

Tuesday, March 2, 2004

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON HARRY L. OVITT.**

**SUM      AGN**

1      PC      This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

**Ms. Linda McElver:** Canary Foundation, speaks (by phone) to being poisoned by pesticides and the effect that has on her today; comments on a sensitivity to scents from cleaning products, perfumes, etc. and wants the Board to make the Government Center scent free so she can attend meetings; addresses her concern to being told that today is the last day she will be able to make her comments to the Board by telephone.

**Mr. David Broadwater:** comments on the permanent sewage sludge/biosolids ordinance that will be coming to the Board and addresses "massive loopholes" in the document; speaks to handouts that were provided to special districts, advisory groups, etc. that include this misinformation; speaks to the URS contract and believes it should be terminated as it has a direct conflict of interest with the ordinance.

**Mr. Jesse Arnold:** urges everyone to get out and vote today; thanks Ms. Rodewald, County Clerk-Recorder and her staff for running efficient and accurate elections; speaks against the use of touch screen voting systems and feels the County shouldn't be spending bond money on things we don't need.

**Mr. Michael Kovacs:** addresses prior presentation items by the Board, such as "Spay Day U.S.A." and recognizing the Templeton Area Advisory Group; questions why presentations such as remembering the Columbia crew that died or when California became a State aren't done.

**Mr. Eric Greening:** questions why Ms. McElver won't be able to call in any more and suggests that access to the Board should be provided in anyway that is needed; questions the contract with URS; agrees with comments by Mr. Arnold and challenges the County to be #1, in the State, in voter turnout today.

**Mr. Paul Bestwick:** speaks to items on the Closed Session last week and wanting to see more information regarding items listed under "Significant Exposure."

**Mr. Jesse Hill:** presents a map (aerial) and information from the Nipomo Community Advisory Council regarding an issue that will be coming forward regarding the Diani Asphalt Plant; feels there will be problems with this application; addresses the vicinity of the plant to the Santa Maria River and hazardous chemicals, by definition, that will be located at this site.

**Mr. Curt Batson:** Environmental Health Director, addresses the process for the permanent sludge ordinance, indicating that they have just completed the first public comment period; they will be looking at and incorporating those comments; there will then be another 90 day public comment period before it comes to the Board.

**Dr. Greg Thomas:** Public Health Director, comments on Mr. John Larson that is working for the County on the sludge ordinance; states Mr. Larson was

the facilitator for the Task Force and when the Department found itself short staffed (the staff person who was heading this up) they asked Mr. Larson to help them out.

**Mr. David Edge:** County Administrative Officer, states that it wasn't the staff's intent or planned in advance to use Mr. Larson, the Environmental Health staff person who was to be the presenter and coordinator for this issue had a family tragedy and has been off work since this tragedy occurred.

**Supervisor Pinard:** questions the bond money issue raised by Mr. Arnold for voting systems and questions how it will be financed, suggesting she feels it will be financed with additional "take-away's" from local government; doesn't feel that people really understand the impacts of this bond.

**Mr. James Lindholm:** County Counsel, addresses comments by Ms. McElver indicating that the County has historically made every possible attempt to accommodate people with various sensitivities including chemical sensitivities; indicates he (staff) intends to continue working with Ms. McElver with the goal of giving her an opportunity to actually attend meetings and testify in the Board Chambers. **No action taken.**

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

**Mr. Jesse Arnold:** questions Item B-3 and whether it is to continue or discontinue operations at the clinics; questions Item B-7 regarding prohibition of overnight camping on roads and suggests this is a symptom of the need for affordable housing; speaks to the history of overnight camping issues on the coast and the Cambria area not agreeing to prohibit it; questions who is pushing for this item.

**Mr. Eric Greening:** comments on Item B-2 regarding the mean high tideline; on Item B-3 suggests there is information missing from this document and suggests there needs to be answers before moving forward on this issue.

**Mr. Joel Diringer:** comments on Item B-3 and the partnership with the First 5 Commission, which is he is a member of, and they are looking forward to working with the County; speaks to his support of a patient advocate position.

**Mr. Michael Kovacs:** speaks to Item B-10 and to the need to stop wasteful spending of the County's tax money on consulting fees; questions why this can't be handled by staff.

**Mr. Jesse Hill:** speaks on Item B-5 and addresses building activity occurring in the South County; addresses discussions they have had regarding lot size and the need to keep it a size that would allow for rentals.

**Mr. Paul Bestwick:** comments on Item B-13 and questions the cost of a freezer for Animal Services; concerns about the money coming from salary savings and feels this isn't right. **No action taken.**

3 B-1 Consent Agenda B-1 is withdrawn. Item B-13 is withdrawn for separate action.  
thru  
B-15 **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call vote:**

**AYES:** Supervisors Ryan, Bianchi, Pinard, Achadjian, Chairperson Ovitt

**NOES:** None

**ABSENT:** None

**Consent Agenda Items B-1 through B-15 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-15, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set hearing:

- B-1 Letter transmitting plans and specifications (Clerk's File) for the construction of a New Superior Court Facility in downtown Paso Robles, **Withdrawn.**
- B-2 Introduction of a proposed ordinance amending Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance) in order to implement Floodplain Management Standards and Requirements as mandated by the Federal Emergency Management Agency; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for March 16, 2004 at 9:00 a.m.**
- B-3 Request to schedule a public hearing on March 16, 2004 to discuss continued operation of the County's outpatient clinics and ancillary services; All Districts, **Approved and the Clerk is instructed to give notice of hearing date set for March 16, 2004 at 9:00 a.m..**

Planning and Building Items:

- B-4 Request to authorize the use of alternative publication procedures for amendments to Title 22 and Title 23 relative to floodplain management and the flood hazard combining designation; All Districts, **Approved.**
- B-5 **RESOLUTION NO. 2004-63**, amending an agreement with the Nipomo Village, LLC to provide housing units for persons and families of low or moderate income in order to qualify for an exemption from the requirements of the County's Growth Management Ordinance; 4th District, **Adopted.**

Public Works Items:

- B-6 **RESOLUTION NO. 2004-64**, amending the traffic regulation code with regard to stop intersection control on Vineyard Drive at Bethel Road, Templeton; on I Street at Encina Avenue, Santa Margarita; and on Juniper Street at Trevino Drive, Nipomo; 1<sup>st</sup>, 4<sup>th</sup> and 5<sup>th</sup> Districts, **Adopted.**
- B-7 **RESOLUTION NO. 2004-65**, amending the traffic regulation code prohibiting overnight camping within the public road right of way on Railroad Avenue and Ocean Street, Oceano; and along Highway 1 between Morro Bay and Cayucos and at Arroyo De La Cruz Creek; 2nd and 4th Districts, **Adopted.**
- B-8 **RESOLUTION NO. 2004-66**, amending the traffic regulation code establishing speed limits on Eucalyptus Road, Nipomo and I Street, Santa Margarita; 4th and 5th Districts, **Adopted.**
- B-9 The following Parcel Map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map and:
- A. COAL 03-0103, a proposed lot line adjustment of 4 lots which will not result in any new lots, by Charles and Deborah Russell, Misal Company and M&S Partnership, east of Geneseo Road, south of Highway 46, reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved.**

Social Services Items:

- B-10 Contract (Clerk's File) with Wendy Deaton, M.A., for child welfare consulting services, **Approved.**
- B-11 Amended contract with the Housing Authority of the City of San Luis Obispo for housing assistance services, **Approved**

Other Items:

- B-12 **RESOLUTION NO. 2004-68**, congratulating Glen Smeltzer on being awarded the 2002-2003 Teacher of the Year in San Luis Obispo, **Adopted.**

B-13 Request by the Sheriff-Coroner to approve: 1) an amendment to the fixed asset list for Budget Unit 2840 - Animal Services adding a freezer and a copier; and 2) a corresponding budget adjustment in the amount of \$25,531, **Withdrawn for separate action.**

B-14 Contract (Clerk's File) with the State Department of Mental Health establishing terms, conditions and rates for the County to place patients at the State hospital, **Approved.**

B-15 Minutes of the January 6, 13, and 27, 2004 Board of Supervisors' meetings, **Approved.**

4 B-13 Request by the Sheriff-Coroner to approve: 1) an amendment to the fixed asset list for Budget Unit 2840 - Animal Services adding a freezer and a copier; and 2) a corresponding budget adjustment in the amount of \$25,531, is presented.

During discussion on the Consent Agenda, Supervisor Pinard requested this item be pulled for a separate vote expressing her concerns regarding the purchase of such an expensive freezer when there will be budget impacts shortly and feels a less expensive or alternative to the freezer should occur.

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

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

**the Board amends the Fixed Asset List to include a freezer and copier for Budget Unit 2840 and approves the corresponding budget adjustment in the amount of \$25,531.**

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

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

**RESOLUTION NO. 2004-68, resolution recognizing the efforts of elementary school students in Nipomo to bring pride to the community through music and "The Nipomo Song," adopted.**

**Supervisor Achadjian:** introduces the staff, teachers and the 40 students present from Nipomo Elementary School and reads the first part of the resolution.

The Nipomo Elementary School students sing The Nipomo Song.

**Supervisor Achadjian:** finishes reading the resolution and presents the same to Ms. Handy.

6 C-1 This is the time set for hearing (Introduced on February 10, 2004) to consider an ordinance amending the County fee schedule for the Information Technology Department, Planning, Public Works, Public Health, County Fire, and Golf Courses; All Districts.

**Mr. Dan Buckshi:** Administrative Office, presents the staff report; states that when this matter was before the Board in December the Information Technology (IT) Departments fees were not included and those fees are before the Board today; also included are corrections to typographical errors to five of the fees charged by the golf courses and one fee charged by the Planning Department; additionally, footnotes are being added to fee schedules for Public Works, County

Fire, and Public Health to state that their respective fees may be waived during a time of natural or manmade disasters.

**Mr. Michael Kovacs:** addresses his concern to more fees being established especially for IT.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3022, ordinance amending County Fee Schedule, adopted.**

- 7 C-2 This is the time set for hearing to consider a resolution calling for a special tax election within the proposed Ground Squirrel Hollow Community Services District for the purpose of road maintenance and drainage improvement services and to establish an appropriations limit for the new district; 1st District.

**Mr. Dan Buckshi:** Administrative Office, presents the staff report, indicating this received conditional approval by LAFCO on February 19, 2004; outlines the location of the proposed district and recommends adoption of the resolution.

**Mr. Michael Kovacs:** questions the timing for this item and questions whether it has been discussed with the voters of the impacted area.

**Chairperson Ovitt:** states that staff report indicates that the folks in this area have requested this and it will be voted on as to whether or not the tax occurs.

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

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

**RESOLUTION NO. 2004-69, Mailed Ballot Election Ground Squirrel Hollow Community Services District, resolution calling for a special election to form the proposed Ground Squirrel Hollow Community Services District, to submit to the Voters of the Proposed District a measure for imposition of a special tax for road maintenance and drainage improvement services, and to establish an appropriations limit for the new district, adopted.**

- 8 C-3 This is the time set for hearing to consider a resolution amending the traffic regulation code, thereby restricting turning movements at the intersection of Tank Farm Road and Santa Fe Road; 3rd District.

**Ms. Rosemarie Gaglione:** Public Works, presents the staff report, outlining the concerns that were raised by the public and the Board on February 3, 2004; presents a video that shows the traffic impacts at Tank Farm and Santa Fe Roads.

**Mr. John Wallace:** addresses his concern to the extra travel time when this change occurs; urges moving quickly to get the permanent changes for this area in place and asks that a sunset clause be placed on this resolution; presents photographs of the area and the existing site limitations for left and right turns at Santa Fe Road.

**Mr. James Filbin:** states the video clearly shows the problems at this intersection; feels there are also several inexpensive things that can be done to help the problem such as re-stripping and moving bike lanes.

**Ms. Joy Fitzhugh:** Farm Bureau, agrees with the comments by the prior speakers and wants this to be the beginning of the solution; addresses concerns regarding the speed of vehicles in this area being too fast.

**Supervisor Ryan:** questions whether there should be a sunset clause added; addresses his concerns regarding suggested modifications to bike lanes and widening of turn lane.

**Ms. Gaglione:** responds addressing her concern to adding a sunset clause; speaks to the Vachell Road area and improvements that will be occurring at this location.

**Supervisor Achadjian:** questions the possibility of a flashing light to warn vehicles of the area, with Ms. Gaglione responding.

**Supervisor Bianchi:** states she doesn't support a sunset clause but does support directing staff to report back on the progress in a year.

**Battalion Chief Robert Lewin:** Co. Fire/CDF, states they do have concerns in this area and will work with staff to address their issues; speaks to what they do in the event of an emergency.

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

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

**RESOLUTION NO. 2004-70, resolution establishing restriction of turning movements at intersections, at various locations, adopted. Further, staff is directed to come back in one year with an update on this issue.**

9 C-4 This is the time set for hearing (Introduced on February 24, 2004) to consider an ordinance establishing an interim moratorium of the land application of treated sewage sludge/biosolids; All Districts.

**Mr. Curt Batson:** Environmental Health Director, presents the staff report outlining what is included in this interim ordinance.

**Mr. John Nall:** Environmental Specialist, addresses the environmental determination that was performed on this and the change from 1000 to 1500 cubic yards of biosolids and the determination of insignificance in the Negative Declaration; states if the Board adopts the ordinance the Negative Declaration will also need to be approved.

**Board Members:** address various comments, issues and concerns regarding: the land application of biosolids and "exceptional quality" or "EQ" and what this means; whether any of the landfills are being looked at to take biosolids; why an interim ordinance is necessary, with staff responding.

**Mr. Gerald Moore:** ECOSLO Board Member, presents a list of questions they have regarding sludge generation; concerns as to why this should occur at all and wants to see a full ban ordinance created.

**Mr. David Broadwater:** presents information titled "Sewage Sludge Generated, Land Applied, Dryness 1992-2002" from the South County Sanitation District and indicates this is the information used to set up the 1500 cubic yards and suggests this amount is not needed as it has never reached that amount at this District.

**Mr. Eric Greening:** addresses the change from 1000 to 1500 cubic yards and the increase to allow for more year to year flexibility that was requested at the last meeting on this issue; feel there at least nine areas that could move this environmental determination from insignificant impact column to a column that recognizes the need for either mitigation which is not provided or an EIR.

**Mr. David Hix:** City of San Luis Obispo Wastewater Division manager, states that biosolids are not toxic and supports the interim ordinance.

**Mr. John Wallace:** District Administrator for the South County Sanitation District, urges the Board to move forward with this ordinance; feels the amount of cubic yards is a compromise; addresses EPA findings regarding biosolids/sludge.

**Ms. Julie Tacker:** urges the Board to reject this ordinance and the Negative Declaration that supports the 1500 cubic yards; suggests that a 50% increase in anything is “significant”; states the interim ordinance is needed but with 1000 cubic yards not 1500.

**Mr. Bruce Payne:** Los Osos resident, addresses comments regarding using sludge for hillside erosion control and his concerns to this with respect to runoff and drainage; wants the language regarding carry-over removed from the ordinance.

**Mr. Bruce Keogh:** Morro Bay Wastewater Plant Manager, speaks in support of the interim ordinance; suggests there is a need for more education on this issue.

**Ms. Joy Fitzhugh:** Farm Bureau, supports the interim ordinance but suggests there is a need to look at issues surrounding this in more depth for the permanent ordinance.

**Ms. Ann Ream:** feels that all biosolids/sludge are dangerous and poisonous; addresses the impacts to folks with compromised immune systems and what researchers have been looking at in this regard.

**Mr. Jesse Arnold:** states the issue is really sewage sludge not biosolids.

**Ms. Pam Heatherington:** wants the Board to take the cubic yards back to 1000 and urges caution as to how this is handled.

**Ms. Linda McElver:** addresses her concern and lack of trust with respect to the EPA; feels that common sense dictates that biosolids shouldn't be used for anything; wants to see a full ban on this.

**Supervisor Pinard:** speaks to what the Board originally looked at and with the increased knowledge and information on this subject that even 1000 cubic yards isn't okay; addresses EQ and what that means is that eight out of 126 known toxins are evaluated; states the restrictions are tougher on applying this to landfills than on yards, etc.

**Supervisor Bianchi:** states when this started she thought they were doing a good thing as there were no restrictions in place; addresses the public comment periods on the permanent ordinance.

**Supervisor Achadjian:** questions total cubic yards for the County and agrees with comments by Supervisor Bianchi.

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

**AYES: Supervisors Bianchi, Ryan, Achadjian, Chairperson Ovitt**

NOES: Supervisor Pinard  
ABSENT: None

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3023, an ordinance to establish an interim moratorium on the land application of treated sewage sludge/biosolids, adopted.**

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 Bankruptcy*, (2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, (3) *NRC Proceedings Concerning Spent Fuel*, (4) *AT&T v. County of San Luis Obispo*, (5) *MCI WorldCom v. County of San Luis Obispo*, (6) *Before It's Gone v. County of San Luis Obispo, et al.*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (7) *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. (8) *Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases* 2.

**II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, § 54957.6.)** It is the intention of the Board to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: (9) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriff's Association*. (10) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Sheriff's Management*.

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board discussed Labor Negotiations and the lawsuit *Before It's Gone v. County* and the Board took no final action on either item so no public report is required and the Board goes into Open Public Session.

11 D-1 This is the time set for submittal of the Second Quarter Financial Report, **Withdrawn.**

12 E-1 This is the time set for review and approval of policies and correspondence on environmental issues and permits including the Klau/Buena Vista Mine, the Las Tablas Creek TMDL, the Arroyo Grande Creek Habitat Conservation Plan (Clerk's File), Storm Water Programs, and other regulatory compliance direction; All Districts, **Withdrawn.**

13 F-1-A This is the time set for consideration of amendments to the Land Use Ordinance Coastal  
thru C Zone Land Use Ordinance and Land Use Element: (A) G030003L - amend Article 9 of the Land Use Ordinance, Title 22 of the County Code relating to the Airport Review Area in the El Pomar, Salinas River, San Luis Bay and San Luis Obispo Planning Areas to provide consistency between all Airport Review Area planning area standards and amend the San Luis Obispo Area Plan to correct the Airport Review Area Combining Designation; (B) G030002L - amend various sections of the Land Use Ordinance, Title 22 of the County Code and the Coastal Land Use Ordinance, Title 23 of the County Code relating to secondary dwelling discretionary permit requirements in order to implement Assembly Bill 1866; and, (C) LRP 2003-0003 - amend the San Luis Obispo Area Plan to correct the Public Facilities land use category on privately owned parcels located along Highway 1, adjacent to the California Men's Colony.

**Ms. Kami Griffin:** Planning, presents the staff report on the three requests for authorization.

**Supervisor Pinard:** addresses G030002L and the review process of this, with Ms. Griffin responding that, if approved, this will only require a building permit to meet the requirements.

**Supervisor Bianchi:** questions the notification process, with Ms. Griffin indicating that for the Coastal area there is a notification process, but not for the Inland area.

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board authorizes processing for G030003L.**

**No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard casting a dissenting vote, motion carries and the Board authorizes G030002L for processing.**

**No one appearing and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and unanimously carried, the Board authorizes LRP 2003-0003 for processing.**

14 F-2 This is the time set for consideration of a request to authorize processing of a General Plan Amendment (G0330012M - Dusi) to amend the Salinas River Area Plan by changing the land use category on a 25 acre portion of a 75 acre site from Residential Rural to Commercial Service; 1st District.

**Ms. Kami Griffin:** presents the staff report and aerial photographs of the site; addresses the issue of consistency with the General Plan policies; staff recommends authorizing processing with specific issues being reviewed.

**Ms. Jamie Kirk:** representing the Dusi Family, gives a power point presentation indicating this land has been in the family and farmed for more than 60 years; comments on the request to change the land use on 25 acres to Commercial Service to address an enforcement issue relating to the trucking business; states the family is also looking to put a wine tasting room on this site; the intent is to keep the agricultural atmosphere of the property; requests authorization to process.

**Mr. Mike Dusi:** Applicant, states the property will mostly stay as a vineyard; they have no intent to sell the property which has been family owned and operated for more than 60 years; they would like to put a tasting room on this site and to use a portion of the 25 acre site for parking their trucks; states they have been putting their trucks on this property for 30 years and when a new neighbor moved in and didn't like the trucks, they had a code violation; the parcel will be on the back side of the property and will be where they put the trucks.

**Mr. Eric Greening:** speaks to the change going with the land not the people and suggests placing rules on this request if it is to go forward.

**Chairperson Ovitt:** states if the land was zoned Agriculture it wouldn't be before the Board today; the trucks are an inconsistent use under the current zoning; suggests the uses in the area are more Agriculture than Residential Rural.

**Supervisor Ryan:** comments on surrounding uses such as the Weyrick property and setback requirements in the area; there is already Commercial Service zoning in this area.

**Matter is discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with**

**Supervisor  
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casting a  
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- 15 F-3 This is the time set for consideration of a request to authorize the processing of a General Plan amendment application (G030015M - Moresco/Michaud) to amend the Salinas River Area Plan of the Land Use Element by changing the land use category on a 20-acre site from Agriculture to Residential Single Family and include it within the San Miguel Urban Reserve Line; 1st District.

**Mr. Jim Lopes:** Planning, presents the staff report and site maps; outlines the request; presents a copy of the conceptual site plan and photographs of the areas; outlines the authorization options before the Board.

**Mr. Dennis Moresco:** Applicant, addresses their request; meetings they have had with the San Miguel Advisory Committee and their concern with being “stuck” with all the affordable housing and their desire to also have “market rated” housing; asks for authorization to process their request.

**Mr. Eric Justinson:** RRM Design and representing the Applicant, outlines what they looked for in an area to build; what they have discussed with staff and asks for support for their request.

**Chairperson Ovitt:** comments on building in the area and the prior moratorium.

**Supervisor Bianchi:** addresses her concerns to this being premature.

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian, with Supervisor Bianchi casting a dissenting vote, motion carries and the Board authorizes processing for G030015M.**

16 F-4 This is the time set for consideration of a request to authorize the processing of General Plan amendment applications and issuance of environmental determinations for Halpin/Arciero (G030013M - Specific Plan), Blumer (LRP 2003-0002 - Specific Plan) and County initiated (LRP 2003-0004 - update Shandon Community Plan); 1st District.

**Mr. Jim Lopes:** Planning, presents the staff report, introducing the three items in the Shandon area: (1) Arciero to change the zoning from Agriculture to various Residential uses and for cancellation of a Williamson Act Agricultural Preserve contract; (2) Blumer to change the zoning from Agriculture to various Residential uses and for cancellation of a Williamson Act Agricultural Preserve contract; (3) County of San Luis Obispo to amend the Shandon-Carrizo Area Plan to update the Shandon Urban Area Plan; addresses concerns regarding conversion of Class I and II prime agricultural soils to urban uses; addresses inventory of urban lands and trends of growth; page F-4-8, third paragraph needs to be changed in the second sentence to read 60% and not 44 percent; outlines the authorization options before the Board and staff is recommending approval of Option #3.

**Supervisor Ryan:** comments on these two applications coming out of an Agricultural Preserve and questions whether staff has looked at other counties as to how this has been handled.

**Mr. Warren Hoag:** Planning, responds that they have not done that but will if this is authorized for processing.

**Supervisor Pinard:** questions existing workloads in the Planning Department and how this will impact that workload, with Mr. Lopes responding.

**Mr. John Euphrat:** Planning, further explains that with two applicants and the County involved they would look to an outside consultant for assistance; if this is authorized they would come back in 60 days with a recommendation and financing for this.

**Supervisor Bianchi:** presents thirteen letters for the record regarding these applications; addresses the increase in traffic trips if all this development were to occur; concerns to impacts on services in other parts of the County; her concerns regarding what APCD will have to say about the increased traffic and the air impacts; states she has major concerns regarding taking land out of the Williamson Act.

**Supervisor Achadjian:** questions whether any surrounding lands from the Arciero property could be upgraded in soil classes, if this change were to occur.

**Mr. Steve Sylvester:** North Coast Engineering and representing Arciero, outlines what their proposal consists of and the projects goal's as outlined on page F-4-22 of the staff report; conceptual project development would include: (1) housing with a focus on work force and affordable housing and a housing mix to include high density multi-family (apartments) condominium units and single family residential units; (2) retail/commercial uses; (3) public services - water, wastewater and transportation; (4) community services; addresses the request to cancel the land conservation contract; supports Alternative #3 in the staff report.

**Mr. Steve Blumer:** addresses his request indicating there are a lot of similarities between his project and Arciero; addresses the need for a sewage treatment plant for their project; states they are looking to please both the County and the

community of Shandon; states that at all the meetings he has attended in Shandon he has heard their concerns regarding the lack of services for the area.

**Mr. Chris Crawford:** Superintendent for Shandon School District and resident of

Shandon, states the District is neutral on these applications but does have concerns on the impacts to the District with respect to the increase in students; costs for an additional school site and traffic.

**Mr. William Alley:** states both sites are under the Williamson Act and addresses his concern regarding taking this lands out of the Act; suggests if they are to move forward with cancelling, it should be through the 10 year process.

**Mr. Eric Greening:** agrees with the comments by Mr. Alley and adds his concerns regarding removing these lands from the Williamson Act; doesn't believe either of these should be authorized for processing before the issue of cancellation of the Williamson Act is addressed; suggests this issue should be reviewed by the Agricultural Preserve Committee first.

**Mr. Steve Sinton:** addresses his concern to cancelling the Williamson Act on these properties; indicates the Act states this cancellation should occur only for rare or unforeseen events and suggests these applications don't fall under either of those conditions.

**Mr. Jim Sinton:** addresses his concern to cancelling the Williamson Act on these properties and cites a court case in support of his comments.

**Mr. Greg McMillan:** suggests these proposals are the "most catastrophic events" he has ever seen in this area; suggests they will create a huge impact on public services; addresses his concern to the impact on water in this area; asks the Board to reject these requests.

**Ms. Ann Myhre:** states she has property immediately adjacent to the Arciero property and addresses her concern to the impacts of high density housing in this area.

**Ms. Coralie McMillan:** addresses the issue and states she heard that Supervisor Ovitt received campaign money from Blumer and suggests he should not vote on this issue.

**Mr. Irv McMillan:** states he will fight these proposals as far as is possible to keep them from occurring; states these are the most ridiculous ideas he has ever heard and he is "outraged" at these proposals.

**Mr. George Becker:** states he moved to Shandon because it was the one place he could afford to buy; states there is a need for housing and services in this area and he supports the requests before the Board, but wants to see this move forward slowly.

**Mr. Les Diffenbaugh:** supports the comments/concerns regarding the Williamson Act; feels that Shandon already has the most affordable housing in the County; states the Advisory Board has not supported these projects or have they been discussed.

**Ms. Jackie Jackson:** states she is a fourth generation rancher and addresses her concern to cancelling the agricultural preserves on these properties; speaks to the need for farm worker housing or busing them in and out for work; suggests these projects will be resisted by the community.

**Ms. Barb McMillan:** states she is totally opposed to taking these properties out of the Williamson Act; feels this is a really bad plan.

**Mr. Randy Diffenbaugh:** addresses the Advisory Board meetings and their discussions regarding affordable housing; their first look at these proposals was yesterday, so they haven't yet made any decision or taken any position.

**Mr. Paul Bestwick:** feels the Board should decline to proceed on these as he believes this is the wrong thing to do.

**Chairperson Ovitt:** responds to comments that he should step down and not vote on this because he received political contributions; according to the Fair Political Practices Commission, which he consulted, Code Section 84303 exempts elected officials from having to recuse themselves for campaign contributions.

**Supervisor Bianchi:** states there is no way she will support cancelling the Williamson Act on property for housing; states she could support a study on the demographics of how much affordable housing is actually required in Shandon.

**Chairperson Ovitt:** comments on the housing needs issues over the years; regarding the number of letters he received on the items before the Board today and what those letters included.

**Supervisor Ryan:** feels the first issue is the Williamson Act then the project(s); discusses his prior involvement with the Act and what is required to remove property from the Act at both the local and State levels; feels the two projects are completely different and feels both will add or detract from the community in different ways and feels they need to be looked at independently; if these are to move forward he would support doing an EIR that was combining the projects; supports Planning taking each one of the projects independently because the end result, if it's taken out of the Williamson Act and if they move forward, is that 1500 homes is more than needed and that one of the projects will step forward to enhance Shandon over the other or maybe neither will; wants other counties that have taken properties out of the Williamson Act looked at and questions whether an "overriding circumstance" to take properties out in these counties included the social and housing needs as a reason.

**Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and unanimously carried, the Board continues this matter off calendar and directs staff to come back with the information on Williamson Act contracts being cancelled as discussed today.**

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 2, 2004, 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/Vicki M. Shelby,  
Deputy Clerk-Recorder

DATED: March 9, 2004

vms