

Tuesday, October 5, 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 Bianchi and on the following roll call vote:**

AYES: Supervisors Achadjian, Bianchi, Pinard, Chairperson Ovitt

NOES: None

ABSENT: Supervisor Ryan

RESOLUTION NO. 2004-319, resolution proclaiming October 2004 as "National Dental Hygiene Month" in San Luis Obispo County, adopted.

Chairperson Ovitt: reads the resolution and presents the same to Ms. Maureen Titus.

Ms. Titus: thanks the Board for the recognition and states this year they are promoting smoking cessation; presents a packet of dental products to each Board member.

2 A-1-B **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. 2004-320, resolution designating October 2004 as San Luis Obispo County Domestic Violence Awareness Month, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Cindy Marie Absey, Victim-Witness and Beth Raub, SLO Women's Shelter.

Ms. Absey: thanks the Board for the recognition and addresses how domestic violence situations have been handled in the past and the changes for the better over the years.

Ms. Raub: presents each Supervisor with a "goody bag" and comments on the activities that will occur during the month.

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

3 A-1-C **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. 2004-321, resolution proclaiming the week of October 10-17, 2004 as "California-Mexico Binational Health Week," adopted.

Supervisor Achadjian: reads the resolution and presents the same to Mr. Fernando Gamboa of the Mexican Consul.

Mr. Gamboa: thanks the Board for the recognition; speaks to the creation of the partnership two years ago and how it has expanded from California to eighteen other States.

Ms. Isabel Ruiz: Public Health, addresses the mission for the Binational Health program; invites all to the health fair and highlights what they will be offering during this event.

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

Mr. Bruce Deile: addresses his ongoing problems at the Prado Homeless Shelter; states he is now being harassed by police and sheriff around the County and cites several incidents that involve his dog not being "certified" as a service dog; states several police officers discussed "citizens' arrest" possibilities with respect to his alleged violation of certifying his dog; speaks to filing a formal complaint against a couple of the police agencies.

Rev. C. Hite: states she is making a formal citizens complaint on the matter of disinterest and non-compliance by the County of the ADA requirements; addresses the lack of handling the barriers to services by Social Services; believes the County is discriminating against the disabled with this lack of compliance.

Ms. Lisa Schicker: lives in Los Osos and wants to see more representation from the Los Osos area with the County; speaks to the letters she has sent to the County and has not received a response on any of them; her concerns about the amount of paper involved with the Estero Update and how daunting this is to the public to read.

Mr. David Edge: County Administrative Officer, addresses the comments by Mr. Deile and will continue to work with him; indicates problems with the cities is out of the County's jurisdiction but he can contact the city administrators about this issue; with respect to Rev. Hite's comments and comments on how those can be handled when they are specific versus general in nature. **No action taken.**

5 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. Bruce Deile: addresses Item B-18 and the 30-day notification process and doesn't believe this is right; feels it puts the burden on the disabled.

Rev. C. Hite: comments on Item B-18 and asks that this item not be approved as it is full of errors and is a flawed document; speaks to barriers in the Board Chambers, for her, such as the weight of the microphone; feels she has failed in her advocacy for the disabled.

Mr. Eric Greening: addresses Item B-18 and suggests there is a need to do something here but feels this letter is lacking information and asks that the Board not act on it today; Item B-19 speaks to the change from a cancellation to a non-renewal and his support of this. **No action taken.**

6 B-1 thru B-19 Consent Agenda Item B-3 is amended to replace the transmittal letter to correct the term for the appointment of Aline Graham. Item B-12 is amended to replace the transmittal and staff letter to clarify the recommendation. Item B-17 is added to the Consent Agenda. Item B-18 is amended to add, to the appropriate letter, either the reference to State legislation AB2594 (Leslie) or Federal legislation HR728 (Foley) and said item is added to the Consent Agenda as amended. Item B-19 is added to the Consent Agenda.

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

Consent Agenda Items B-1 through B-19 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-19, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Board of Supervisors Items:

B-1 Request from Board Members to allocate \$5,000 from Community Project Funds (District Two - \$250, District Three - \$250, District Five - \$4,500) to Creston Elementary School for family advocacy services to 42-children at the school, **Approved.**

- B-2 Request from Supervisor Ovitt to allocate \$1,500 from Community Project Funds to the Paso Robles Pioneer Day Committee for expenses associated with holding the 74th annual Pioneer Days celebration on October 9, 2004, **Approved.**
- B-3 Request by Supervisor Ovitt to appoint Aline Graham to the Private Industry Council Workforce Investment Board, **Approved as amended.**

General Services Items:

- B-4 **RESOLUTION NO. 2004-322**, amending the position allocation list for Budget Unit 2300 - General Services Garage changing the classification title for the Automotive Service Worker to Fleet Service Writer, **Adopted.**
- B-5 1) Creation of a new project entitled "Oceano Airport Master Plan" at the Oceano Airport; and 2) an application for allocation of funds from the Caltrans "State Matching Grant for FAA AIP Program"; and 3) a corresponding budget adjustment in the amount of \$315,789 from unanticipated revenues, **Approved.**
- B-6 Request to authorize surplus of various equipment and miscellaneous items, **Approved.**

Pension Trust Items:

- B-7 Contract with the Air Pollution Control District for participation in the County Pension Trust, **Approved.**
- B-8 **RESOLUTION NO. 2004-323**, amending the county retirement plan to provide employees of the Superior Court in bargaining units 24,25,26 or 27 to be covered by the provisions in section 1.14.1 "Employer Pick Up of Normal Contributions as Compensation" and Section 1.16 "Final Compensation," **Adopted.**

Planning and Building Items:

- B-9 **RESOLUTION NO. 2004-324**, accepting an avigation easement from Richard, Debra and Justin Sorrentino, for property located near the Paso Robles Municipal Airport, **Adopted.**
- B-10 **RESOLUTION NO. 2004-325**, accepting an avigation easement from Justin Sorrentino and Ted Groom for property located near the Paso Robles Municipal Airport, **Adopted.**

Public Works Items:

- B-11 **RESOLUTION NO. 2004-326**, authorizing a Transportation Funding application under the Community Based Transportation Planning Grant Program (CBTPG) for the development of a median improvement/Streetscape plan on Los Osos Valley Road between Palisades Avenue & Los Osos Creek in Los Osos; 2nd District, **Adopted.**
- B-12 Plans and specifications (Clerk's File) for repair of the Santa Rita Creek Road bridge and authorizing the Public Works Director to award a contract, **Approved as amended.**
- B-13 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: CO 02-0247, a proposed subdivision resulting in 3 lots, by Larry & Cheryl Lane and Todd & Teresa Crandall, Scenic View Way, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved.**

Other Items:

- B-14 Minutes of the August 3, 10, and 17, 2004 Board of Supervisors meetings, **Approved.**
- B-15 1) Renewal agreement (Clerk's File) with the Economic Opportunity Commission of San Luis Obispo County for case management services for the Adolescent Family Life Program (AFLP); and 2) a corresponding budget adjustment in the amount of \$42,000 from unanticipated revenues, **Approved.**
- B-16 Agreement (Clerk's File) with the Food Bank Coalition of San Luis Obispo County for distribution of food for the needy for fiscal year 2004-2005, **Approved.**

ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing requirement.)

- B-17 Introduction of a proposed ordinance repealing Chapter 1.10 of the County Code relating to the regulation of telecommunications systems in the County rights-of-way and repealing Ordinance Nos. 2924 and 2998 relating to County Fees for telecom facilities in County right-

of-way, **Approved and the Clerk is instructed to give notice of hearing date set for October 19, 2004 at 9:00 a.m..**

B-18 Response to Board direction to staff to prepare a letter supporting changes to the Americans with Disabilities Act and related State Law, **Approved as amended.**

B-19 Request from Planning and Building to authorize service of Farris Hillside/Blumer notice of partial nonrenewal of land conservation contract (Clerk's File), **Approved.**

7 C-1 This is the time set for hearing to consider an appeal of the Templeton Road Improvement Fee by Billy and Mary Ingram; 1st District.

(SUPERVISOR PEG PINARD IS NOW ABSENT.)

Mr. Richard Marshall: presents the staff report; outlines the request to refund the fees they paid to construct a single family residence on Las Tablas Road in Templeton; staff recommendation is to deny the appeal.

Ms. Mary Ingram: Applicant/Appellant, states they have paid fees for a road (Horseman) **(SUPERVISOR PEG PINARD IS NOW PRESENT.)** that has never been improved; states they have been saving for forty years to build this home and because of these fees they will have to delay building again.

Chairperson Ovitt: speaks to the changes to Horseman over the years.

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 denies the appeal by B. And M. Ingram for the road improvement fee paid for the Templeton Road Fee Area.

8 C-2 This is the time set for hearing to consider a proposal by Paso Pacific Properties, LLC/Pacific Tank and Construction, Inc. to amend Title 22 of the Land use Ordinance by allowing a 1.8 acre site to be developed as a tank construction and installation site, located on Highway 46 east, north of the community of Shandon; 1st District.

Mr. Jim Lopes: Planning, presents the staff report; the Planning Commission recommendation for five Use Groups on this property; presents an aerial photograph of the property; addresses the recent site improvements; outlines the Mitigated Negative Declaration that was prepared for the Conditional Use Permit; addresses the staff recommendation.

Supervisor Bianchi: speaks regarding wine tasting and special events being included in this and her concerns to that.

Ms. Jamie Kirk: representing the Applicant, gives a powerpoint presentation and thanks Mr. Lopes for all his work on this; states the Applicants purchased this site in 2003; addresses all the clean up they had to do on the property; indicates they don't have a problem deleting the use of a wine tasting room or special events; asks that the Board adopt this ordinance.

Mr. Greg McMillan: addresses the issue of painting and the toxics from the same that will get into the ground water; addresses the use of a sandblaster on the property without a permit; repeated calls to Code Enforcement outlining concerns that have been made without response.

Mr. Gordon Hensley: Environment in the Public Interest, addresses his October 4th letter to the Board outlining their concerns to the approval of this ordinance; believes the expansion of commercial/industrial use in this area is poor planning; feels this is located in a dangerous part of Highway 46; references a letter previously sent to the Planning Department and highlights the same; addresses the Phase 1 and 2 reports that were added to the record relating to the Shandon Advisory Committee.

Chairperson Ovitt: states that the paint is part of a Hazard Management Plan for the site.

Ms. Kirk: addresses the current uses on the site; they are working with both Code Enforcement and Planning staff with everything they have done on the property.

Mr. Lopes: speaks to the Hazardous Material Business Plan that is required.

Supervisor Bianchi: speaks to water quality review; addresses her concerns again to the use of a wine tasting room and special events and the concern regarding safety on Highway 46 and wants them removed from the allowable uses list.

Mr. Lopes: suggests language on page 1 of the ordinance **2. Limitation on Use.**

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 amends, Section 1 of the proposed ordinance, under "2. Limitation on Use" in the fourth line from the bottom of the page, after the wording "Agricultural Processing" and adds "excluding wine tasting and special events"; and, the reading of the proposed ordinance is waived as said proposed ordinance is read by title only and ORDINANCE NO. 3045, an ordinance amending Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, by amending Section 22.110.020C relating to allowable uses on a portion of 2004 Assessor Parcel Number 017-131-039, adopted as amended. Further, the Mitigated Negative Declaration is approved in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.

9 C-3 This is the time set for hearing to consider an appeal by Kris Walters on behalf of the Baron Canyon Homeowners Association of the Hearing Officer's determination that the mitigated negative declaration prepared for grading permit a PMT2003-01507 (Harvanovich) is adequate for property located on Balm Ridge Way, northeast of the community of Avila Beach; 3rd District.

Mr. John Nall: Environmental Specialist-Planning, presents several letters for the record; indicates they received notification to withdraw the appeal and there is no one present today to oppose the withdrawal.

Ms. Lou Smith: representing the Applicants, states they are available to answer questions.

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

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

the Board accepts the withdrawal of the appeal.

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) *San Luis Obispo County Sanitation District v. County of San Luis Obispo* and (2) *SLO County Deputy Sheriff's Association v. County of San Luis Obispo, et al.*

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, Ellen Aldridge*, Name of employee organization: *SLO Co. Probation Peace Officers' Association*, (6) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*, (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *SLOCEA*, (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Management, Confidential*.

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: No report required because no final action was taken and the Board goes into Open Public Session.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

11 C-4 This is the time set for continued hearing (continued from September 28, 2004) to consider the Estero Area Plan update: proposed amendments to the Estero Area Plan and Circulation Element of the Local Coastal Program and County General Plan, and related revisions to the San Luis Obispo Area Plan, Land Use Ordinance Chapters 22.92 and 22.108 - Adelaida and San Luis Obispo Planning Areas - Title 22 of the County Code, and various sections of the Coastal Zone Land Use Ordinance, Title 23 of the County Code; G970022X, G970010X, G9980004X; County (Area Plan & EIR in Clerk's File); 2nd District.

Mr. Mike Wulkan: Planning, presents the staff report, recapping the actions, by the Board, at the last hearing; tentative action was taken on Chapters 1 through 4 last week; outlines the remaining issues from those chapters that the Board directed come back today; the first issue was from page 3-17 regarding water demand in the Cayucos area.

Mr. Paavo Ogren: Public Works, addresses the estimates provided in the Update, by Planning, for the water demand and feels these are reasonable figures of 4 homes per acre foot of water and further explains.

Mr. Wulkan: addresses some housekeeping changes starting with page 3-41 and highlights those changes from **I. Fire Protection**, to add language and also to address the agreement with CDF/County Fire and the Los Osos Community Services District; change the language on page 3-43 in the 7th line under **J. Emergency Medical Services** to reflect a new arrangement for medical services in Los Osos; page 4-15 regarding **Cayucos Hillside**s provides new language to address the issues raised by the Board last week regarding acquiring properties through tax defaults; and, page 4-60, addresses the changes to the language of **7. Geologic Study** directed by the Board.

Chairperson Ovitt opens the floor to public comment on the overall Update.

Ms. Karen Vega: states she is here representing the Los Osos Community Services District and indicates their support for this Plan; **(CHAIRPERSON HARRY L. OVITT IS NOW ABSENT.)** additionally one of the changes in the Plan will move the Monarch Grove area into the Urban Reserve Line (URL) which is what is wanted so they will be included in the sewer district.

Mr. Bruce Gibson: Cayucos Land Conservancy, states they endorse all the items for the hillside antiquated subdivisions. **(CHAIRPERSON HARRY L. OVITT IS NOW PRESENT.)**

CHAPTER 5: CIRCULATION ELEMENT, is now presented.

Mr. Wulkan: provides an overview of the chapter.

Chairperson Ovitt opens the floor to public comment on the Chapter 5.

Mr. Eric Greening: speaks to page 5-24 regarding **Multi-Use Trails** and suggests that the California Coastal Trail is the "backbone" for trails in the County; suggests there is a need to take care when placing trails in this area; on page 5-25 regarding public transit and wants to see an increase in the hours of service for both areas in the Plan.

Supervisor Bianchi: addresses the issue of hours and suggests changing the language to "extended" hours versus actual hours.

Chairperson Ovitt: addresses letters from Mr. Reentz and Mr. Wimer.

Supervisor Bianchi: addresses several changes to language she would like to make.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board amends the following: page 5-22, top of the page (which is the end of the paragraph from page 5-21 - c. Los Osos) by deleting the sentence that reads "A bicycle/pedestrian path is also possible along Santa Paula Avenue adjacent to the Elfin Forest."; page 5-26, under B. Energy Transmission Lines, add to last line of the paragraph the wording "public facilities" after the word "residences"; page 5-29, 2. Highway 1 Beautification and

Modernization add the wording “and Federal All American Byway” after the word “Highway” in the last line of the paragraph; and, Chapter 5 is tentatively approved as amended.

CHAPTER 6: ENVIRONMENTAL AND CULTURAL RESOURCE POLICIES AND PROGRAMS, is presented.

Mr. Wulkan: provides an overview of the chapter outlining the issues relating to the Los Osos Habitat Conservation Plan (HCP); outlines the concerns raised by the Coastal Commission regarding the HCP not being completed; staff is doing all they can to incorporate the HCP into this Update; comments on the Sand ESHA; goes through the Combining Map changes for both Los Osos and Cayucos.

Mr. Tim McNulty: Deputy County Counsel, addresses the process of incorporating the HCP into this Plan.

Chairperson Ovitt opens the floor to public comment on Chapter 6.

Mr. Eric Greening: questions where the cultural policies are for the Plan; concerns about the species covered in this chapter; questions Condition #34 for the Los Osos sewer as it relates to the Coastal Commission and the HCP.

Ms. Julie Tacker: urges the Board to slow down on approving this document; is disappointed that the HCP is not in the Plan and suggests waiting to adopt this until it is included and explains why she believes that is important.

Ms. Mary Ann Carnegie: addresses the Sensitive Resource Area (SRA) and the monarch butterfly.

Ms. Pam Heatherington: addresses the issue of the Cayucos Hillside and the antiquated subdivisions.

Ms. Linde Owen: questions “like” habitat issues; comments regarding building in the center of town and its relationship to habitat concerns.

Chairperson Ovitt: states the HCP is on a separate track from this document and that staff has incorporated as much of the HCP as it can at this time.

Supervisor Bianchi: speaks to the HCP being prepared by the Los Osos Community Services District; addresses a change to page 6-34 of the document.

Mr. Wulkan: speaks to a clerical change to the document on page 6-36.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board amends page 6-34, 4. Creek Restoration on County-owned Lands, the last line of the paragraph by adding the wording “UC Cooperative Extension, Farm Bureau and Regional Water Quality Control Board” after the wording “Resource Conservation District”; amends page 6-36, middle of the page the title that reads in part “A. Los Oso Community-Based . . .” to correct the “A” to “G” and Chapter 6 is tentatively approved as amended.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

CHAPTER 7: PLANNING AREA STANDARDS, is presented.

Mr. Wulkan: provides an overview of the chapter; highlights the various maps that outline the changes in the land use category in the two areas; addresses the various property owner requests for land use changes (**SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.**); highlights the Planning Area Standards; the environmental sensitive areas; site disturbances; water quality; rural area standards; standards for agricultural zones; Estero Marine Terminal Standard; addresses language changes to page 7-65 revising Figures 7-15 and 7-28 to reflect language recommended by the Cayucos Citizens Advisory Council (CCAC); additional changes to language and/or maps on pages 7-103, 7-111, 7-129, 7-130, 7-132, 7-144 and 7-162.

Chairperson Ovitt opens the floor to public comment on Chapter 7.

Mr. Dennis Schmidt: representing Morro Bay & Lands Company and the Donovan property owners’ requests; on Donovan the concern is that the density is proposed to change to a maximum of seven units and they want it to remain at twelve units; addresses the Morro Bay & Lands Company request and the change on the Urban Services Line (USL) across this property; also they don’t want the zoning changed on their property as they have vested rights.

Ms. Carol Florence: Oasis Associates and representing L. C. Pollard Family Trust, presents an aerial view of the property and their request to change the language on page 7-66 regarding Residential Multi-Family Standards and proposes language that she submits for the record.

Ms. Bev Pratt: addresses the property her family owns above Cabrillo Estates that they have been working on for the past 30 years; wants to see this area remain more flexible as they are opening the tract back up.

Mr. Bill Walter: representing the Pratt family, addresses his letter of September 27, 2004 to the Board and comments on the Superior Court ruling that the Pratt family should submit one additional application and that is what they are in the process of doing.

Mr. Ned Rogoway: representing Montana Company, speaks in support of the changes in the document and supports adoption of the same.

Ms. Teresa McClish: speaks to the Cuesta Inlet owned by Mr. Ogle (4-35 map); their request for an increase in the density to be consistent with the surrounding neighborhoods.

Ms. Mildred Denham: addresses the original height limitations on the area around Mitchell Drive in Los Osos that was previously set at 14 feet by the Board of Supervisors in 1984 and then without any notification to property owners it has changed to 28 feet; they are requesting that it be moved back to the 14-foot limit that was previously set by the Board.

Ms. Mary Prendergast: speaks regarding the height limitations that were set by the Board in 1984 for the Mitchell Drive area and her concern to a change in that limit sometime later without notifying the property owners; states they want the height returned to 14 feet.

Mr. Ron Kanzler: presents a site map of his property, in Cayucos, on Gilbert Avenue and the concern about the Urban Reserve Line (URL) location and asks that it be extended to include his property.

Ms. Louise Tucker: speaks to the URL in the Gilbert Avenue area and asks that it be a straight line versus what is being proposed and should include the Kanzler property.

Ms. Carole Maurer: Los Osos Citizens Advisory Council (LOCAC), thanks staff and especially Mr. Wulkan for all his work on this; addresses their concern about the design plans in the Appendix.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian and unanimously carried, the Board continues the hearing past 5:00 p.m. to allow for the completion of public testimony on Chapter 7.

Mr. Jeff Edwards: asks the Board to take more public testimony on this chapter at the next meeting; presents a copy of a letter from Colmer Construction and the Public Utilities Commission to have the USL follow the URL in this area; addresses page 7-153, Figure 7-59, indicating he is representing the area labeled #2 on this map and requests that the cluster requirement for this area be removed.

Mr. Eric Greening: comments on pages 7-12 and 13 regarding the fuel modification zones; addresses page 7-30 regarding the Estero Marine Terminal; page 7-52 regarding the Coastal Stream setback requirements.

Ms. Julie Tacker: urges the Board to continue public discussion on this chapter to the October 19th meeting; agrees with comments by Mr. Edwards regarding the location of the URL and USL and refers to map M17 in the Plan.

Ms. Linde Owen: addresses traffic impacts in the Los Osos area.

Mr. Bob Semonsen: states he was previously a LOCAC member and addresses issues that were raised regarding special communities; comments on the Baywood Park area and wants to see smaller sidewalks for this area and suggests four foot planters and six foot sidewalks here.

Mr. Bruce Gibson: comments on density issues in the current Plan; addresses available resources.

Ms. Mary Ann Carnegie: comments on the Pollack request and recommendations for the same; addresses pages 7-76 and 77, #3 and questions the issue of the lot size; and, comments on the issues raised regarding the URL on Gilbert Avenue.

Mr. Rick Nyznyk: asks the Board for more time to discuss this chapter at the next meeting; comments on page 7-11 regarding oak woodlands; comments on the greenbelt versus dunes sands ESHA.

Chairperson Ovitt continues this hearing to October 19, 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, October 5, 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: October 12, 2004

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