

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, K.H. 'Katcho' Achadjian, Michael P. Ryan and Chairperson Harry L. Ovitt

ABSENT: Supervisor Peg Pinard

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

SUM

AGN

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

AYES: Supervisors Ryan, Achadjian, Bianchi, Chairperson Ovitt

NOES: None

ABSENT: Supervisor Pinard

RESOLUTION NO. 2004-327, resolution proclaiming the week of October 23-31 as "Red Ribbon Week" in San Luis Obispo County, adopted.

Chairperson Ovitt: reads the resolution and presents the same to Ms. Linda Nelson, Drug and Alcohol Prevention Team.

Ms. Nelson: thanks the Board for the recognition and highlights the activities scheduled for the week starting with a cheerleading competition on October 23rd.

Two students from San Luis Obispo Senior High and representing Friday Night Live, thank the Board for their support of the program; they know what drugs can do to their friends and are glad that Friday Night Live is available as an alternative source of fun.

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

Ms. Elise McDowell: speaks regarding the Atascadero Homeless shelter and the shelter in San Luis Obispo and her concerns regarding the treatment folks receive at these shelters; concerns about how situations are handled and feels there is some harsh treatment occurring.

Mr. Richard Quandt: Growers and Shippers, speaks regarding Measure Q and indicates that in Butte County there is a similar ballot measure, Measure D, and reads from a recent article in a Chico newspaper regarding this measure and the lack of support from farmers.

Ms. Ann Ream: County Arts Council, speaks to the money that was originally set aside for art in the new Government Center and now that money is in jeopardy; urges the Board to find a way to ensure funding is still made available for art in the new building; also addresses "Open Studio" weekends to visit local artists at their homes.

Ms. Tina Salter: Atascadero Senior Faire Chairperson, states they are holding the Senior Health Faire on October 23rd at the Atascadero Lake Pavilion; comments on how this event started and what it includes.

Mr. Eric Greening: speaks in support of the comments by Ms. Ream and in support of the arts; makes several arguments in support of the passage of Measure Q.

Mr. George Rosenberger: Assistant Director of General Services, states that the new Government Center is a \$40 million dollar project and there was the unexpected expense of the soil clean up at \$5 million; they are still hopeful they will recoup these costs through the insurance claim. **No action taken.**

3 B-1 This is the time set for members of the public wishing to address the Board on items set on the
thru Consent Agenda.
B-17

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

Consent Agenda Item B-5 is withdrawn.

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

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

Consent Agenda Items B-1 through B-17 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-17, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

- B-1 Introduction of a proposed ordinance amending Section 2.48.095 of the County Code by increasing Board of Supervisor's salaries effective January 1, 2005, **Approved and the Clerk is instructed to give notice of hearing set for October 26, 2004 at 9:00 a.m..**

Behavioral Health Items:

- B-2 Renewal agreements (Clerk's File) with Lucia Mar Unified School District, San Luis Coastal Unified School District and Coast Unified School District for counseling services and prevention activity development, **Approved.**
- B-3 Renewal agreement (Clerk's File) with the California Friday Night Live Partnership for mentoring programs in San Luis Obispo High School, Laguna Middle School, Morro Bay High School and Los Osos Middle School, **Approved.**
- B-4 Eleven reappointments to the Drug and Alcohol Advisory Board, **Approved.**

Probation Items:

- B-5 Request to approve a contract, not to exceed \$50,000, with Leonard Manzella, LCSW to continue provision of services for the Child Abuse Prevention Program, **Withdrawn.**
- B-6 **RESOLUTION NO. 2004-328**, authorizing the Chief Probation Officer to apply for and accept an award in the amount of \$35,411 from the California Office of Criminal Justice Planning for the Juvenile Accountability Incentive Bock Grant Program; and request to approve a corresponding budget adjustment in the amount of \$35,411, **Adopted.**
- B-7 **RESOLUTION NO. 2004-329**, to approve the Comprehensive Youth Services Act expenditure plan for fiscal year 2004-2005; and 2) approve a corresponding budget adjustment in the amount of \$759,617; and 3) amending the position allocation list for Budget Unit 2660- Probation, adding 7.5 limited term positions, **Adopted.**

Public Health Items:

- B-8 1) An agreement (Clerk's File) with San Luis Obispo Child Development Center for Targeted Case Management (TCM) activities; and 2) a corresponding budget adjustment in the amount of \$250,000 from unanticipated revenue, **Approved.**
- B-9 Facility agreements (Clerk's File) with San Luis Obispo County Community College District and Western University of Health Sciences to provide student training and clinical experience; and authorize the Public Health Director to sign future facility agreements and amendments, **Approved.**
- B-10 Renewal agreement (Clerk's File) with the State Department of Health Services for Ryan White Comprehensive Resources Emergency (Care) Act funds for HIV-related services; and authorize the Public Health Department Director to sign future amendments and certifications associated with this agreement, **Approved.**

Other Items:

- B-11 **RESOLUTION NO. 2004-330**, honoring Barbara H. George for her dedicated service to Cuesta **Adopted.**
- B-12 **RESOLUTION NO. 2004-331**, from the Administrative Office establishing the fiscal year 2004-2005 compensation adjustments for management and confidential employees, elected officials and represented, **Adopted.**

- B-13 **RESOLUTION NO. 2004-332**, amending the position allocation list for Budget Unit 2070 - Assessor adding two Property Transfer Technicians I/II; and request to approve a corresponding budget adjustment in the amount of \$50,800, **Adopted**.
- B-14 Request from the Auditor-Controller to reestablish prior year unspent appropriations funded by restricted revenues, **Approved**.
- B-15 Submittal from the Personnel Department of the Civil Service Commission Annual Report for fiscal year 2003-2004, **Received and Filed**.
- B-16 Request from the Planning & Building Department to authorize the use of alternative publication procedures for amendments to the Land Use Element, Local Coastal Plan, Land Use Ordinance and Coastal Zone Land Use Ordinance (Estero Area Plan Update); 2nd District, **Approved**.
- B-17 The following maps have been received by Public Works and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:
 - A. CO 03-0241, a proposed subdivision resulting in 2 lots, by Greg Astle, Birch Street, Cayucos; 2nd District, **Approved**.
 - B. COAL 03-0331, a proposed lot line adjustment of 2 lots by John D. Fetyko Development Inc., Oak Drive, east of San Miguel; 1st District, **Approved**.

- 4 C-1 This is the time set for hearing to consider: 1) the addition of the American Dream Downpayment Initiative Program to the 2004 Action Plan; proposed allocation of program income and reallocation of Community Development Block Grant Funds as requested by City of Grover Beach and HOME funds from prior years Action Plans; and 2) submittal of a resolution amending the 2004 Action Plan.

Mr. Tony Navarro: Planning, presents the staff report; presents a revised resolution to address the amended request by the City of Grover Beach; recommends adoption of the revised resolution.

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, Ryan, Chairperson Ovitt
NOES: None
ABSENT: Supervisor Pinard

RESOLUTION NO. 2004-333, resolution adding the American Dream Downpayment Initiative Program to the 2004 Action Plan; proposed Allocation of Program Income and Reallocation of Community Development Block Grant Funds and HOME Funds from the 1997, 1999, 2000, 2001, 2002, 2003, and 2004 Action Plans, adopted.

- 5 C-2 This is the time set for hearing to consider an appeal of the South County Road improvement fee by Centrex Homes.

Chairperson Ovitt: indicates the Board received a request for a continuance by the Appellants.

Mr. Richard Marshall: Public Works, states the continuance letter was hand-delivered to him and he advised the Appellant that they would be opposing the continuance; indicates Centrex Homes is requesting a refund of the fees based on a Modesto court case and not on the calculation of the fees by staff; presents staff's position on the fees and recommends the appeal be denied.

The Appellant is not present.

Supervisor Achadjian: addresses the request for the continuance; believes the Appellant has had the past 7 months to work things out with staff.

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, Ryan, Chairperson Ovitt
NOES: None
ABSENT: Supervisor Pinard

the Board denies the request for a continuance and denies the appeal of the South County Road

**Improvement Fees for
Centrex Homes.**

6

C-3 This is the time set for continued hearing (continued from September 21, 2004) to consider: 1) approval to proceed with the Mosquito Abatement Program benefit assessment as a permanent funding mechanism for mosquito abatement activities; 2) waiving the Request for Proposal (RFP) process; and 3) approve a sole source agreement with Shilts Consultants Inc. to conduct a benefit assessment rate analysis; and 4) a resolution amending the position allocation list for Budget Unit 3000 - Public Health, by adding three limited term Environmental Health Aides to convert existing temporary held dedicated to vector/mosquito control; and 5) approval of a corresponding budget in the amount of \$304,139.

Dr. Greg Thomas: Public Works Director, provides an overview of the direction given by the Board, at the last meeting.

Mr. Curt Batson: Environmental Health Director, presents the staff report outlining the Board's direction, by the Board, at the prior meeting to change this to a Vector Control Assessment District versus being specific to just mosquito abatement and to present a business plan for this assessment district and staff's response; addresses the use of the consultant to assist with the election; presents information showing the economic impact the West Nile Virus had in Louisiana in 2002 with 329 reported cases.

Dr. Davis: State Department of Health Services - Vector Control, presents several charts that address various diseases, such as the plague, Hantavirus in Rodents and Black-legged Tick, that have occurred previously in this County; discusses vector borne diseases in the County; comments on the voter approval process.

Supervisor Ryan: questions the lots shown on the charts being government land with Dr. Davis explaining.

Mr. Eric Greening: speaks to various areas of the staff report and his concerns to the same; addresses his opposition to the type of election process being recommended.

Rev. C. Hite: expresses her concern to spraying for mosquitoes and suggests this is in direct violation of the County's Mission Statement; urges the Board to not approve this as she believes it will have a negative impact on people living in the County.

Ms. Karen Mansfield: County Ag Task Force, addresses their concern about the amount of the Assessment being calculated per acreage and the fiscal impact that could have on farmers/ranchers who have a lot of land; asks for a continuance until the Task Force can meet again to thoroughly discuss this at their 11/3/04 meeting.

Ms. Willow Walking Turtle Kelley: presents written information for the record and expresses her concern to the lack of an EIR; speaks to her own chemical sensitivity; wants this on the ballot for all voters and not just property owners.

Mr. Zorro May: states he is a North American Native and supports the comments by Rev. Hite and Ms. Kelley.

Mr. Dave Wilson: states he is extremely chemically sensitive to the point of being disabled; states his body can't handle pesticides at all and they could be lethal to him; his doctor has told him that the use of pesticides for West Nile will severely compromise his health.

Ms. Linda McElver: states she is chemically sensitive; suggests before any pesticides are used they should be tested for safety; suggests using bug zappers as an alternative to pesticides.

Mr. Batson: responds to comments from the public, indicating an environmental review was done on this and a Negative Declaration was issued; speaks to the passage of Proposition 218 and it allowing for the type of election staff is proposing; states it is their intent to only use adulticides under extreme circumstances.

Dr. Thomas: speaks to the notification process they would use if pesticides are to be used.

Chairperson Ovitt: speaks to the funding source for this and his suggestion that it come from within existing department funds versus General Fund Contingencies.

Ms. Gail Wilcox: Deputy County Administrative Officer, speaks to State Realignment money and staff is anticipating a larger than expected reimbursement and the funding could come from that.

Supervisor Ryan: addresses the business plan that staff presented; comments on the funding source and the type of Assessment District being proposed and his concerns to the same; believes there needs to be a program to abate these types of nuisances; has a problem with the "weighted" method of assessment as the type of election to be held; indicates he's not very supportive of the recommendations as written today.

Supervisor Bianchi: states Proposition 218 is an option because it was voted in by the people; states she would like to see information regarding vector problems for the County and not for other places; addresses her concern to the funding source and ensuring it is a consistent source; suggests the benefit assessment is the best way to go.

A motion by Supervisor Bianchi, seconded by Supervisor Achadjian to adopt the staff recommendation to develop a benefit assessment to provide a permanent source of annual funding for a vector control program; approve the sole source agreement with Shilts Consultants Inc.; amend the position allocation list by adding three FTE's limited term Environmental Health Aides and approve an appropriation transfer in the amount of \$304,139, fails on the following roll call vote (4/5th vote required for passage):

AYES: Supervisors Bianchi, Achadjian, Chairperson Ovitt
NOES: Supervisor Ryan
ABSENT: Supervisor Pinard

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, Chairperson Ovitt
NOES: Supervisor Ryan
ABSENT: Supervisor Pinard

the Board continues this hearing to January 2005 to come back after the 2nd Quarter Report.

7 C-4 This is the time set for hearing to consider a resolution imposing revised road impact fees for the community of Avila Beach.

Ms. Rosemarie Gaglione: Public Works, presents the staff report: outlining the Fee Area for Avila; the balance in the account; no fee appeals were filed during the past fiscal year; addresses the current projects that are underway; how the updates are calculated; highlights the staff recommendation and states the Avila Valley Advisory Council has approved the proposed fee change.

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, Ryan, Chairperson Ovitt
NOES: None
ABSENT: Supervisor Pinard

RESOLUTION NO. 2004-334, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the South County and San Luis Bay Planning Area of the County of San Luis Obispo and adopting the required Annual Update, adopted.

8 C-5 This is the time set for hearing (Introduced October 5, 2004) to consider an 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 telcom facilities in the County right-of-way.

Mr. Pat Foran: Deputy County Counsel, presents the staff report addressing the settlement agreement between the County and MCI and AT&T and the recommendation to adopt the ordinance.

No one appearing and 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: None
ABSENT: Supervisor Pinard

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3046, ordinance repealing Chapter 1.10 of the County Code and the Telcom Fee Ordinance, adopted.

9 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*, (2) *SLO County Deputy Sheriff's Association v. County of San Luis Obispo, et al.*, **(ADDED as all requirements of the Brown Act have been satisfied as these were posted prior to the 72-hour noticing requirement.)** (10) *In re Application of County of San Luis Obispo for the Public Utilities Commission* and (11) *Concerned Citizens of Los Osos v. California Coastal Commission, County of San Luis Obispo, Los Osos Community Services District, State Water Resources Control Board and Does 1 through 50, Inclusive.*

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: (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.*

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code, § 54956.8.) It is the intention of the Board to meet in Closed Session to have a conference with its Real Property Negotiator concerning the following: (9) Property Description: *1661 Mill Street, SLO*, Parties with whom negotiating: *Matt Wall*, Instructions to Negotiator will concern: *Price, Terms and Conditions.*

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 as no final action was taken and the Board goes into Open Public Session.

10 SP This is the time set for introduction of the Cattleman of the Year.

Mr. Roger Miller: President of the Cattlemen's Association, introduces the Cattleman of the Year, Mr. Carl Negranti; states that Mr. Negranti was born and raised in the County; comments on his background in cattle ranching; Mr. Negranti is a 40-year member of the Association; speaks to the scholarship the Negrantis set up for high school graduates to help them seek a college education in agricultural related fields.

Mr. Negranti: states it a pleasure and honor to receive this and thanks all involved.

Chairperson Ovitt: recesses the meeting to Madonna Inn for a luncheon with the Cattlemen's Association. **No action taken.**

11 C-6 This is the time set for continued hearing to consider 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, G980004X; and, approve the Negative Declaration (ED03-268) as contained in Exhibit E for proposed amendments to the Coastal Zone Land Use Ordinance, County Area Plan & EIR (Clerk's File). (Additional Information was added out today as part of the Core Agenda.)

CHAPTER 7: PLANNING AREA STANDARDS, IS PRESENTED.

Chairperson Ovitt: states that Public Comment on Chapter 7 was closed last week and asks staff to recap the last meeting.

Mr. Mike Wulkan: Planning, recaps the Board's actions last week; outlines what is left for the Board to finish on the Update; refers the Board to the October 19, 2004 memo that was handed out today that is in response to public testimony at the last meeting and the letters and correspondence that were received; based on the information received, staff has a suggested language change to the multi-family density in Cayucos if the Board wants to build into the Plan a density increase to 15 dwelling units per acre if there is supplemental water available; states that the Planning Commission (PC) Plan requires that the General Plan Amendment (GPA) be County initiated in the future to increase density in Cayucos from 10 up to 15; indicates the Board discussed building this into the Plan so a GPA isn't necessary and the suggested wording on page 2 of the memo dated October 19, 2004 accomplishes that.

Supervisor Achadjian: questions another issue in the Cayucos area regarding 26 dwelling units per acre for properties that are larger than one acre outside the service area.

Mr. Wulkan: responds that the issue Supervisor Achadjian is referring to is on page 3 of the 10/19 memo in response to a letter from Carol Florence; staff is not recommending a change from the PC recommended 10 units per acre for all multi-family properties in Cayucos; but staff is suggesting, as previously stated, a change to 15 units per acre; additional changes include: the issue of the Donovan property next to Sweet Springs Marsh in Los Osos was raised with respect to development potential; the existing plan allows for 14 units and the PC recommendation is for 12 and suggests that the Board could increase it to the 14 to meet the existing plan development potential and refers to the suggested language for this change on page 2 of the 10/19 letter; another issue that was raised and staff is recommending a change to expand the Urban Services Line (USL) in the eastern portion of Los Osos (as was raised by Jeff Edwards) on a 65-acre property that is now within the service area of California Cities Water Company; another change being recommended by Los Osos Citizens Advisory Council is to label the concept plans "draft" in Appendix F; comments on the recommendation by Bob Semonsen to change sidewalk widths in the Baywood Commercial Area and the recommended language change on page 6 of the 10/19 memo; addresses the possible change being recommended by the Public Works staff to expand the Urban Reserve Line (URL)/USL in the South end of Cayucos along Gilbert Avenue on the uphill side; addresses the testimony at the last meeting from Mr. Kanzler and his request was to include that area in the URL/USL and this would also involve rezoning that area from Rural Lands to Residential Single Family; indicates there was other correspondence received but staff is not recommending any changes on those.

Mr. Richard Marshall: Public Works, addresses the recommended change to the sidewalk requirements in the Baywood Park commercial area.

Supervisor Achadjian: expresses his concern to four foot sidewalks and would rather they were six feet, with Mr. Marshall responding that four feet would be the bare minimum.

Mr. Marshall: indicates they are recommending six foot sidewalks on 2nd Street, which is the main north/south corridor in this small commercial village and the four feet, as presented today, would apply only on a half to one block on each cross street.

Supervisor Ryan: questions the request for 26 unit density in a mobilehome park and proving water to get enable this density increase.

Mr. Lewis Pollard: states he has 84 units on 10 acres in the mobilehome park.

A motion by Supervisor Achadjian, seconded by Supervisor Ryan to approve the language change (page C-6-1 & 2 of the staff letter dated 10/19/04) to go from 10 to 15 units per acre and to be administrative and not require a general plan amendment if the water is there and the 26 units per acre are to remain, is discussed.

Mr. Wulkan: offers language to be added as "c" to read: "26 units per acre for properties outside of the service area of a water purveyor and if there is sufficient water available to serve the property as well as all vacant properties in Cayucos." and, this language would include the Pollard property, the bluff top property and perhaps one or more other properties in the multi-family category.

Supervisor Bianchi: questions Mary Ann Carnegie, Chair for the Land Use Committee of the Cayucos Citizens Advisory Council (CCAC).

Ms. Carnegie: states that CCAC recommended that it stay at 15 units per acre and the reason is because of the water usage in comparison to what is currently going on in the area.

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

AYES:	Supervisors	Achadjian, Ryan, Chairperson Ovitt
NOES:	Supervisor	Bianchi
ABSENT:	Supervisor	Pinard

the Board tentatively approves the language (as outlined in the staff memo dated October 19, 2004, pages 1 and 2 and amends the language on 7-66) to change it from 10 to 15 units per acre to be administrative and not require a general plan amendment if the water is there and the 26 units are to remain and "c" is added, and is specific to the Pollard property, to read "26 units per acre for properties outside of the service area of a water purveyor and if there is sufficient water available to serve the property as well as all vacant properties in Cayucos."

Supervisor Ryan: questions the property on top of Rodman in Los Osos, the service line and the building limit at 400 feet.

Supervisor Bianchi: states she doesn't support moving any development at the top of the hill.

Matter is discussed and thereafter, on motion of Supervisor Bianchi, seconded by Chairperson Ovitt, with Supervisor Ryan casting a dissenting vote and Supervisor Pinard being absent, motion carries and the Board tentatively approves page 7-175 of the Plan as written.

Mr. Wulkan: addresses additional staff recommended changes based on last weeks meeting.

Supervisor Achadjian: states he wants to be on record as wanting the sidewalks to be 6 feet in the Baywood commercial area and feels it will be less expensive "in the long run."

Mr. Wulkan: finishing outlining the staff comments/changes suggested in the October 19, 2004 memo to the Board.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board tentatively approves the changes, except for the issue of Gilbert Ave., as outlined in the staff memo dated October 19, 2004.

Mr. Paavo Ogren: Public Works, addresses the request on Gilbert Avenue and explains there is a slight discrepancy between the boundaries staff has shown as Zone A of CSA #10 and USL; indicates that one of the properties that currently shows outside the USL is receiving water service and staff isn't quite sure how that occurred; in the past week they have researched the discrepancy in boundaries (Board of Supervisor's Resolution No. 94-158) and based on this believes the Planning Department's map is correct; suggests the USL should be modified to address this property; states there are a half dozen lots out there that they could make services available to.

Matter is discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board tentatively moves the USL and URL by making them contiguous and changing the zoning from Rural Lands to Residential Single Family for the uphill side of Gilbert Avenue between Day and Chaney Avenues.

Mr. Wulkan: addresses the correspondence received today; addresses the October 15th letter from Jeff Edwards regarding the Morro Shores Mixed Use Area and the request that the Environmental Sensitive Habitat Designation be dropped from this property and that in exchange the owners would recommend an open space dedication of approximately 4 acres for a wildlife habitat corridor; indicates this is already a requirement of the Plan on page 7-154 and is for the properties shown as 1, 2, 3, 5 on Figure 7-59, page 7-153 (excluding property 4).

Supervisor Ryan: questions language for Morro Shores starting on page 7-152 and the requirement or exemption for a specific plan, with Mr. Wulkan responding and suggesting that in #3c (page 7-152) the word "may" be changed to "shall" with the Board members agreeing to that change.

Mr. Tim McNulty: Deputy County Counsel, suggests that #2 on page 7-152 should also be changed so that it doesn't "exempt" anyone out.

Board Members: suggest deleting the wording "except as provided in the following standard" in #2 and also changing the title of #3 to delete the wording "Exceptions for."

Mr. Wulkan: states the intent was to have an overall specific plan and if that's not possible to allow individual specific plans.

Supervisor Bianchi: suggests changing the wording in #2 to read " . . . , except as provided in the following standard 3c."

Mr. McNulty: suggests letting staff work on the language and bring it back later today.

Mr. Wulkan: addresses the letter from Strong Planning Services regarding the Cuesta Inlet area which involves two parcels (approximately 17 acres) with much of that being water and the adjacent shoreline area; the existing Estero Plan allows the maximum of one dwelling unit; the recommended plan by the PC recommends the same; the EIR for this area says density shouldn't be increased; Mr. Strong believes a higher density should be allowed; refers the Board to page 7-141 regarding this property.

Thereafter, on motion of Supervisor Bianchi, seconded by Chairperson Ovitt, with Supervisor Pinard being absent, motion carries and the Board tentatively approves the Planning Commission recommendation of one dwelling unit for the Cuesta Inlet.

Mr. Wulkan: states that the letter by William Walter has all been dealt with; presents a copy of page 7-152 with changes to #3, changing "a," deleting "b," changing the wording of "c" and changing it "4", changing "d" to "5" and "e" to "6" and changing the numbering on page 7-154 from 4, 5 and 6 to 7, 8 and 9 and on page 7-158 changing the numbering from 7 and 8 to 10 and 11; addresses the map on page 7-153 - Area 1 is an approved tentative tract for single family development and staff is recommending exempting that area in the event that map is recorded; cites the language changes for page 7-152.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board tentatively approves the language as presented by staff on page 7-152, #3 and as read into the record.

Chairperson Ovitt: questions other outstanding issues; in Los Osos the issue of height limitations were raised in the Ramona Road area at 14 feet, with Mr. Wulkan responding and further indicating the Plan doesn't propose any changes in height limits.

Chairperson Ovitt: regarding page 7-174 and the building height limits and the map on that page and that no changes were being recommended here, with Mr. Wulkan indicating that is correct.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board tentatively approves Chapter 7 as amended both today and the changes cited by staff at the October 5, 2004 meeting.

CHAPTER 8: COASTAL ACCESS (ALL NEW), IS PRESENTED.

Mr. Wulkan: provides an overview of the chapter.

Supervisor Bianchi: addresses several changes she would like to make to this chapter; page 8-7 - delete the first sentence on the page that reads "**Southern end of 1st Street:** Consider developing a boat launch ramp and access to the bay."; explains that this is covered on page 8-21.

Mr. Eric Greening: comments on page 8-4 and forward regarding his concerns to ecological issues and what balances are in place to address these issues.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board tentatively approves Chapter 8 as presented with the deletion of the first sentence on page 8-7 that reads "Southern end of 1st Street: Consider developing a boat launch ramp and access to the bay."

APPENDICES, ARE PRESENTED.

Mr. Wulkan: provides an overview of this section.

Mr. Eric Greening: comments on Section G, the Endangered Species Act and Los Osos Habitat Conservation Plan.

Mr. McNulty: outlines the approval process for the Habitat Conservation Plan.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Appendices A through G are tentatively approved as presented.

PROPOSED REVISIONS TO CHAPTER 22.92 OF THE LAND USE ORDINANCE - ADELAIDA PLANNING AREA, TITLE 22 OF THE COUNTY CODE, TO RUN CONCURRENTLY WITH THE ESTERO AREA PLAN UPDATE, ARE PRESENTED.

Mr. Wulkan: provides an overview of this section; addresses the Estero Marine Terminal and changing references from a "Development Plan" to a "Conditional Use Permit."

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board amends 22.92.040A2a and Section 22.92.040A2b by changing the wording "Development Plan" to "Conditional Use Permit" and the Board tentatively approves the revisions to Chapter 22.92 of the Land Use Ordinance - Adelaida Planning Area, Title 22 of the County Code, to run concurrently with the Estero Area Plan Update, as amended.

PROPOSED REVISIONS TO CHAPTER 22.108 OF THE LAND USE ORDINANCE - SAN LUIS OBISPO PLANNING AREA, TITLE 22 OF THE COUNTY CODE, AND OFFICIAL LAND USE CATEGORY MAP AFFECTING THE SAN LUIS OBISPO AND ESTERO PLANNING AREAS, TO RUN CONCURRENTLY WITH THE ESTERO AREA PLAN UPDATE, IS PRESENTED.

Mr. Wulkan: provides a brief overview of this section.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Pinard being absent, motion carries and the Board tentatively approves proposed revisions to Chapter 22.108 of the Land Use Ordinance - San Luis Obispo Planning Area, Title 22 of the County Code, and Official Land Use Category map affecting the San Luis Obispo and Estero Planning Area, to run concurrently with the Estero Area Plan Update.

PROPOSED REVISIONS TO THE COASTAL ZONE LAND USE ORDINANCE TO RUN CONCURRENTLY WITH THE ESTERO AREA PLAN UPDATE, IS PRESENTED.

Mr. Wulkan: provides an overview of the changes; recommends changing language on page 8, items (3), (4) and (5), the reference to approved by the "Planning Director" changed to approved by the "Board of Supervisors."

Mr. John Belsher: addresses vacant land in the Coastal Zone that are identified as unmapped ESHA's and his concerns to the same.

Ms. Linde Owen: comments to page 5 regarding energy conservation to include design for solar orientation; suggests there have been no alternative energy sources looked at for the sewer.

Mr. Eric Greening: addresses his concern to certification of the EIR as he believes some of the actions today may not have been addressed in the environmental review for this Update.

Ms. Carol Florence: clarifies comments by Mr. Greening and addresses the bluff property in Cayucos, that belongs to the Pollard family, indicating it is within one of the three water purveyors, so the only piece that was changed to the 26 units per acre is inland of Pacific.

Supervisor Ryan: questions the unmapped ESHA and language on page 13.

Mr. Belsher: explains further why he believes this should be deleted.

Chairperson Ovitt: addresses page 14 and requests that #2 be deleted, with Mr. McNulty and Mr. Euphrat, responding.

Matter is fully discussed and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Bianchi, with Supervisor Pinard being absent, motion carries and page 8 is amended to change reference in (3), (4) and (5) from "approved by the Planning Director" to "approved by the Board of Supervisors"; #2 is deleted from page 14 and the Board tentatively approves proposed revisions to the Coastal Zone Land Use Ordinance to run concurrently with the Estero Area Plan Update, as amended.

Mr. Wulkan: addresses the request for a separate submittal to the Coastal Commission for the Monarch Grove USL change; addresses the request to make this a separate request as well as what has been addressed in the Update which is to include the "shaded" area of the map, except the triangle portion at the top, in the USL and the reason for breaking this out is so that it can proceed on its own and be able to provide sewer service from the new sewer project without having it get held up by the rest of the Update.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board tentatively approves the request for Monarch Grove to be submitted separately to the Coastal Commission for a change in the USL.

Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian, with Supervisor Pinard being absent, motion carries and the Board tentatively approves the Estero Area Plan Update, including the amendments to the San Luis Obispo Area Plan, Land Use Ordinance and Coastal Zone Land Use Ordinance, as shown in Exhibits B, C, D and G as they were amended; approves the amendment to the Estero Area Plan for separate Submittal to the Coastal Commission as outlined in Exhibit H (for Monarch Grove); to approve the Findings as shown in Exhibit A; certifies the Final Environmental Impact Report, including the Errata for the Estero Area Plan EIR, dated June 15, 2004, pursuant to the applicable sections of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et. seq. with findings, as shown in Exhibits E and F; approves the Negative Declaration (ED03-268) as contained in Exhibit E for proposed amendments to the Coastal Zone Land Use Ordinance; and said hearing is continued to November 2, 2004 at 9:00 a.m. for final action.

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 19, 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 29, 2004
vms