

Tuesday, November 23, 2004

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

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

**ABSENT:** None

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

SUM

AGN

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

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

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2004-373, resolution commending San Luis Obispo County Service Corps of Retired Executives (SCORE), adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Jim Murphy of SCORE.

**Mr. Murphy:** thanks Supervisor Achadjian and the Board for recognizing this group.

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

**Ms. Jan Haynes:** states she worked on the campaign against Measure Q; states that the majority of the funding in support of Measure Q came from a national corporation; speaks regarding future review of how this is handled.

**Ms. June Wright:** lives in Los Osos and is concerned about the possibility of the branch library here closing; states they would rather see a cut in services.

**Mr. Bruce Deile:** speaks regarding a November 16, 2004 *Tribune* article that states that health care is working in the County; speaks to his inability to be treated at any health care facilities in the County.

**Ms. Jackie Crabb:** Farm Bureau Director, comments on Measure Q and the group that has been created to look at genetically grown crops in the County.

**Ms. Julie Tacker:** speaks to the rumor about the Los Osos branch library closing and states that she and others will fight to keep this library open.

**Mr. Michael Kovacs:** speaks to when the County was ranked number one in the State and suggests this was when the County was run by a great staff and Board; addresses his concerns to how the County is run today.

**Ms. Elizabeth Johnson:** speaks to Measure Q and her concern as to who will monitor genetically grown crops in the County.

**Ms. Lauren Brown:** Promega Biosciences, presents her comments for the record and highlights the same regarding the growing of these types of crops urges her support for the same.

**Ms. Teresa Campbell:** thanks all those who voted for Measure Q and cites from various worldwide media forums regarding the impacts of genetically engineered crops.

**Supervisor Pinard:** speaks regarding Measure Q and her additional concerns regarding the lack of enforcement and the issue of economic impact if the seed spreads from one farm to another.

**Supervisor Bianchi:** states the Los Osos Library is not closing but the hours at that library may be reduced; states her reason for not supporting Measure Q was that it was unenforceable; comments on the Agricultural Commissioner reconvening the committee that looked at genetically engineered crops to further address this issue.

**Mr. David Edge:** County Administrative Officer, addresses what the current budget included for libraries contingent on the passage of Measure L; with Measure L not passing issues relating to the library's budget will be coming back for review after the first of the year and currently they are not looking at any closures. **No action taken.**

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

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

**Ms. Jeri Farrell:** thanks the Friends of the Library for all their work and the number of years they have been working to purchase property for the Cambria library.

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

**Mr. Bruce Deile:** comments on Item B-6 and objects to the October 5, 2004 minutes as they relate to comments he made.

**Mr. Jeff Blauer:** speaks to Item B-5 and thanks the Board for their support of the outrigger program at Avila Beach; speaks to wanting to purchase more canoes because of the increased participation in the program.

**Ms. Julie Tacker:** speaks to Item B-20 and her support for this contract.

**Mr. David Watson:** speaks to Item B-3 and thanks the Board, especially Supervisors Pinard and Achadjian, for their support of the Friends of Price House.

**Mr. Michael Winn:** speaks to Item B-15 and his concern to the No Parking area on Thompson Avenue; and on Item B-16 addresses his concern to making Mallagh Street a through highway indicating this road is the one kids use to walk to school.

**Mr. Michael Kovacs:** speaks to Item B-20 and his concern that this funding is to support staffing increases; speaks in support of Item B-3.

**Mr. Greg Nester:** speaks to Item B-15 and his concern to no parking on Thompson Avenue; states this directly affects a planned development he has in this area.

**Mr. Bill Payette:** speaks to Item B-19 and the approval of his tract map. **No action taken.**

4 B-1 Consent Agenda Items B-3, B-5 and B-15 are withdrawn for separate action.  
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B-20 **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and on the following roll call vote:**

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

**Consent Agenda Items B-1 through B-20 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-20, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Behavioral Health Items:

B-1 1) A renewal agreement (Clerk's File) with the Office of Juvenile Justice Delinquency Prevention; and 2) a corresponding renewal agreement (Clerk's File) with Friday Night Live, Inc. to provide funding for community based substance abuse prevention activities, **Approved.**

B-2 Standard agreement (Clerk's File) and contractor certification clauses with the State Department of Mental Health for services provided through the Conditional Release Program, **Approved.**

Board of Supervisors Items:

B-3 Request by Board Members to allocate \$10,100 from Community Project Funds (District Three - \$10,000, District Four - \$100) to the Friends of the Price House, Inc., to be used towards re-roofing of the Meherin House located on the Price House historical park site, **Withdrawn for separate action.**

- B-4 Request by Board Members to allocate \$4,700 from Community Project Funds (District One - \$100, District Two - \$500, District Three - \$4,000, District Four - \$100) to the Friends of the San Luis Obispo Botanical Garden to be used to install a demonstration low flow irrigation system at the Botanical Garden, **Approved.**
- B-5 Request by Supervisor Pinard to allocate \$5,000 from District Three Community Project Funds to the Avila Beach Community Foundation to be used for costs associated with holding the junior outrigger program during the 2005 summer, **Withdrawn for separate action.**

Clerk-Recorder Items:

- B-6 Minutes of the Board of Supervisors meeting of October 5, 19, and 26, 2004, **Approved.**
- B-7 Request to appoint Gene Miller to the Office of Director for the Independence Ranch Community Services District in-lieu of election for the November 2, 2004 consolidated general election in this district where no candidates filed nomination papers, **Approved.**
- B-8 Request to approve fourteen appointments in lieu of election for the November 2, 2004 consolidated General Election in five community services districts where the number of candidates did not exceed the number of vacant elected positions, **Approved.**
- B-9 Request to approve five appointments to the San Luis Coastal Resource Conservation District Board of Supervisors, **Approved.**

General Services Items:

- B-10 **RESOLUTION NO. 2004-374**, of intention to purchase real property located in the unincorporated area of Cambria for the County library, **Adopted.**
- B-11 **RESOLUTION NO. 2004-375**, to surplus and sell County-owned real property in the unincorporated area of Cayucos, **Adopted.**

Planning and Building Items:

- B-12 **RESOLUTION NO. 2004-376**, authorizing an application to the California Department of Housing & Community Development CalHome Program, **Adopted.**
- B-13 Request the use of alternative publication procedures for the Winter 2004 General Plan Amendment Cycle, **Approved.**

Public Works Items:

- B-14 **RESOLUTION NO. 2004-377**, authorizing execution of conveyance of County-owned sewer lift station to the City of Arroyo Grande; 4th District, **Adopted.**
- B-15 Submittal of a resolution amending the County traffic regulation code for the establishment of No Parking and/or Limited Parking Zones on Ramada Drive, Templeton; on Cornwall Street and Benson Street, Cambria; on South Ocean Avenue and Saint Mary Avenue, Cayucos; on Ninth Street, Los Osos; on Avila Beach Drive, Avila Beach; on South Frontage Road, Grande Avenue, Chestnut Street, Thompson Avenue and Blume Street, Nipomo; 1st, 2nd, 3rd, 4th Districts, **Withdrawn for separate action.**
- B-16 **RESOLUTION NO. 2004-378**, amending the traffic regulation code for the establishment of through highways on Starlite Drive, Sheridan Road, Mallagh Street, Dawn Road, Chestnut Street, Augusta Drive, Via Concha Road, and Black Lake Canyon Road, Nipomo; Ocean Boulevard, Cayucos; Fifteenth Street and Sixteenth Street, San Miguel; 1st, 2nd, 4th Districts, **Adopted.**
- B-17 **RESOLUTION NO. 2004-379**, authorizing the San Luis Obispo Regional Transit Authority to submit a grant application to the San Luis Obispo Council of Government's Rural Transit Fund program, **Adopted.**
- B-18 Submittal of the proposed Disadvantaged Business Enterprise (DBE) Program for the Department of Public Works; All Districts, **Approved.**
- B-19 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, and:

A. COAL 01-0426, a proposed lot line adjustment of 2 lots by Jonathan & Laura Sherlock and Raymond & Donna Cordoza, Cumbre Road, South of Paso Robles; 1st District, **Approved.**

B. CO 98-0205, a proposed subdivision resulting in 4 lots by Vine Street Homes, Wellsona Road, North of Paso Robles; reject the offer of dedication without prejudice to future acceptance; 1st District, **Approved**.

C. Tract 2530, a proposed subdivision resulting in 22 residential lots and one drainage basin lot, by Los Padres Construction, Inc., Colt Lane, Nipomo; reject the offer of dedication without prejudice to future acceptance, **Approved**; **RESOLUTION NO. 2004-380**, to accept a grant deed for Lot 23 on behalf of the Flood Control District; 4th District, **Adopted**.

D. Tract 2496, a proposed subdivision resulting in 5 lots, by Roger Payette et al., Theodora Street, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4th District, **Approved**.

E. CO 03-0142, a proposed subdivision resulting in 3 condominium units, by Buddell Family Trust, Wood Drive, Cambria; 2nd District, **Approved**.

F. CO 02-0322, a proposed subdivision resulting in 2 lots by Thomas Steward and Janet Middleton, Chesapeake Place, Nipomo Mesa, **Approved**; **RESOLUTION NO. 2004-381**, to accept the offer of dedication for Chesapeake Place and Camino Perrillo, for roads already in the County-maintained road system; order the abandonment of a portion of Chesapeake Place easement in accordance with Section 66434(g) of the Government Code; 4th District, **Adopted**.

Other Items:

B-20 Request from County Fire to approve: 1) an amendment to the cooperative fire protection agreement with the Los Osos Community Services District; and 2) a corresponding budget adjustment in the amount of \$163,116, **Approved**.

5 B-15 Submittal of a resolution amending the County traffic regulation code for the establishment of No Parking and/or Limited Parking Zones on Ramada Drive, Templeton; on Cornwall Street and Benson Street, Cambria; on South Ocean Avenue and Saint Mary Avenue, Cayucos; on Ninth Street, Los Osos; on Avila Beach Drive, Avila Beach; on South Frontage Road, Grande Avenue, Chestnut Street, Thompson Avenue and Blume Street, Nipomo; 1st, 2nd, 3rd, 4th Districts, is presented.

During discussion on the Consent Agenda Supervisor Achadjian requested this item be pulled for a separate vote to address the concerns raised, during public comment, on the no parking area on Thompson Avenue.

**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, Bianchi, Pinard, Chairperson Ovitt**  
**NOES: None**  
**ABSENT: None**

**RESOLUTION NO. 2004-382, resolution establishing No Parking and Limited Parking Zones, adopted, with the understanding that the No Parking on Thompson Avenue will be eliminated upon completion of the Nester project.**

**Mr. Chuck Stevenson:** Planning, indicates they are currently working on the Nester project and it has been officially accepted; states they are aware of the situation and can include in the conditions some language relative to the bus parking.

6 B-3 & Request by Board Members to allocate \$10,100 from Community Project Funds (District Three -  
B-5 \$10,000, District Four - \$100) to the Friends of the Price House, Inc., to be used towards reroofing of the Meherin House located on the Price House historical park site; and Request by Supervisor Pinard to allocate \$5,000 from District Three Community Project Funds to the Avila Beach Community Foundation to be used for costs associated with holding the junior outrigger program during the 2005 summer, are presented.

During discussion on the Consent Agenda Supervisor Ryan addressed his concern to the amount of Community Project Funds being used and the amount that will be left for use in the next six months.

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

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

**the Board approves the allocation of \$10,100 from Community Project Funds - Budget Unit 2080 (District 3 - \$10,000, District 4 - \$100) to the Friends of Price House, Inc. to be used towards the reroofing of the Meherin House located on the Price House Historical Park site and approves the allocation of \$5,000 from District 3 Community Project Funds - Budget Unit 2080, to the Avila Beach Community Foundation to be used for costs associated with holding the junior outrigger program during the 2005 summer season.**

7 C-1 This is the time set for continued hearing (continued from November 2, 2004) to consider an appeal by Sonya Rothenbuecher of the Planning Department Hearing Officer's denial of a minor use permit, request to waive the minimum road requirement of chip seal or better for a proposed secondary dwelling, located on Stage Springs Road, southeast of the community of Creston; 5th District.

**Mr. Josh LeBombard:** Planning, presents the staff report outlining the direction of the Board at the last hearing and presents the resolution for the Board's approval.

**Ms. Sonya Rothenbuecher:** Applicant, thanks the Board for their consideration of her application.

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

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

**RESOLUTION NO. 2004-383, resolution reversing the decision of the Hearing Officer and conditionally approving the application of Sonya Rothenbuecher for Minor Use Permit DRC2004-00017, adopted.**

8 C-2 This is the time set for continued hearing (continued from November 2, 2004) to consider an appeal by Linda Kennedy of the Subdivision Review Board's denial of a vesting tentative parcel map, located at 85 and 95 Exline Road, south of the community of Wellsona, in the Salinas River planning area; 1st District.

**Ms. Elizabeth Kavanaugh:** Planning, presents the staff report outlining the direction by the Board at the prior hearing and presents the resolution for approval.

**Mr. Tom Vaughan:** representing the Applicant, states they are in agreement.

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

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

**RESOLUTION NO. 2004-384, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of Linda Kennedy for a vesting tentative parcel map for Parcel Map CO 03-0260, adopted.**

9 C-3 This is the time set for continued hearing (continued from November 9, 2004) to consider an appeal by Thomas Rodman/E.C. Holland/Anastasi Development of the Planning Director's interpretation for a stay of expiration due to a lawsuit involving the approval or conditional approval of tentative tract map, for property located at the northwestern corner of Pecho Road and Los Osos Valley Road, in the Estero Planning Area; 2nd District.

**Ms. Kerry Brown:** Planning, presents the staff report outlining the direction by the Board at the last meeting.

**Mr. Richard Nyznyk:** representing the Applicant, addresses #4-D in Exhibit B and wants the wording "that prevented the recordation of Tentative Tract Map 1091/1646" deleted from the first sentence.

**Mr. Tim McNulty:** Deputy County Counsel, states he doesn't have a problem with deleting the wording requested by Mr. Nyznyk.

**Mr. Gordon Hensley:** Environment in the Public Interest, presents his letter, dated November 21, 2004, for the record and highlights the same; states they don't support the finding that multiple development moratoria exist in Los Osos and explains; urges the Board to deny the appeal.

**Ms. Julie Tacker:** expresses her concern to not seeing the packet on this item before today, and if she didn't see it that means affected property owners didn't either.

**Mr. Nyznyk:** responds to comments by the public.

**Ms. Brown:** states there is an additional correction in Finding E, the last sentence, the date needs to be changed from June 13, 2011 to June 14, 2011.

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

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

**the Board amends Exhibit B - Findings, #4-D, the fourth line of the first sentence the wording "that prevented the recordation of Tentative Tract Map 1091/1646" is deleted and #5-E the last sentence is amended to read "No extension is granted beyond June 14, 2011."; and, RESOLUTION NO. 2004-385, resolution partially affirming and modifying the decision of the Planning Director and approving the request by Anastasi Development Company for a Stay of Expiration for Tract 1091/1646 (S880183T), adopted as amended.**

10 D-1 This is the time set for consideration of proposed methods of amending the temporary commercial outdoor entertainment licensing procedure.

**Ms. Bernita D'Ambrosio:** Treasurer-Tax Collector's Office, presents the staff report outlining the direction by the Board back in August to come back with options that are available to the Board relating to this permitting process; states her office and the Planning Department have worked on this to bring forward the recommendations in the staff report today.

**Mr. Rob Rossi:** speaks to the type of outdoor events that occur and urges the Board to keep the process simple.

**Matter is discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and unanimously carried, the Board reviews the proposed methods of simplifying the temporary Commercial Outdoor Entertainment Licensing procedure as outlined in the staff report dated November 23, 2004 and directs staff to begin the process of revising the applicable ordinances.**

11 E-1 This is the time set for consideration of the 2004-2005 First Quarter Report.

**Ms. Terese Toomey:** Administrative Office, presents the staff report; outlines the shortfalls in General Services; the possible loss of Federal Family Health Services funding for Public Health; reduced patient volume in the clinical lab; higher than anticipated labor costs for the Suspected Abuse Response Team (SART) and Law Enforcement Medical Care; potential reductions to Mental Health because of the reduction in State revenues; comments on the passage of Proposition 63 and indicates that staff will be coming back to the Board on how this will be handled; addresses the failed passage of Measure L for the libraries which will result in reduced hours for the libraries; outlines the staff recommendations.

**Supervisor Achadjian:** questions whether there is a known as to how much money will really be coming to the counties from Proposition 63, with Mr. David Edge, County Administrative Officer, indicating they are still in the discussion stages as to how the formula will work.

**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, Pinard, Achadjian, Chairperson Ovitt  
**NOES:** None  
**ABSENT:** None

**the Board receives, reviews and files the Fiscal Year 2004-2005 First Quarter Financial Report; accepts gift funds and donations on behalf of the Library and approves an associated appropriation transfer in the amount of \$9,814 and approves an associated appropriation transfer from the Department of Social Services Gift Trust Funds to Social Services operating budget in the amount of**

**42,142; approves requests to discharge bad debts totaling \$14,387 on behalf of Public Work's Department in the amount of \$4,004 and Behavioral Health in the amount of \$10,383; and, approves a budget adjustment on behalf of the Assessor's Department to restore an appropriation of \$226,631 and the associated budgeted revenue.**

12 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) *Ramey v. County of San Luis Obispo*, (2) *Vestal v. County of San Luis Obispo*, (3) *Santa Maria Water Conservation District v. City of Santa Maria (Kyle, et al. v. County of San Luis Obispo, et al.)* and (4) *In re PG&E Bankruptcy*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (5) *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. (6) *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: (7) Negotiator's Name: *Santos Arrona, Gail Wilcox, Ellen Aldridge*, Name of employee organization: *San Luis Obispo County Probation Peace Officers' Association*, (8) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*, (9) *Santos Arrona, Gail Wilcox, Avery & Associates*, Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *SLOCEA*.

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

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report is required because no final action was taken and the Board goes into Open Public Session.

13 C-4 This is the time set for hearing (introduced on November 9, 2004) to consider an ordinance amending the County Fee Schedule for Fiscal Year 2005-2006 and calendar year 2005 for Parks, Golf Courses and Airport fees; All Districts.

**Ms. Terese Toomey:** Administrative Office, presents the staff report; outlines the methodology used to determine the need for a change in fees; indicates there are nineteen new fees and sixty-four fees being deleted; addresses the timing on when the various fees are to go into effect.

**Mr. David Edge:** County Administrative Officer, states this is a Countywide fee document; outlines what it includes.

**Chairperson Ovitt:** questions pre-application process through the Agricultural Commissioner's Office, with Mr. Bob Lilley, Agricultural Commissioner responding that the fee is a flat rate for the pre-application process and then hourly if there is an actual project in the works.

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

**Mr. Michael Kovacs:** feels these fee increases are just to take care of the "outrageous" salary increases over the years.

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

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

**NOES: Supervisor Pinard**  
**ABSENT: None**

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3051, ordinance amending County Fee Schedule, adopted.**

14 C-5 This is the time set for hearing to consider amendments to the San Luis Obispo County Land Use Ordinance, the Land Use Element, the Coastal Zone Land Use Ordinance, and the Land Use Element and Local Coastal Plan of the General Plan; All Districts, and the following information was added at the beginning of the meeting: (a) G020002L - a request by County of San Luis Obispo to amend Section 22.30.470C, 22.104.040C and 22.104.040D of the Land Use Ordinance, Title 22 of the County Code, to allow for the establishment of secondary dwellings in the Almira Park area and the South Atascadero area where secondary dwellings are currently not allowed; and, (b) G980008N - a request by County of San Luis Obispo to amend Land Use Ordinance Sections 22.112.040.G.9.c and d, which applies to 930 acres, commonly referred to as the Summit Station Road Area; the amendments would delete Subsections G.9.c and d, which would allow for further subdivision and the reestablishment of secondary dwellings.

**G020002L, is presented.**

**Ms. Kami Griffin:** Planning, presents the proposed standard for secondary dwellings in the Almira Park area recommended by the Planning Commission (PC); states the PC deferred action on secondary dwellings in the South Atascadero area until next year.

**Mr. John Nall:** Environmental Specialist, addresses the Request for Review they received on the environmental determination for the South Atascadero area and concerns they raised regarding projects in the City of Atascadero and their impacts and sewer concerns.

**Mr. Eric Greening:** supports the concerns by the residents of South Atascadero; addresses his concern to the impacts of septic systems on the groundwater.

**Mr. Joe Stegman:** states he lives in the Almira Park area; presents a packet of information and highlights the same with regard to an "injustice" the folks in this area had occur when the zoning was changed in the area; addresses a Board of Supervisors' meeting back in February of 1999 to change this that didn't pass.

**Mr. Joe Kelly:** addresses various concerns relating to noise and no burning; questions whether the Board is going to initiate a chipping program; questions wastewater systems.

**Mr. Nall:** responds to comments regarding Air Pollution Control District fees and indicates they are being eliminated.

**Supervisor Pinard:** questions the impacts secondary dwellings have on traffic and how left turn pockets are created.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Chairperson Ovitt and unanimously carried, the Board tentatively approves G020002L as recommended by the Planning Commission for the Almira Park Area with the South Atascadero area being continued to the April 26, 2005 Planning Commission meeting.**

**G980008N, is presented.**

**Mr. John McKenzie:** Planning/Environmental Specialist, presents documents to amend the language relating to the Fire Safety Standard and a letter from LAFCO dated 11/22/04; addresses the environmental issues that were raised; recommends approval of the PC recommendation.

**Mr. Robert Lewin:** CDF/County Fire, states they worked with Planning and the Nipomo Community Services District (NCSO) to meet the required fire flows; they are satisfied with the conditions as set forth.

**Board Members:** address various, issues, comments and concerns regarding: consistency with the water flow standards; the requirements for residential sprinkler systems and when those can be used, with Mr. Lewin responding.

**Mr. Jon Seitz:** NCSD Counsel, addresses the District's objection to the certification of the EIR; the need to have an assessment district created and presents information for the record; presents language they would like to see added to Standard J.

**Mr. Michael LeBrun:** NCSD General Manager, addresses their concern to increased tax revenues and increased construction jobs if this amendment is approved; states an assessment district needs to be formed for the entire area.

**Mr. Michael Winn:** NCSD President, speaks to the need to address the impacts to the water aquifer; supports the added language suggested by Mr. Seitz.

**Ms. Ximena Ames:** reads a letter from Gayle Gatscho addressing his concerns to the requirements being added by CDF; doesn't believe CDF can impose the increase in the amount of water from 500 to 1000 gallons per minute; speaking for herself believes this should be supported to "right a wrong."

**Ms. Sammie Close:** wants to see the zoning returned to Rural Residential and addresses her 10 acre parcel.

**Ms. Kathy Beck:** reads a letter from Mr. Derek Bell, who lives in Summit Hills, addressing the wells in the area and wants the same rules used for everyone in this area.

**Mr. Paul Ames:** asks that the rights he previously had on his property be reinstated to him.

**Ms. Anita Johnson:** reads a letter from Mr. Roger Killackey in support of secondary and/or granny units and urging the restoration of previously lost property rights; speaking for herself she doesn't see they will use anymore water than they are currently using.

**Mr. Dan Wrzenski:** reads a letter from Diane Brant urging that the restrictions be lifted; speaking for himself he supports the amendment request.

**Mr. Tim Murphy:** states he was told there would be a 500 gallon per minutes requirement when the fire district was created and he is concerned about the increase to 1000 gallons per minute; asks that the restrictions in this area be lifted.

**Ms. Kathy Beck:** agrees with the concerns raised regarding the increase to 1000 gallons per minute and the impacts that will occur from this.

**Mr. Michael Job:** comments on a petition that was previously submitted by John Belsher; presents a copy of a letter from CDF/County Fire dated March 24, 1994 that indicates the fire flow requirement will be 500 gallons per minute in this area.

**Mr. Bob Blair:** presents a copy of the CDF/County Fire letter dated March 24, 1994 regarding the hydrant flow tests; addresses water needs and doesn't believe there is a water shortage here.

**Mr. Paul Hood:** Executive Officer for LAFCO, outlines their letter to the Board regarding the Sphere of Influence Update that was approved by LAFCO for the NCSD.

**Supervisor Achadjian:** addresses the issue and his original views on this area; addresses the red flags that have been by the NCSD; comments on the recommended language by the NCSD.

**Supervisor Bianchi:** questions the water tank for the District, with Mr. LeBrun responding.

**Supervisor Bianchi:** questions the changes in the CDF fire requirements with Mr. Dan Turner, Fire Chief, responding that the County standard is 1000 gallons per minute and Summit Hills has been the exception to the rule at 500 gallons per minute; suggests fire sprinklers are a great addition to this.

**Supervisor Ryan:** questions whether there is a trade off for fire sprinklers versus the 1000 gallons per minute with Chief Turner responding.

**A motion of Supervisor Achadjian to tentatively remove the restrictions and request that sprinkler systems be placed in all the new residences, secondary or primary as shown in g(3) and as presented by staff today, is discussed.**

**Chairperson Ovitt restates the motion to tentatively approve the Planning Commission recommendation and add the language as presented today by staff for g(3) and seconds the motion for purposes of discussion.**

**Supervisor Ryan:** addresses his concern to the motion and the added language, with staff responding.

**Mr. Tim McNulty:** Deputy County Counsel, addresses the language presented by staff and his understanding of what it will do.

**The motion maker and second amend their motion to remove the restriction and request sprinkler systems on any new building permits, is discussed.**

**Mr. John Nall:** Environmental Specialist, addresses additional language changes recommended by staff and refers the Board to page C-5-4 - g. Fire Safety 1 & 2 and j. Water Service.

**The motion maker and second withdraw the motion.**

**A motion by Supervisor Achadjian, seconded by Supervisor Ryan to tentatively uphold the Planning Commission recommendation with g. Fire Safety (1) and (2) and (j) Water Service, as presented on page C-5-4 of the staff report dated November 23, 2004 and the new (g) 3 will read "Permit for secondary dwelling shall include the installation of a residential sprinkler system that meets Fire Code Standards as a mitigation for reduced Fire Code/Fire Flow requirements.", is discussed.**

**Mr. McKenzie:** indicates there needs to be one minor correction to g(1) and refers it to Mr. Lewin.

**Mr. Lewin:** states they would like to clean this up a little and wants the wording ". . . the required fire hydrant flows, as specified in the . . ." be deleted.

**The motion maker and second amend their motion to include the amendment by Mr. Lewin and thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan, with Supervisors Bianchi and Pinard casting dissenting votes, motion carries and the Board tentatively uphold the Planning Commission recommendation with g. Fire Safety (1) with the deletion of the wording ". . . the required fire hydrant flows, as specified in the . . ." and (2) and (j) Water Service, as presented on page C-5-4 of the staff report dated November 23, 2004 and the new (g) 3 will read "Permit for secondary dwelling shall include the installation of a residential sprinkler system that meets Fire code/Fire Flow requirements."**

15 F-1 This is the time set for consideration of a request to authorize the processing of an amendment to the Land Use Ordinance (Title 22 of the County Code) to modify the County's Transfer of Development Credit (TDC) Program by adding specific criteria for receiving sites that are within the states agriculture land use category.

**Ms. Kami Griffin:** Planning, presents the staff report and outlines the additional criteria for receiving sites when in the Agriculture land use category; states if the Board authorizes processing of this amendment, they will take it back to the agricultural community for their review and input.

**Supervisor Bianchi:** questions the changes through the public process, with Ms. Griffin responding.

**Chairperson Ovitt:** questions the language regarding viable agriculture and his concerns as to what that means.

**Supervisor Ryan:** believes this is moving in the right direction; questions the language on 3-b, page F-1-4 of the staff report, and would like to see the wording "with at least, but" removed.

**Ms. Maria Lorca:** Creston Citizens for Ag Land Preservation, states that she and a group of citizens in Creston oppose the use of the TDC Program on Agriculturally zoned land; presents a map showing Agricultural Lands in TDC Receiver Areas; asks that she be included in the list of people to help review this.

**Mr. Eric Greening:** agrees with comments by Ms. Lorca; suggests putting areas into zones to determine sending/receiving sites; suggests a total "pause" in the TDC program especially areas zoned Agriculture while each area decides on the types of program they want.

**Mr. Steve Sinton:** addresses his concerns to this proposal.

**Mr. Jesse Hill:** states they have been working (in Nipomo) on the appropriate limits for Agricultural use of the TDC Program.

**Ms. Joy Fitzhugh:** Farm Bureau, states the TDC Program was looked at as a way to protect Agricultural land and there needs to be other ways looked at to continue this protection.

**Mr. Joe Kelly:** agrees that Agricultural land needs to be protected and has concerns that this process will take away that protection.

**Ms. Pam Heatherington:** ECOSLO, speaks in support of the comments by the prior speakers.

**Mr. Nat Sheraton:** speaks to his agricultural land and the 60 acres that are too steep to farm.

**Chairperson Ovitt:** states this has always been part of the TDC Program and that all projects go through the advisory councils.

**Supervisor Ryan:** addresses the TDC Program and what is allowed under the current rules.

**Supervisor Bianchi:** suggests that using the GIS system to determine sending/receiving areas is a good idea; and wants an additional option looked at which is to not use this on agriculturally zoned lands at all.

**Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and unanimously carried, the Board agrees to continue the meeting past 5:00 p.m..**

**Supervisor Pinard:** addresses her concerns to this request.

**Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan, with Supervisor Pinard casting a dissenting vote, motion carries and the Board authorizes processing of a General Plan Amendment to modify the County's Transfer of Development Credit Program by adding specific criteria for receiving sites that are within the Agriculture Land Use Category and staff is directed to also look at the alternative of not allowing any Agricultural Land as a receiving site.**

16 F-2 This is the time set for consideration of a report from the Off-Road Vehicle Course Committee regarding recommendations on proposed land use ordinance amendment to allow off-road vehicle courses in the agriculture land use category.

**Ms. Kami Griffin:** Planning, addresses the Off-Road Vehicle Course Committee recommendations to not allow off-road vehicle courses on land designated Agriculture; add language to the Park and Recreation Element that would support General Plan Amendments to rezone land to Recreation to support the off-road vehicle courses and other similar uses where appropriate; and, develop standards in the Land Use Ordinance for the establishment of off-road vehicle courses.

**Mr. Brad Arnott:** Central Coast Motorcycle Association member, supports the recommendations and indicates they are looking for a place for riding not for making money.

**Mr. Richard Wallingford:** suggests there is a need for some type of track for cyclists; suggests this is a great family function and revenue for the County.

**Ms. Pam Heatherington:** speaks for Eric Greening and addresses his concerns regarding dust and Valley Fever.

**Mr. Steve Sinton:** supports the first recommendation; has concerns regarding the second recommendation and explains.

**Ms. Colleen Enk:** speaks in support of the recommendations.

**Mr. Jon Cagliero:** speaks in support of the recommendations and suggests that there are areas where there is enough land to create noise barriers.

**Mr. Ryan Langstaff:** supports the recommendations and the intent to protect neighboring property owners.

**Mr. Gary Hildreth:** speaks in support of the recommendations.

**Mr. Robert Johnson:** addresses the noise from dirt bikes near his home and how they have ruined his "quiet serenity" and suggests if bikes are allowed on Agricultural land that there be limits established on how close they can be to residences.

**Mr. Jim Sinton:** states Agricultural land should not be allowed for this at all unless it is for Agricultural compatible uses.

**Mr. Jeff Baxter:** addresses the many uses for Agricultural lands.

**Ms. Connie Baxter:** states they have a 500 acre ranch with an equestrian sports park; they have a motor track that is more than one mile away from the nearest residence.

**Mr. David Nichols:** states he moved to this area to buy property and enjoy these types of activities; states there is a need to have a place for off-road cyclists.

**Mr. Dennis Law:** states he was on the committee and the cyclist association is looking for areas to ride.

**Mr. Hugh Pitts:** states he was on the committee and there is a need for areas to provide this type of activity and supports the recommendations.

**Ms. Joy Fitzhugh:** supports the recommendations of the committee; there is a need to help out this type of activity but there is a need to protect agriculture too.

**Mr. Joe Kelly:** asks that the committee be encouraged to continue on and add at-large positions to it.

**Ms. Pam Heatherington:** ECOSLO, speaks to the need to have a place for motorcycle riders.

**Mr. Jesse Hill:** urges the Board to keep the committee together and involved in the process.

**Rev. C. Hite:** waives her time to speak in order to present a packet of information to Supervisor Achadjian.

**Matter is fully discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Bianchi and unanimously carried, the Board authorizes processing of the recommendations as presented by the Off-Road Vehicle Course Committee and outlined in the staff report dated November 23, 2004 and direct staff to authorize the changes to the Parks and Recreation Element and keep the Ad Hoc Committee on hand and start working on qualifications on what would be a proper piece of land.**

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, November 23, 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: December 10, 2004  
vms