South County Area Plan; addresses the development plan and requests the wording be change to read 14,000 square "footprint" as the site development is still going through minor changes.

**Mr. Brad Brechwald:** addresses the water issues that were addressed in the original EIR; indicates the lawn proposed for the project has been reduced significantly; the analysis for the water demand proposed uses is a net reduction of .8 acre feet per year; speaks to the waste water treatment plant.

**Mr. Bill Robinson:** President of Save the Mesa, states they filed the request for review based on their concern for these amendments going through the system to quickly and unexamined.

**Mr. George Layman:** indicates there was a meeting at Cypress Ridge and the only real concern seemed to be traffic; indicates the nurseries in the area are the big users of water; urges the Board to put the houses where the water is; feels there is plenty of water in the area; the only complaint he has regarding Cypress Ridge is they charge too much for golf.

**Mr. Bob Blair:** states he supports the project; the water treatment plant is the most efficient he has seen; believes water will not be a problem.

**Mr. Alexander Henson:** questions the numbers relating to the proposed water use.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Bianchi casting a dissenting vote, motion carries and the Board tentatively approves G990030 - Cypress Ridge Ltd as recommended by the Planning Commission.**

**G990001T is presented.**

**Mr. McKenzie:** describes the proposed project location; presents the history on this project; indicates there are nine properties requesting to be added to the existing "Summit Station Area," which is currently being served by Nipomo Community Services District (NCSD) for water; staff's recommendation is to allow the annexation.

**Board Members:** discuss various issues, comments and concerns regarding: lots being developed; other water providers being used; the allowance of secondary units; justifying the Negative Declaration versus an Environmental Impact Report; this action only allows the applicant to ask the NCSD for water, with staff responding.

**Mr. Gene Mintz:** speaks in favor of the General Plan Amendment (GPA); indicates five

of the parcels have homes that have been there for twenty-five to thirty years; states some of these properties are totally out of water; this GPA has been in the works for almost three years; addresses the water hardship; urges the Board approval.

**Mr. Brian Dunn:** states he opposes the amendment.

**Mr. Richard Mobraaten:** NCSD, states they have not been approached to annex the area; feels the boundaries should be reevaluated.

**Supervisor Pinard:** questions the water availability, with Mr. Mobraaten responding.

**Mr. Michael Winn:** states the District has enough water for existing obligations to buildout; states they recognized there is an overdraft and they have an obligation to find supplemental sources; indicates if these people apply for annexation they would have to bring the water supply with them or they would have to help meet the water obligations;.

**Mr. Bill Robinson:** requests the Board deny the request; feels it is inconsistent with the South County Planning Area; submits documents to the Board in support of his position.

**Mr. Bob Blair:** NCSD, states he would like this request denied; feels this is a zoning issue; indicates there is enough water in Nipomo for buildout.

**Mr. John Snyder:** indicates he would like the NCSD to determine in writing two conditions of approval: 1) if they can legally pump ground water for this project and 2) if they can legally supply water consistent with the San Luis Obispo Ag and Open Space Element without adversely affecting agricultural water use; presents a brief history of water issues in the area.

**Mr. Jesse Hill:** Nipomo Community Advisory Council NCAC, urges the Board to deny the request; states they cannot be annexed if they don't have water; hands the Board a letter from the NCAC; addresses a citation that was issued by the State.

**Mr. George Layman:** speaks in favor of the request.

**Mr. Mentz:** states their properties cannot be split; indicates most of the parcels have older homes and water is a hardship; states there is no hidden agenda; urges the approval.

**Board Members:** discuss various issues, comments and concerns regarding: zoning; the process being backwards; secondary dwellings; the letter on page C-4-351 indicating the quantity and quality of water in the area, with staff responding.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ovitt and unanimously carried, the Board tentatively approves General Plan Amendment G990001T - Robertson as recommended by the Planning Commission.**

**G990025M is presented.**

**(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)**

**Mr. Bill Roalman:** Planning, presents the staff report; describes the project; states if a school is not constructed then the land would remain in open space; addresses the site location and surrounding land use categories; presents background information; states this request meets the General Plan guidelines; indicates there has been a request for review by Mr. Feilmeier; staff feels a Negative Declaration is still appropriate; states the Planning Commission reviewed this request and on a 3 to 1 vote did not approve it; indicates their reasons for denial included: 1) precedent setting issues: 2) density increase; 3) the school site donation could be accomplished under the existing land use category; and, 4) the development of a school without adequate environmental review.

**(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)**

**Board Members:** discuss various issues, comments and concerns regarding: the density;

the school would be required to do an EIR; zoning, with staff responding.

**Ms. Carol Florence:** Oasis Associates representing the Craig Family and Lucia Mar School District, urges approval of this item; presents a brief history of the project; speaks to the goals of the Craig family; states the proposed amendment, as it stands today, complies with the goals and policies of the General Plan and CEQA guidelines; indicates all identified potential impacts can and will be mitigated to less than significant levels; states at this point there is no application for a school or a housing development; addresses the necessity and timing for this project; hands the Board a memorandum from the law firm of Best Best & Krieger LLP *or LLC* that provides a legal analysis of the proposed amendment.

**Ms. Donna Mehlschau:** hands the Board a map of the area; refers to potential school sites; presents a brief history of the Craig property school site and the controversy surrounding it.

**Ms. Nancy Depue:** Superintendent of Lucia Mar Unified School District, submits twenty-seven letters in favor of the school site; indicates they have approval of this site from the State.

**Mr. Dan Feilmeier:** asks the Board to deny this request; indicates currently the developer can build eight homes and receive a tax write-off for the donation of a school site; states he is opposed to this project because he believes it will set a precedent; feels an EIR should be required and the piecemeal proposal of this project is in violation of CEQA; indicates they have a petition with three hundred signatures opposing this amendment; states the applicants have not met with the residents that would be directly impacted, as directed by this Board; indicates the residents are strongly opposed to changing the existing rural five acre mini-ranch character of the area; hands the Board a list of documents he would like entered into the record.

**Mr. Bill Robinson:** Save the Mesa, hands the Board a copy of his power point presentation; states this project will create a school site, increase density and change the area atmosphere, which should trigger an EIR; addresses the space allowed in the recreation category; feels the Board needs to pay attention to the precedent setting issue; urges the Board to deny this request.

**Mr. Richard Mobraaten:** NCS D, indicates the NCS D Board acted “favorably” with regard to the annexation.

**Ms. Nora Jena:** presents reasons why this project should be denied.

**Mr. Michael Winn:** feels the representatives for Mr. Craig and the School District have made an excellent presentation; urges the Board to approve the amendment.

**Mr. Bob Blair:** states he would not support anything less than 1 acre parcels.

**Mr. Alexander Hansen:** represents Dan and Bonnie Feilmeier, believes an EIR has to be done; states the existing General Plan and Land Use Element are legally deficient; urges the Board to reconsider the environmental effects of this precedent setting action.

**Mr. Eric Greening:** indicates he concurs with Mr. Robinson and Mr. Hansen; regrets the lack of available school sites, however feels this site is inappropriate; states the need for a school site should not be used as a basis for approving a faulty Negative Declaration; indicates another way of educating the young is by example; urges the Board to follow the Planning Commission’s recommendation.

**Mr. Robert Beedle:** states his concerns relating to traffic.

**Mr. John Brantingham:** Nipomo Community Advisory Council (NCAC), presents a brief history of the project being discussed by the NCAC and the actions they have taken.

**Mr. Del Wainer:** speaks in opposition to the project; states this project became a money

making project with a large tax write-off; requests the Board require an EIR.

**Ms. Bonnie Feilmeier:** states she agrees with the speakers who spoke in favor of the appellant; questions where is the plan for the project; addresses her concern to the size of the lots; indicates they are not opposed to the school, they are trying to preserve the zoning of a rural residential community; urges the Board to deny the request.

**(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)**

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian, with Supervisor Ovitt being absent, motion carries and the Board agrees to continue the meeting past 5:00 p.m..**

**Ms. Carolyn Miner:** hands the Board a letter signed by a group of people who initially signed the petition against the GPA and now have changed their minds.

**Ms. Jacqueline Vavroch:** states she's a student at Arroyo Grande High School and she's tired of the overcrowding; urges the Board to approve this request.

**Ms. Sid Richison:** urges the Board's approval.

**Ms. Laura Bellinger:** feels this is a matter of giving something in order to get something; states she fears for her way of life; addresses the water and density issues and urges the Board to deny the request.

**Ms. Peg Miller:** feels it is in the best interest of Nipomo to approve this project.

**Mr. Jim McGillis:** states the existing General Plan allows sixteen units and the proposed General Plan will allow sixteen units; urges the Board to keep the numbers in line.

**Mr. George Layman:** compares the Martin project with the Craig project indicating there were more environmental impacts to the Martin project with no public complaints; indicates the need for a school.

**Mr. Tim McNulty:** Deputy County Counsel, indicates this project has two applicants; states the Craigs have agreed to sign an indemnification however, the Superintendent of the School District doesn't have the authority to enter into such an agreement; requests if the Board intends to move forward with the project, the Board should request the School Board consider the indemnification and bring a signed copy back before final action is taken on April 2, 2002.

**Ms. Florence:** urges the Board to approve the proposed General Plan Amendment and the Environmental Determination.

**Mr. Feilmeier:** indicates he would like the developer and the school district to work with the residents; he would like granny houses considered in the area.

**Mr. Robinson:** states the zoning is not an entitlement to build sixteen houses and hopes the Board denies the appeal.

**Board Members:** discuss various issues, comments and concerns regarding: the school being a great benefit to the community; this project setting a precedent; water availability; land use planning; the need for an Environmental Impact Report (EIR); approving the school site and require an EIR for the residential lots; zoning; proposed water use of the school, with staff responding.

**Supervisor Achadjian:** indicates he would be more than happy to work with the applicants and the residents to addresses issues of concern with respect to this proposal.

**A motion by Supervisor Achadjian to tentatively approve G990025M - Ken Craig by making the same motion as was made by the Board on August 28, 2001, which included 1) if the school is not built it will come back to the County and it will be**

**designated Public Facility and, 2) to only allow one acre parcels or larger; also would like an indemnification from the School District, is discussed.**

**Supervisor Ryan:** states he does not understand the motion.

**Mr. Hoag:** believes the motion is reflected by the Findings on page C-4-181 and Exhibits A and B on pages C-4-182 thru C-4-183 with the following clarifications; on page C-4-182, No. 2 the words “and an average parcel size density” should be replace with the words “with a parcel size”; No. 3 should be deleted; page C-4-183 1b indicates if the site is not acquired by the Lucia Mar Unified School District, the uses will be limited to Crop Production and Grazing, Outdoor Sports and Recreation, Park, and active and passive Open Space.

**Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Pinard casting a dissenting vote and Supervisor Ovitt being absent, motion carries and the Board tentatively approves G990025M - Ken Craig.**

**Matter is further discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisor Ovitt being absent, motion carries and the Board continues this hearing to April 2, 2002 at 9:00 a.m..**

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 19, 2002, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L. RODEWALD**, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 03/22/2002  
cla