

Tuesday, June 22, 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, and Chairperson Harry L. Ovitt

ABSENT: Supervisor Michael P. Ryan

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

SUM AGN

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

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

RESOLUTION NO. 2004-176, resolution honoring San Luis Obispo Soroptimist upon 61 years of Community Service in San Luis Obispo County, adopted.

Supervisor Pinard: reads the resolution and presents the same to Ms. Leslie Massey, President of SLO Soroptimist Organization and Ms. Irina Starodubcew, Chairperson of Commission on the Status of Women.

Ms. Starodubcew: states the Soroptimist Organization works in partnership with government agencies to provide services that are needed; indicates they are all about giving and that is why they are being honored today.

Ms. Massey: states they have been around for 61 years raising funds for women and children; indicates they are honored to be recognized; highlights future fund raisers and indicates all funds go back to the community.

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

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

RESOLUTION NO. 2004-177, resolution recognizing Ray Bracken for his exemplary work on the Los Osos Community Advisory Council, adopted.

Supervisor Bianchi: indicates this resolution will be presented on July 8, 2004.

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

Dr. Dale Wolff: Behavioral Health Director, compliments the Board on a carefully executed, humane budget; indicates he also wants to announce his retirement in November; addresses the successes and the work that still needs to be done in his Department; acknowledges his staff and the Advisory Boards; thanks the Board for their support.

Ms. Rae Belle Gambs: states she is upset over the retirement of Dr. Wolff and he will be greatly missed; indicates he is a great advocate for mental health services; states he personally helped get her son off the streets and she will be forever

grateful; indicates he is always there with information and is open and willing to help; urges him to come back as a volunteer and thanks him for his efforts.

Reverend C. Hite: thanks the Board for the support of the vulnerable and disabled; requests a moratorium on the cutting of In-Home Support Services (IHSS) and highlights the reasons for her request.

Mr. George Pasetes: thanks the Board for their support in keeping the Growing Grounds Farm open.

Ms. Aimee Raveh: thanks the Board for the support given to the In-Home Support Services (IHSS).

Ms. Toni Paradis: expresses her gratitude to the Board regarding their support of the IHSS.

Ms. Lori Heizer: states she knows the Board will continue to do what they can to help the IHSS workers and thanks them for their efforts.

Ms. Sissi Smith: thanks everyone who has helped her; states her IHSS worker is her brain.

Mr. Eric Greening: thanks the Board for moving in the right direction relating to the IHSS workers and reminds the workers that most of the action needs to be taken at the State level and hopes the Board will support them at that level.

Mr. Jane Von Koehe: thanks the Board for their support; addresses her salary and how hard it is to live on a minimum wage paying job; states anything the Board can do would be appreciated.

Mr. Jesse Hill: states the “Brush poppers” will be moving and hands the Board photos of them and addresses the trash problem in the Black Lake area and presents photos of this area. **No action taken.**

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

Reverend C. Hite: addresses Items B-12, B-22, and B-42; requests that the budget cuts to Social Services not include eliminating any eligible IHSS applicant or client; addresses monitoring employees of adult services.

Mr. Eric Greening: addresses Item B-28 questioning the hourly rate, the grant funding, and the position that was saved from budget cuts; questions after this item is approved where would a member of the public direct complaints to Environmental Health or the Planning Code Enforcement. **No action taken.**

5 B-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and**
thru **on the following roll call vote:**
B-45

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

Consent Agenda Items B-1 thru B-45 are approved as recommended by the County Administrative Officer.

Consent Agenda Items B-1 and B-45, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

- B-1 Setting of a public hearing to consider a resolution to collect existing service charges on property tax bills for County Service Areas 1 (Old Galaxy and Tract 1690, Nipomo), 1-A (Galaxy Park and Tract 1898, Nipomo), 1-F (New Galaxy Park, Nipomo), 7-A (Oak Shores), 18 (San Luis Country Club Estates), and 21 (Cambria); All Districts, **Approved and the Clerk is instructed to give notice of hearing set for July 13, 2004 at 9:00 A.M..**
- B-2 Setting of a public hearing to consider a resolution to collect delinquent service charges on property tax bills for County Service Areas 1 (Old Galaxy, Nipomo, sewer/waste disposal, lighting and drainage service), and 16 (Shandon, water service) to the 2004-05 County Property Tax Bills; 1st and 4th Districts, **Approved and the Clerk is instructed to give notice of hearing set for July 13, 2004 at 9:00 A.M..**
- B-3 Introduction of ordinance amendments to Title 22 (Land Use Ordinance): 1) G020012, a request by Steve and Rene Troesh; and 2) G02008M, a request by Robert Anderson; 4th District, **Approved and the Clerk is instructed to give notice of hearing set for July 13, 2004 at 9:00 A.M..**

Auditor-Controller Items:

- B-4 Unannounced cash count of the Clerk-Recorder's Office conducted on April 15, 2004, **Received and Filed.**
- B-5 Rate increase for garbage hauling services for Mission Country Disposal, effective August 1, 2004, **Approved.**

Behavioral Health Items:

- B-6 Designate Atascadero State Hospital as a facility for involuntary evaluation and treatment of mentally ill individuals, **Approved.**
- B-7 Renewal contract (Clerk's File) with Davis Guest Home, Inc. to provide residential placement for Mental Health clients, **Approved.**
- B-8 Renewal contract (Clerk's File) with Echo Consulting Services of California, Inc., to provide software maintenance and support for the mental health management information system, **Approved.**
- B-9 Renewal contract (Clerk's File) with American Care Home to provide social support services for Mental Health clients, **Approved.**
- B-10 Renewal contract (Clerk's File) with S. Friedlander, M.A., M.F.T. to provide mental health crisis intervention, forensic client crisis services, after-hours coverage for Adult Protective Services, and case/management/assessment and community services, **Approved.**
- B-11 Agreement (Clerk's File) with the Department of Corrections to provide outpatient substance abuse counseling services to parolees in the community, **Approved.**

Board of Supervisors Items:

- B-12 Allocation of \$2,500 from Community Project Funds (District One - \$250, District Two - \$200, District Three - \$1,850, District Four - \$100, District Five - \$100) to the San Luis Obispo Little Theatre to be used for the Children's Summer Educational Program, **Approved.**

- B-13 Allocation of \$2,500 from Community Project Funds (District Two - \$2,400, District Three - \$50, District Four - \$50) to the San Luis Obispo County Foster Parent Association to be used for collecting data needed to develop improved referral and treatment services for pregnant substance using women, **Approved.**
- B-14 Allocation of \$2,200 from District Four Community Project Funds to the Arroyo Grande Police Department to send two officers to the annual D.A.R.E. training July 6 - 9, 2004, **Approved.**
- B-15 Re-appointment of Paul Fields, Robert Hoel and Glen Whittemore as District Two Representatives to the Cayucos-Morro Bay Public Cemetery District, **Approved.**
- B-16 Appointment of Deborah L. Cronin to the Commission on the Status of Women, **Approved.**
- B-17 **RESOLUTION NO. 2004-178**, recognizing Arroyo Grande Community Hospital and French Hospital Medical Center, **Adopted.**

Clerk-Recorder Items:

- B-18 Declaration of the June 8, 2004 Special All Mail Ballot Election held in the proposed Ground Squirrel Hollow Community Services District; 1st District, **Approved.**
- B-19 Certified statement for the Pension Trust election, **Approved.**

District Attorney Items:

- B-20 **RESOLUTION NO. 2004-179**, authorizing an application to the State Office of Emergency Services for statutory rape vertical program grant funds, **Adopted.**
- B-21 **RESOLUTION NO. 2004-180**, approving an agreement with the State Department of Justice for continuation of the Spousal Abuser Prosecution Program, **Adopted.**

General Services Items:

- B-22 Lease agreement with In-Home Support Services Public Authority for improved office space located at 3433 South Higuera Street in the City of San Luis Obispo, **Approved.**
- B-23 Amended agreement with John Madonna Construction Company acknowledging the change from sole proprietorship to a California corporation, **Approved.**
- B-24 Bid opening report for the construction of a maintenance, office and storage facility at El Chorro Regional Park and a request to approve a corresponding budget adjustment in the \$274,000 from Public Facilities Fees, **Approved and the Chairperson is instructed to sign contract documents with S.J. Deferville Construction in the amount of \$778,920.**
- B-25 **RESOLUTION NO. 2004-181**, authorizing the execution of a notice of completion and acceptance for construction of a new playground at Cuesta Park in the San Luis Obispo, **Adopted.**

Planning & Building Items:

- B-26 **RESOLUTION NO. 2004-182**, accepting an avigation easement from Piper Company, for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**

- B-27 **RESOLUTION NO. 2004-183**, accepting an avigation easement from Katherine Yanaga, Thomas Yanaga and Joyce Yanaga, for property located near the Paso Robles Municipal Airport; 1st District, **Adopted**.

Public Health Items:

- B-28 Agreement (Clerk's File) with the State Integrated Waste Management Board designating them as enforcement agency for the County of San Luis Obispo including all incorporated cities, **Approved**.
- B-29 Agreement (Clerk's File) with the City of Arroyo Grande for the purpose of public health inspections of tattoo shops, **Approved**.
- B-30 Renewal contracts (Clerk's File) with Sierra Vista Regional Medical Center and Twin Cities Community Hospital to provide medical services to medically indigent adults and jail inmates, **Approved**.

Public Works Items:

- B-31 **RESOLUTION NO. 2004-184**, authorizing execution of a notice of completion for the widening of Los Berros Road at El Campo Road near Arroyo Grande; 4th District, **Adopted**.
- B-32 **RESOLUTION NO. 2004-185**, authorizing execution of a notice of completion for the construction of guard railings on portions of Cemetery Road, Cross Canyons Road, Interlake Road, Lopez Drive, River Road, and Wellsona Road; 1st and 4th Districts, **Adopted**.
- B-33 **RESOLUTION NO. 2004-186**, authorizing execution of a notice of completion and acceptance of curb, gutter and sidewalk on Tefft Street and Orchard Avenue in Nipomo; 4th District, **Adopted**.
- B-34 **RESOLUTION NO. 2004-187**, authorizing an application for a low interest loan from the California Infrastructure and Economic Development Bank, Infrastructure State Revolving Fund Program for funding of the design and construction of County Service Area No. 7A (Oak Shores) wastewater disposal improvements; 1st District, **Adopted**.
- B-35 **RESOLUTION NO. 2004-188**, amending the County Traffic Regulation Code for the establishment of angled parking and disabled persons parking along Tefft Street, Nipomo and no parking at community mailboxes, various county streets; All Districts, **Adopted**.
- B-36 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their Tentative Maps:
- A. CO 01-0258, a proposed subdivision resulting in 3 lots, by David Newcomer et al., Via Concha Road, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved**.
 - B. CO 02-0326, a proposed subdivision resulting in 4 lots, by Pace Bros Construction, Dawn Road at Westwind Way, Nipomo Mesa, reject the offer of dedication for Westwind Way without prejudice to future acceptance, **Approved and RESOLUTION NO. 2004-189**, accepting the offer of dedication for Dawn Road; 4th District, **Adopted**.
 - C. Tract 2387, a proposed subdivision resulting in 12 lots, by Glenda Guiton et al., Camino Caballo, Nipomo, **Approved and RESOLUTION NOS. 2004-190 AND 2004-191**, accepting the relinquishment of access rights along Camino Caballo and the offer of dedication for Sweet Gum Lane and reject the offer of dedication for drainage and bike path without prejudice to future acceptance; 4th District, **Adopted**.

D. Tract 1747 Phase II, a proposed subdivision resulting in 43 lots, by Wayne Vaughan, Thompson Avenue, Nipomo, reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

E. Tract 2381, a proposed subdivision resulting in 20 lots plus one remainder, by Vista Roble LLC, Willow Road at Pomeroy Road, Nipomo, **Approved and RESOLUTION NOS. 2004-192 AND 2004-193**, approving an agreement for road improvement fees, reject the offer of dedication without prejudice to future acceptance, approve an open space easement agreement; 4th District, **Adopted.**

F. CO 99-0346, a proposed subdivision resulting in 2 lots, by Robert Barron, Northview Avenue, Nipomo Mesa; 4th District, **Approved.**

Sheriff Items:

- B-37 Agreement with the County of Los Angeles to provide prisoner transportation services, **Approved.**
- B-38 Agreement with Forensic Laboratory Services, Inc., to perform laboratory services, **Approved.**
- B-39 **RESOLUTION NO. 2004-194**, authorizing the a grant application to the State Office of Emergency Services for the continuation of a marijuana suppression program, **Adopted.**
- B-40 **RESOLUTION NO. 2004-195**, authorizing the a grant application to the State Office of Emergency Services for the continuation of the Gang Task Force, **Adopted.**

Other Items:

- B-41 Three contracts (Clerk's File) with private attorneys to provide indigent criminal legal defense services, **Approved.**
 - B-42 Reappoint four members to the In-Home Supportive Services (IHSS) Public Authority Governing Board, **Approved.**
 - B-43 Authorize the County Treasurer to transfer unclaimed monies totaling \$2,188 to the County General Fund, **Approved.**
 - B-44 Amended cooperative fire agreement (Clerk's File) with Avila Beach Community Services District, **Approved.**
 - B-45 **RESOLUTION NO. 2004-196**, authorizing an application to the California State Board of Corrections for the Comprehensive Multi-agency Juvenile Justice Plan Modification, **Adopted.**
- 6 C-1 This is the time set for hearing to consider adoption of the 2004-05 Final Budget including: 1) a resolution adopting budgets for the County and Board governed Special Districts; and 2) resolutions adopting the 2004-05 position allocation list (Clerk's File); All Districts.

Mr. Jim Grant: Assistant County Administrative Officer, presents the staff report; states this item wraps up the budget hearing process; indicates the Board made several changes using General Fund Contingencies with the provision that if the State budget pans out then some of those dollars will be returned to the County.

Reverend C. Hite: addresses the funding of community based services and the Growth Management Ordinance; speaks to the financial crisis of the County; questions a moratorium on the cut to services for In-Home Support clients.

Mr. Eric Greening: states the Board balanced the budget as best they could under the circumstances; thanks the Board for their efforts; questions what will happen in the future if there are any changes one way or another to the budget.

Chairperson Ovitt: states any unforeseen changes would be handled through the quarterly financial update and the Board will take care of any revenues and shortfalls.

Mr. Grant: states a final budget is brought back in late August when the State Budget is approved and the fund balances are known; staff will report to the Board then as to what will happen relating to contingency funds and reserves; indicates if things “turn south” staff could return in November in a public hearing with budget reductions.

Mr. Dean Rollins: San Luis Obispo County Employees Association General Manager, asks for clarification on the status of a departmental automation specialist in the library, with Mr. Grant responding.

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

AYES: Supervisors Achadjian, Bianchi, Pinard,
Chairperson Ovitt

NOES: None

ABSENT: Supervisor Ryan

RESOLUTION NO. 2004-197, amending the Position Allocation List resolution for Fiscal Year 2004-05, adopted.

7 C-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**

AYES: Supervisor Achadjian, Bianchi, Pinard, Chairperson
Ovitt

NOES: None

ABSENT: Supervisor Ryan

RESOLUTION NO. 2004-198, resolution amending the Salary Resolution for Fiscal Year 2004-05, adopted.

8 C-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**

AYES: Supervisor Achadjian, Bianchi, Pinard, Chairperson
Ovitt

NOES: None

ABSENT: Supervisor Ryan

RESOLUTION NO. 2004-199, resolution Allocating Positions for Fiscal Year 2004-2005, adopted.

9 C-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**

AYES: Supervisor Achadjian, Bianchi, Pinard, Chairperson
Ovitt

NOES: None

ABSENT: Supervisor Ryan

RESOLUTION NO. 2004-200, resolution amending the Salary Resolution for Fiscal Year 2004-05, adopted.

10 C-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi and on the following roll call vote:**

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

RESOLUTION NO. 2004-201, resolution adopting the County Budget and Budgets for Board Governed Districts for Fiscal Year 2004-2005, adopted.

- 11 C-2 This is the time set for hearing to consider a resolution setting appropriation limits for fiscal year 2004-05 for the County of San Luis Obispo and Board governed Special Districts; All Districts.

Ms. Andrea McGarvey: Auditor's Office, presents the staff report.

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

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

RESOLUTION NO. 2004-202, establishing the Appropriation Limit for Fiscal Year 2004-2005 for the County of San Luis Obispo and for Flood Control Zones 1 and 1-A, County Service Area Nos. 1-A, 1-B, 1-C, 7-A, 7-B, 10, 10-A, 16 and 23, adopted.

- 12 C-3 This is the time set for hearing to consider a resolution annexing Tract 2530 to Zone 16 of the San Luis Obispo County Flood Control and Water Conservation District; 4th District.

Mr. Glen Priddy: Public Works, presents the staff report stating on April 20, 2004 the Board adopted a resolution of intention to annex Tract 2530 into the zone of benefit and today's action will complete that annexation process; indicates there have been no protests.

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

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

RESOLUTION NO. 2004-203, resolution of the San Luis Obispo County Flood Control and Water Conservation District Annexing Tract 2530 in the County of San Luis Obispo to Flood Control Zone 16, adopted.

- 13 C-4 This is the time set for hearing to consider election results and formation of Tract 2530 Assessment District for drainage basin maintenance; 4th District.

Mr. Glen Priddy: Public Works, presents the staff report indicating a property-owner election was conducted as required by the California Constitution and this item is to approve the results of the election.

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

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

the Board declares the results of the Election for the Formation of Tract 2530 Assessment District for Drainage Basin Maintenance.

- 14 C-5 This is the time set for hearing to consider a resolution calling for an election to be held on November 2, 2004 for a reorganization involving dissolution of County Service Area No. 10, Cayucos Sanitary District and the Cayucos Fire Protection District and formation of the Cayucos Community Services District, election of Directors and the establishment of an appropriations limit for the new district; 2nd District.

Mr. Dan Buckshi: Administration, presents the staff report indicating this is a resolution calling for an election to be held on November 2, 2004 for the formation of the Cayucos Community Services District; states this has been approved by LAFCO; indicates corrections on the second page of the resolution are as follows: "question A above" should be replaced by "Measure M-04"; the phrase after the words "California Constitution" should read "be set at an established amount"; states he is available to answer any questions.

Supervisor Bianchi: asks what is the process for any member of the public who would like to run for a position on the Board.

Mr. Paul Hood, LAFCO Executive Officer, states the nomination period is between July 12, 2004 and August 6, 2004 and they can contact Ms. Janet Haley of the County Clerk's Election Division to fill out the necessary paper work.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Pinard and on the following roll call vote:

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

the Board amends the second page of the resolution changing the words "question A above" to read "Measure M-04" and RESOLUTION NO. 2004-204, resolution calling for an Election to be held on November 2, 2004 for a reorganization involving dissolution of County Service Area #10, Cayucos Sanitary District and the Cayucos Fire Protection district and forming the Cayucos Community Services District, Electing Directors and establishing an appropriations limit for the new District, adopted as amended.

- 15 C-6 This is the time set for hearing to consider an ordinance amending Title 26 (Growth Management Ordinance) and urgency ordinance implementing the amendments.

Ms. Kim Murry: Planning, presents the staff report regarding setting the growth rate for Cambria and the Nipomo Mesa area; speaks to adopting the urgency ordinance to cover the time frame from the action taken today and when the ordinance becomes effective 30 days from now and an action to change the percentage limit for any one developer in the Nipomo Mesa area to accommodate multi family development; addresses County allotments and water issues; states the Resource Capacity Study will come to the Board in the fall; states Los Osos will be addressed in the next fiscal year update to the Growth Management Ordinance due to the Coastal Commission's action; presents a brief history of the changes the Board took in May 2003; addresses a challenge that faces many developers in the Nipomo Mesa area relating to the limit of allotments; states staff is recommending a change to allow 10% of the Nipomo Mesa subset area to be distributed to any one developer; hands the Board proposed language; addresses the question of what is the appropriate growth rate for the County; presents staff's recommendations.

Board Members: discuss various issues, comments and concerns regarding Nipomo's future growth cap and the urgency ordinance; the formation of a task force and including the Water Resources Advisory Council's recommendations in the task force discussions; allotments left in Nipomo.

Reverend C. Hite: states she is representing Social Opportunity Universal Economic Health Equity, questions if the Growth Management Ordinance will create a disadvantage and unfair competition to select citizens; addresses fair employment and housing rights in the County; questions how the most vulnerable will be affected by this amendment.

Chairperson Ovitt: states this ordinance will not affect low income public housing.

Mr. Ed Eby: urges the Board to take action today to avoid exposure to litigation and unnecessary expense to county taxpayers; addresses the EIR for the Nipomo Mesa area; hands the Board a copy of his comments; speaks to the May 2000 settlement agreement with Save the Mesa and a copy of The Tribune article entitled “County to delay action on Nipomo growth controls”.

Mr. Eric Greening: urges the Board to act on this item today; states it is unfortunate that this cycle is “out of sync” with the Resource Management System findings; questions how the 146 allocations will be phased in the coming year; addresses the accurate reporting by staff regarding the Los Osos sewer issue.

Ms. Jane Jensen-Davis: states they are still waiting for water in Cambria so they can build and urges the Board to adopt staff’s recommendation with at least a 1% growth rate for Cambria.

Ms. Debra Dill: states she has a lot in Cambria and urges the Board to support the Cambria Community Services District (CCSD) efforts and continue with the 1% bank and the 2.3% would be appreciated; thanks the Board for their support.

Mr. Jerry Bunin: Home Builders Association, states they support the staff’s recommendation and raising the percentage for multi-family developers in Nipomo to 10%; encourages the Board to ask staff to raise the percentage for all developers in Nipomo; indicates projects will be built faster and be more cost effective; urges the revaluation of the 2.3% growth rate to see if it still makes sense.

Mr. Mike Dill: thanks the Board for their continued work with the CCSD and asks for the 1% growth rate in Cambria and allow the banking of those allotments for when the issues are resolved.

Mr. Deryl Robinsen: feels good progress is being made relating to the water issues in Cambria; addresses the Hearst Ranch protection; feels the deferral of allocations in Cambria is a fair process and hopes the Board continues to issue allocations.

Mr. Chuck Chiado: thanks the Board for moving forward; feels Cambria deserves the 2.3% growth rate; believes the CCSD has the communities best interest at heart; urges the Board to help the property owners.

Ms. Anita Robinson: Chairperson of the Housing Trust Fund, encourages the Board to look at projects that come forward that have the element of affordable housing within them.

Mr. David Watson: King Ventures, addresses the Nipomo Village project and the inclusion of affordable housing; supports the issue of increasing the percentage of allocations for multi-family developers especially if that plan includes affordable housing.

Mr. Denis Sullivan: Cypress Ridge, addresses doing a second phase in Cypress Ridge; states if the allocations stayed the way there are, it would take approximately 50 years to reach buildout; addresses the groundwater basin.

Mr. Michael Winn: President of the Nipomo Community Services District, states a task force will be formed with the cooperation of the Advisory Council and others in the community; states all the evidence in the Board’s hands demonstrates a violation of safe yield of water; states there is a policy that there will

be no additional discretionary increases within the District that are not included in the General Plan of 2002.

Mr. Gerald L. Rioux: Executive Director of the San Luis Obispo County Housing Trust Fund, states his concern relating to the impact on affordable housing; addresses the allocation process and policies.

Mr. Jesse Hill: states the Nipomo Community Services District will hold their meeting regarding the Task Force on July 19, 2004 at 6:30 p.m.

Board Members: discuss various issues, comments and concerns regarding: the impact to an individual builder if the increase is made to the multi-family developer; is there a formula to approach this issue; what percentage makes sense; the reason for the urgency ordinance; the overall growth rate is not being considered; the opportunity for affordable housing by giving the multi-family developer an incentive, with staff responding.

Mr Tim McNulty: Deputy County Counsel, states the urgency ordinance is because the existing growth management limit for the Nipomo Mesa area expires at the end of this month therefore in the absence of an urgency ordinance there would no specific 2.3% limit for the Nipomo Mesa area; indicates the change in the percentage for the number of allotments is proposed as a non-urgency change in the ordinance and it would become effective 30 days from the date of adoption; states that language would have to be reintroduced today and continued to July 13, 2004.

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

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

the Board approves the proposed Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq); and the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3028, an Ordinance of the County of San Luis Obispo establishing the allowable growth rate under the Growth Management ordinance, Title 26 of the County Code, for the Nipomo Mesa and Cambria areas for the Fiscal Year 2004-2005 (Urgency Measure), adopted.

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

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

the Board amends the proposed ordinance by adding the following sentence at the end of f. Limit on number of allotment requests "If a qualifying multi family project described in the preceding sentence includes at least 35% of the units, as affordable units, per County ordinance an individual developer may secure up to 15% of the total annual allocations in the Nipomo Mesa area for the market rate units"; and the Board reintroduces the proposed ordinance, as amended and directs staff to return on July 13, 2004 for final consideration.

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

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

ABSENT: Supervisor Ryan

the Board directs staff to come back with a report on the relationship between the County's Growth Rate and the State's Growth Rate and present it in December with the annual Resource Management Report.

16 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) *AT&T v. County of San Luis Obispo* and 2) *MCI WorldCom v. County of San Luis Obispo*.

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

3) *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. 4) *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 5) Negotiator's Name: *Santos Arrona, Gail Wilcox* Name of employee organization: *Deputy Sheriff's Association*. 6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge* Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*. 7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates* Name of employee organization: *District Attorney Investigators Association* 8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates* Name of employee organization: *SLOCEA*.

Chairperson Ovitt: opens the floor to public comment.

Reverend C. Hite: addresses the negligent actions of County employees and discrimination complaints; speaks to the Board's responsibility to the community.

Thereafter, pursuant to the requirements of the Brown Act, County counsel reports out on the items discussed during Closed Session as follows: Item s 1 through 8 were discussed and no public report is required because no final action was taken, and the Board goes into Open Public Session.

17 D-1 This is the time set for consideration of a resolution modifying Resolution No. 2004-119, acknowledging receipt and agreeing to California Coastal Commission's modified language pertaining to Local Coastal Program - Major Amendment #1-03; 2nd, 3rd and 4th Districts.

Mr. John Euphrat: Planning, present the staff report and recommendation.

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

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

the Board acknowledges receipt of the Coastal Commission's actions; accept the suggested modifications and RESOLUTION NO. 2004-205, resolution acknowledging receipt and agreeing to California Coastal Commission's modified language pertaining to Local Coastal Program-Major Amendment Number 1-03 (Modification to Resolution No. 2004-119), adopted.

C-7 This is the time set for hearing to consider an appeal by Gregg Berge of the Subdivision Review Board's approval of a modification from or an adjustment to the requirements on conditional certificate of compliance C1989-007 for an approximate 5,525 square foot parcel (Lots 19, 20 and portion of 21 of Block 128, Cambria Pines Manor Unit 6) in the residential single family land use category, located at 2255 Adams Street, approximately 100 feet north of Mills Street, in the community of Cambria; 2nd District.

Mr. John Euphrat: Planning, presents the staff report; states the Applicant is at the end of a long list for water; indicates anyone would need to provide evidence that they can provide both water and sewer capability before building; states the original Conditional Certificate of Compliance recorded May 1989 contained nine conditions of approval and this modified Conditional Certificate of Compliance to modify the standards proposes only four conditions which are similar ones that are required for any project in Cambria; indicates the Applicant feels a variance could be granted and staff and the Subdivision Review Board believes this is inappropriate; states the second issue is the legality of Title 26; indicates the Applicant wants to bypass the need for a will-serve letter; states the issue is the lack of water in the community; indicates there is a small correction on page C-7-18 H which should read: "The time period within which to challenge and review the *May 11, 1989* recorded Conditional Certificate of Compliance has run and its provisions are final unless superseded and replaced by a new Conditional Certificate of Compliance application filed by the current landowner *or* vendee and approved by the County"; states staff is available for questions.

Mr. Gregg Berge: Applicant, states the Conditional Certificates were brought to his attention in 1992; at-issue is the original conditional language on the original certificate which required the water and sewer from the Cambria Community Service District (CCSD) and also to obtain a "will-serve" letter; describes the process of obtaining a "will-serve" letter in relation to the Health and Safety Code; addresses Title 26, Section 26.01.070 and CCSD's Ordinance 14-90 with respect to a public taking, by freezing the waiting list of the CCSD for the purposes of administering their title and all future allocations issued by the County shall be in accordance with the Community Service provider's plans and policies and all allocations should come from a certified list; states by taking away the right for application, the County took away the right for entitlement which eliminates the eligibility for water and sewer; questions if the CSD's waiting list is frozen currently by Title 26 and is the District conforming to Title 26 by closing their wait list and is that currently in force and effect; addresses the violation of due process; presents a water and sewer history of Cambria.

Chairperson Ovitt: opens the floor to public comment with out response.

Mr. Berge: addresses page C-7-33 of the staff report indicating this response put the new conditional language in the new certificate and was the basis for his appeal; addresses the Environmental Health Agency's response; addresses the requirements for land divisions in the Coastal Zone; states the whole basis of denial is the adherence of Title 26.

Mr. Euphrat: states there are over 1,000 property owners that are in the same situation; indicates the CCSD is looking for more water sources and is in a moratorium for new development.

Supervisor Achadjian: questions if the property was purchased with these conditions and if the CCSD had the water would they be able to issue a "will-serve letter", with staff responding.

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

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

ABSENT: Supervisor Ryan

the Board amends page C-7-18 H. to read: “The time period within which to challenge and review the *May 11, 1989* recorded Conditional Certificate of Compliance has run and its provisions are final unless superseded and replaced by a new Conditional Certificate of Compliance application filed by the current landowner *or* vendee and approved by the County” and RESOLUTION NO. 2004-206, resolution denying the appeal and affirming the decision of the Subdivision Review Board and approving the issuance of one (1) Conditional Certificate of Compliance to supersede and replace Conditional Certificate of Compliance C1989-007 pursuant to the application of Gregg A. Berge for Conditional Certificate of Compliance C2003-0388, adopted as amended.

C-8 This is the time set for hearing to consider proposed amendments to Title 22, the Land Use Ordinance and Title 23, Coastal Zone Land Use Ordinance: 1) G010014L - Ag and Open Space Element Implementation; and 2) G020021L - Transfer of Development Credit Program Amendments (Inland only); All Districts.

Chairperson Ovitt: states today the Board will hear the staff report and public comment and this item will be continued to August 10, 2004.

Ms. Kami Griffin: Planning, presents the staff report; states the item before the Board is two separate amendments: 1) Title 22 and 23 relating to Ag parcel size and cluster amendments; states this deals with the Ag and Open Space Policy 21 which deals with the minimum parcel size standards; indicates the other two policies that this implements are Ag and Open Space Policy 22 that modifies the existing agricultural cluster provision for the inland areas of the County and Policy 23 which is a minor cluster provision for both inland and coastal areas of the County; addresses additional incentives for clusters; highlights minor modifications recommended by Planning staff and the Ag Commissioner; states the Planning Commission recommended adoption of the Negative Declaration and approval of the amendments and staff recommends the Board adopts the modifications as specified in the staff report dated 6/22/04.

Ms. Sheila Lyons: wants to make sure the Board received the letter from the Ag Commissioner regarding the Ag to Ag transfers.

Mr. Charlie Whitney: Santa Margarita Area Advisory Council, also wants to make sure the Board has the letter from the Ag Commissioner’s office.

Ms. Maria Lorca: states she is opposed to the TDC program; addresses her concerns for Ag lands not being appropriate for receiving TDC ‘s; changes to the proposed application processing; changes to the proposed receiving site eligibility criteria and changes to the appeal process.

Ms. Susan Harvey: addresses the TDC program and the loss of rural land and agriculture vulnerability; urges the support of the request by Ag Commissioner Bob Lilley as stated in his letter dated May 27, 2004; addresses the method of measurement and requests the use of the road method for consistency in all policies.

Mr. Eric Greening: feels clustering is better than scattering houses however the incentives for clustering move entitlements to more buildable locations where they are more likely to be built and can create a pattern of mini towns on agricultural land; states there has never been an assessment of creating such towns; questions the definition of “compact”; states he strongly agrees with the Ag Commissioner relating to TDC’s; feels this program was first introduced as a “design tool” and is now haphazardly moving development toward agricultural and rural lands of the North County.

Mr. Drew Sweeney: Santa Margarita Advisory Council, urges the Board to follow the recommendation of the Advisory Council and the Ag Commissioner.

Mr. Jesse Hill: Vice-Chairperson of the Nipomo Community Advisory Council, states they are generally not in favor of the TDC ordinance however, the ordinance today has improved and hopes that it is adopted today; addresses the Nipomo Community based TDC program; states he hopes other advisory councils adopt such a program to control the TDC ordinance.

Mr. Greg Shipley: states he owns 50 acres of prime Ag land; addresses the original goal of the TDC program and its benefits.

Mr. Victor Montgomery: RRM Design Group, urges the Board to not change the existing Agricultural Clustering Ordinance; highlights the positive benefits.

Mr. Jeff Fesber: RRM Design Group, presents a success story of the TDC ordinance; states it is an innovative tool; encourages the Board to leave the ordinance as it is and add to the open space and agriculture protection.

Mr. Ken Bornholdt: Laetitia Winery and Vineyard, urges the Board to not adopt the changes recommended in the draft language and hands the Board suggested alternative language.

Mr. John Janneck: Laetitia Winery and Vineyard, states the purpose of the Ag cluster is to build a first class development; indicates the existing Ag cluster rules are more complicated than doing a specific plan at the Woodlands; states it is possible that the new changes to the Ag cluster rules would reduce density by as much as 50% and feels there would be no more clusters.

Mr. Jerry Linthicum: addresses the direct impacts of some of the changes of the Land Use Element relating to the division of a 40 acre ranch.

Mr. Irv McMillan: feels there will be changes made to the TDC program to legitimize it; addresses his concerns regarding clustering lots in agricultural land and maintaining the EIR process for clusters; states the purpose of the TDC program was to protect ag resource and to move development rights on to urban properties; urges support for the Ag Commissioner's proposal.

Ms. Carol Florence: states she is representing several clients who are beginning their estate planning and questioning how they will divide their properties among their children and grandchildren; states she is dealing with a smaller parcel and she has been working with staff; states the Cluster Ordinance is difficult to apply to smaller parcels.

Ms. Pamela Heatherington: Executive Director of the Environmental Center of San Luis Obispo, states their mission is to enhance and protect the natural environment of San Luis Obispo; fears the language change to Titles 22 and 23 could have an unintended consequence which might lead to fragmentation and loss of viable Ag land; urges the Board to expand on the EIR; feels the tools of the TDC program and Ag Cluster Ordinance are tools to be used to assure Ag ventures remain viable but they should be used only under specific circumstances.

Mr. Andrew Christie: Chapter Coordinator for the San Lucia Chapter of the Sierra Club, states they support the efforts of the Board to amend the TDC program; states they support the recommendation of the Ag Commissioner to modify the language of the amendment to the TDC program in order to specify that no Ag land maybe designated as a receiver site.

Mr. David Pereira: states the Ag community have requested this for awhile; addresses the need for flexibility relating to the TDC and cluster planning tools; addresses the Williamson Act.

Mr. Tom Vaughn: supports the TDC program and the Ag to Ag transfers; states he supports the no automatic EIR and is opposed to the change in the minimum lot sizes in the Ag category; requests the Board support additional incentives.

Chairperson Ovitt: states he will not close public comment and anyone who has written comments to hand them into the Board now; indicates the Board intends to come back on the 10th of August with more detailed changes.

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

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

the Board continues this hearing to August 10, 2004 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, June 22, 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/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 6/24/04
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