

Tuesday, September 13,  
2005

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 Harry L. Ovitt, Jerry Lenthall, K.H. 'Katcho' Achadjian, James R. Patterson and Chairperson Shirley Bianchi

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON SHIRLEY BIANCHI.**

**SUM      AGN**

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

**AYES:**                      Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi

**NOES:**                      None

**ABSENT:**                    None

**RESOLUTION NO. 2005-256, resolution recognizing California Coastal Cleanup Day, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to Ms. Miranda Leonard.

**Ms. Leonard:** thanks the Board for recognizing this event; states the cleanup day is scheduled for September 17<sup>th</sup>; encourages the public to come out and help.

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

**AYES:**                      Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi

**NOES:**                      None

**ABSENT:**                    None

**RESOLUTION NO. 2005-257, resolution to proclaim the month of September 2005 as National Alcohol and Drug Addiction Recovery Month in San Luis Obispo County, adopted.**

**Supervisor Lenthall:** reads the resolution and presents the same to Mr. Paul Hyman and Ms. Elisa Leigan of Drug and Alcohol Services.

**Mr. Hyman:** thanks the Board for the recognition; speaks to the progress he has seen, over the years, in helping folks with substance abuse problems.

**Ms. Leigan:** addresses her role in helping people with substance abuse problems; highlights the various programs that are coming up.

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

**AYES:**                      Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi

**NOES:**                      None

**ABSENT:**                    None

**RESOLUTION NO. 2005-258, resolution commending Dennis Reed for his dedicated service to San Luis Obispo County, adopted.**

**Supervisor Achadjian:** asks for a moment of silence in remembrance of Mr. Reed; reads the resolution and presents the same to Mr. Dennis Reed's wife, Trish.

**Mrs. Reed:** thanks the Board for the recognition.

**Dr. Greg Thomas:** Public Health Officer, states the resolution was written by Mr. Reed's coworkers which tells you how they felt about him.

**ADDED (All requirements of the Brown Act were met as these were (A-1-D & E) posted prior to the 72-hour noticing requirement.)**

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

**AYES:** Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2005-259, resolution honoring People's Self Help Housing on it's [sic] 35<sup>th</sup> Anniversary, adopted.**

**Supervisor Patterson:** reads the resolution and presents the same to Ms. Jeanette Duncan.

**Ms. Duncan:** thanks the Board for the recognition; speaks to the creation of this program in 1970 and how that came about; introduces Board members that are present.

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

**AYES:** Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi

**NOES:** None

**ABSENT:** None

**RESOLUTION NO. 2005-260, resolution commending Chief Deputy Gregory W. Slane upon his retirement, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same to Chief Deputy Slane.

**Chief Deputy Slane:** thanks everyone he has worked with over the past 30 years; comments on all he has seen and done; thanks his family for being his biggest supporters.

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

**Ms. Gari Stinebaugh:** questions the change from Residential to Office, on property across the street from her in Los Osos, and how this could occur without notifying the residents of the area; states they were told this change is covered under the current ordinance and does not believe that is correct.

**Mr. Eric Greening:** addresses his concern to evacuation plans in the County should there be an incident at Diablo Canyon; concerns for folks without vehicles, latchkey kids, home bound and the homeless; wants to see a full re-examination of the evacuation plan for Diablo.

**Ms. Evan Mendelson:** Executive Director for HOTLINE, speaks to the importance of having 211 telephone service and how this was successfully utilized after Hurricane Katrina.

**Mr. Glenn Goodman:** thanks the Board for the skateboard park in Los Osos; states the kids are having a lot of fun here; asks who he can talk to about getting the cost of using the park reduced for these kids.

**Mr. John Fouche:** addresses comments by Supervisor Bianchi when she ran for office with respect to the Los Osos sewer; speaks to the plan they have to move the sewer outside of the downtown area.

**Ms. Lisa Schicker:** states the County is involved in the Los Osos sewer project and explains; addresses the coastal permit to change a house to an office and feels this is an incomplete project.

**Ms. Julie Tacker:** thanks County staff for recognizing there are issues that intertwine between the Los Osos Community Services District (LOCSD) and the County; appreciates County staff starting to work on those with the District.

**Mr. David Duggan:** speaks to “obstruction” of the election process; suggests that the County Clerk-Recorder’s staff started and stopped the validation process several times when checking signatures for the recall of three LOCSD members; during this time money was stolen from the Clerk’s Office and he suggests there is a “very dishonest person” in this office; states two of three petitions were validated and the third was never done and has been lost.

**Mr. Matt Janssen:** Environmental Specialist, responds to questions regarding the Los Osos sewer project and that they are working daily with the LOCSD.

**Mr. David Edge:** County Administrative Officer, responds regarding disaster planning and the critiquing process for all Diablo drills; and explains the number of buses that will be made available and the potential to move approximately 17,000 people in a fairly quick manner. **No action taken.**

7 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. Eric Greening:** comments on Item B-25 and supports this moving forward; urges continued opposition to this pipeline; speaks regarding Item B-14 and thanks the Board for their support of the Living History Day at the Dana Adobe; states there is a similar event occurring north of the Grade on October 2, 2005 at the Rios Caledonia Adobe in San Miguel.

**Mr. Turko Semmes:** representing SLO Green Build, thanks the Board for their support of Item B-17 and helping them get this started and out to the public. **No action taken.**

8 B-1 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Lenthall thru and on the following roll call vote:**  
B-33

**AYES:** Supervisors Achadjian, Lenthall, Ovitt, Patterson,  
Chairperson Bianchi  
**NOES:** None  
**ABSENT:** None

**Consent Agenda Items B-1 through B-33 are approved as recommended by the County Administrative Officer.**

Consent Agenda Items B-1 through B-33 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items Set For Bid Opening:

B-1 Letter rejecting all informal bids received August 8, 2005 and adoption of revised plans and specifications (Clerk’s File) for formal public bidding to install a pre-engineered metal building at Fire Station # 42 in the Carrizo Plain; 1<sup>st</sup> District, **Approved and the Clerk is instructed to give notice of bid opening set for**

**October 13, 2005 at 3:00 p.m..**

Administrative Office Items:

B-2 Agreements (Clerk's File) with the Food Bank Coalition and the San Luis Obispo County Visitors and Conference Bureau for Other Agency grant funds for fiscal year 2005-2006, **Approved.**

B-3 **RESOLUTION NO. 2005-261**, authorizing County membership in the California Rural Home Mortgage Finance Authority (CRHMFA) which provides home loans to low-moderate income and first-time home buyers, **Adopted.**

B-4 **RESOLUTION NOS. 2005-262 and 2005-263**, adopting a Memoranda of Understanding with the District Attorney Investigators Association (DAIA), District Attorney Investigators and Supervisory District Attorney Investigators Units, **Adopted.**

Auditor-Controller Items:

B-5 **RESOLUTION NO. 2005-264**, setting the 2005-2006 tax rates for the secured tax roll for cities, school districts and other government entities, **Adopted.**

B-6 Request to approve retroactive step increases for two Auditor-Controller employees due to late performance evaluations, **Approved.**

B-7 Submittal of an annual cash shortages report and departmental bank accounts/cash funds listing for the fiscal year ended June 30, 2005, **Received and Filed.**

B-8 Submittal of a cash procedures review report of the Department of Social Services conducted on July 21, 2005, **Received and Filed.**

B-9 Submittal of a cash procedures review report of the Tax Collector conducted on June 30, 2005, **Received and Filed.**

B-10 Submittal of a cash procedures review report of the Treasurer's Office conducted on June 30, 2005, **Received and Filed.**

B-11 Submittal of a cash procedures review reports of the District Attorney's Office, the Victim/Witness Assistance Center and the Economic Crime Unit on July 28, 2005, **Received and Filed.**

Board of Supervisors Items:

B-12 Request from Supervisor Ovitt to allocate \$2,000 from District One Community Project Funds to the California Mid-State Fair Heritage Foundation for education programs and capital improvements projects that benefit North County 4-H and FFA students, **Approved.**

B-13 Request by Supervisor Bianchi to allocate \$2,000 from District Two Community Project Funds to the Cambria Chapter of the Land Conservancy of San Luis Obispo County for the continuing of landscaping a portion of the Cambria Main Street Improvement Project, **Approved.**

B-14 Request by Supervisor Achadjian to allocate \$1,500 from District Four Community Project Funds to the Nipomo Chamber of Commerce for holding the October Festival event on October 5, 2005 in Nipomo, **Approved.**

B-15 Request by Board Members to allocate \$1,400 (District Two, Three and Five - \$100 each, District Four - \$1,100) from Community Project Funds to the Friends of the Nipomo Library for expenses associated with holding the annual Open Air Market fundraiser, **Approved.**

B-16 Request by Board Members to allocate \$2,000 (District Two and Three: \$250 each, District Four - \$1,200, District Five - \$300) from Community Project Funds to

the Dana Adobe Nipomo Amigos for expenses associated with holding the annual Adobe Heritage Day fund-raising event, **Approved.**

B-17 Request by Board Members to allocate \$4,000 from Community Project Funds (District One, Two, Three and Four - \$500 each, District Five - \$2,000) to SLO Green Build with the Environmental Center of San Luis Obispo County acting as their fiscal agent for public outreach and education regarding sustainable building materials and practices, **Approved.**

B-18 Request by Supervisor Bianchi to appoint Donna G. Crocker as a District Two Representative to the Commission on the Status of Women, **Approved.**

General Services Items:

B-19 Professional services contract (Clerk's File) with Coffman Associates, Inc. in the amount of \$305,000 for the preparation of the Airport Master Plan for the Oceano Airport, **Approved.**

B-20 **RESOLUTION NO. 2005-265**, authorizing execution of a notice of completion and acceptance for the Santa Margarita Community Park Playground, **Adopted.**

B-21 **RESOLUTION NO. 2005-266**, authorizing the execution of a notice of completion and acceptance for the Oceano Airport-Rehabilitate Pavement project (#300002), **Adopted.**

B-22 Request to authorize the General Services Director to execute a use permit for the League of Women Voters for use of the Board of Supervisors Chambers, **Approved.**

Planning and Building Items:

B-23 **RESOLUTION NO. 2005-267**, approving an agreement for mitigations for lot line adjustment COAL 04-0513 with John C. Chrisman and Raymond Barker; 1<sup>st</sup> District, **Adopted.**

B-24 **RESOLUTION NO. 2005-268**, approving and accepting an open-space agreement for Dirk & Jean De Bruyn; 2<sup>nd</sup> District, **Adopted.**

B-25 Submittal of comment letters addressing the proposed "Ocean Disposal" alternative for the San Luis Drainage Feature Reevaluation Draft Environmental Impact Study, **Received and Filed.**

Public Works Items:

B-26 **RESOLUTION NO 2005-269**, authorizing execution of conveyance of easement deed to St. John's Lutheran Church from the San Luis Obispo County Flood Control and Water Conservation District near the City of Arroyo Grande; 4<sup>th</sup> District, **Adopted.**

B-27 **RESOLUTION NO. 2005-270**, authorizing execution of notice of completion for the construction of site improvements for a carbon adsorption unit for County Service Area 10 Water Treatment Plant (project No. 300203); 2<sup>nd</sup> District, **Adopted.**

B-28 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps:

A. CO 03-0069, a proposed condominium subdivision resulting in 4 air space lots, by Gary Miller, Thomas Court, Templeton; 1<sup>st</sup> District, **Approved.**

B. CO 03-0430, a proposed subdivision resulting in 2 lots, by Bell/Dollinger A Partnership, Las Flores Drive, Nipomo; 4<sup>th</sup> District, **Approved.**

C. COAL 01-0364, a proposed lot line adjustment resulting in 2 lots which

will not create any new lots, by David H. & George L. Baldwin and Conrad Langille, Loma Verdes Drive, northeast of the community of Creston; 1<sup>st</sup> District, **Approved**.

D. Tract 2481, a proposed subdivision resulting in 6 lots, by Robert & Mary Penaflor, Camilia Drive off Hazel Lane, Nipomo; reject the offer of dedication without prejudice to future acceptance; 4<sup>th</sup> District, **Approved**.

E. Tract 2662, a proposed subdivision resulting in 6 lots, by David Sansone Inc., La Cumbre Lane and Casa Real Place, Nipomo; reject the offer of dedication without prejudice to future acceptance; order the abandonment of a portion of Casa Real Place easement; 4<sup>th</sup> District, **Approved**.

F. Tract 2492, a proposed subdivision resulting in 17 lots, by Shane Creek LLC, Rossi Road, Templeton; reject the offer of dedication without prejudice to future acceptance, **Approved**; **RESOLUTION NO. 2005-271**, to approve an open space easement agreement as recommended in the memorandum from the Department of Planning and Building; 1<sup>st</sup> District, **Adopted**.

Other Items:

B-29 1) Renewal contracts (Clerk's File) with Sylmar Health and Rehabilitation Center, Inc., Health Care Management dba Merced Manor, and 7<sup>th</sup> Avenue Center, LLC to provide institutions for Mental Disease (IMD) services for fiscal year 2005-2006; and 2) approve a corresponding budget adjustment in the amount of \$131,092, **Approved**.

B-30 Minutes of the Board of Supervisors meetings of July 19 and 26, 2005, **Approved**.

B-31 Restoration of grant funds from fiscal year 2004-2005 to fiscal year 2005-2006 and approve a corresponding budget adjustment in the amount of \$396,222, **Approved**.

B-32 1) A grant award amendment authorizing the District Attorney's Office to extend the fiscal year 2004-2005 grant with the State Office of Emergency Services for administration of a Victim Witness Assistance Program from July 1, 2004 through September 30, 2005 and 2) a budget adjustment in the amount of \$15,833, **Approved**.

B-33 Two service contracts (Clerk's File) to complement and enhance services provided by Child Welfare Services and the CalWORKs Programs in fiscal year 2005-2006, **Approved**.

9

C-1 This is the time set for hearing to consider an appeal by Jennie Kurtz of the Administrative Hearing Officer's approval of a request by Albert & Connie Malek for a Minor Use Permit/Coastal Development Permit (DRC2004-00104) to permit an existing approximately 14'x30' swimming pool surrounded by an on-grade concrete pool deck with small iron protective fence that totals approximately 1,260 square feet; located at 1565 Hollister Lane in the community of Los Osos; 2<sup>nd</sup> District. (This item was amended at the beginning of the meeting to include the Mitigated Negative Declaration and Notice of Determination.)

**Ms. Ryan Hostetter:** Planning, presents the staff report; showing the plans, aerial and regular photographs of the house and property; addresses the issues raised in the appeal and staff's response to the same; presents revised Conditions of Approval (Exhibit B) for approval and recommends affirming the decision of the Administrative Hearing Officer and adopting the resolution with the revised conditions.

**Ms. Jennie Kurtz:** Appellant, states all the original conditions of approval should be enforced; speaks to the removal of the riparian on the Applicant's property; addresses the pool and extension of the driveway and the

impacts it had on the riparian habitat; they want the pool and driveway extension removed and the property restored; outlines what she believes should occur if her appeal is denied.

**Mr. Frank Freiler:** representing the Appellant, presents a packet of information and highlights the same addressing the concern regarding the loss of riparian habitat near the creek on this property; presents information on sensitive habitat policies; supports removal of the pool.

**Mr. Albert Malek:** Applicant, presents written information and highlights the same regarding the permit for the pool; states the prior owner actually started this process; addresses the complaints filed by the neighbor and working with Code Enforcement and other County staff to get through this process; feels they have worked to the best of their ability to fix all the problems.

**Mr. Eric Greening:** states that it is pretty obvious that some of these problems occurred prior to the Malek's purchasing the property; addresses his concern to the removal of riparian habitat.

**Mr. Glenn Goodman:** speaks in support of the appeal removing the pool and a portion of the driveway and restoring the riparian vegetation on the creek that previously existed.

**Mr. Malek:** gives his closing comments and indicates they placed the pool as far from the creek as they could and they didn't try to divert water in the creek as was previously suggested.

**Ms. Connie Malek:** Applicant, states that none of the problems they have worked on were disclosed at the time they purchased the property.

**Ms. Kurtz:** gives her closing comments and urges support for her appeal.

**Mr. Freiler:** states this is not a new issue as this project has been around since 1988.

**Supervisor Patterson:** questions what riparian habitat will be restored as a part of the conditions, with the Appellant and staff responding.

**Mr. Tim Fielder:** Code Enforcement, states that all issues have been resolved and the case has been closed.

**Chairperson Bianchi:** addresses the issue and doesn't feel the County can require the current owners to address what the 1988 owners did or didn't do.

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

**AYES:** Supervisors Ovitt, Lenthall, Achadjian, Patterson, Chairperson Bianchi

**NOES:** None

**ABSENT:** None

**the Board denies the appeal, replaces Exhibit B - Conditions of Approval with the amended conditions presented today by staff and RESOLUTION NO. 2005-272, resolution affirming the decision of the Hearing Officer and conditionally approving the application of Albert and Connie Malek for a Minor Use Permit/Coastal Development Permit DRC 2004-00104, adopted as amended.**

Protection Coalition of the Planning Commission's approval of a request by Sprint PCS/Bonaire investments for a Development Plan/Coastal Development Permit (DRC2004-00008) to allow the construction and operation of an unmanned wireless telecommunications facility consisting of 3 panel antennas with a 50-foot high, 12 inch diameter flagpole and associated equipment within the basement of an existing building; 2<sup>nd</sup> District.

**Chairperson Bianchi:** opens the floor to comment for those that can't come back this afternoon.

**Ms. Robin Haas:** urges the Board to deny the application and not allow the tower; states she personally collected 100 of the 400 signatures on the petition against this; expresses her concerns that this will be an "eyesore" and she is also concerned to the health risks associated with these types of towers.

**Mr. Todd Barnes:** agrees with the last speaker and is also very concerned about the health risks; feels further study needs to be done before placing this so close to homes.

**Ms. Della Haight:** speaks against the tower and addresses her concern to the health affects.

**Ms. Daniela Arnon:** addresses her concern to the potential health risk associated with these types of cell towers.

**Ms. Elisabeth Demongeot:** speaks against the tower and her concerns to the negative impacts it could have on people who live in the area.

**Chairperson Bianchi:** continues this item to the afternoon calendar.

11

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) *Bull v. County of San Luis Obispo*, (2) *Dresser v. County of San Luis Obispo*, (3) *Maria Vista Estates v. County of San Luis Obispo, et al. (CV050242)*, (4) *Santa Margarita Area Residents Together v. County of San Luis Obispo*, (5) *Pastore, Michael v. County of SLO, et al.*, (6) *Yecny, Alan K. & Christine H. v. County of SLO Sheriff Dept.*, (7) *California Capital Insurance Co., SAFECO v. County of SLO, ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (13) *San Luis Obispo Coastkeeper (CV050226) v. County of San Luis Obispo, et al.*

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, §54956.9.)** (8) *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. (9) *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: (10) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *District Attorney Investigators Association*; (11) Negotiator's Name: *Santos Arrona, Gail Wilcox, Avery & Associates*, Name of employee organization: *Deputy Sheriffs Association*; (12) Negotiator's Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Management/Confidential*.

**Chairperson Bianchi:** 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.

12

C-2 Appeal by the Coastal View Protection Coalition of the Planning Commission's approval of a request by Sprint PCS/Bonaire investments for a Development Plan/Coastal Development Permit (DRC2004-00008) to allow the construction and operation of an unmanned wireless telecommunications facility consisting of 3 panel antennas with a 50-foot high, 12 inch diameter flagpole and associated equipment within the basement of an existing building; 2<sup>nd</sup> District, is brought back on for further hearing.

**Ms. Marsha Lee:** Planning, presents the staff report and shows a site map for the project location; addresses the issues of the appeal; presents photographs showing how the tower/flag pole would look; highlights the staff recommendation.

**Supervisor Patterson:** questions the determination factor for how far these types of towers are from residential areas with Ms. Lee responding there isn't a specific requirement.

**Ms. Judy Vick:** Appellant representing Coastal View Protection Coalition, presents a series of photographs showing what the cell tower and flag pole would look like from various angles; states there are already several other cell towers in the area and they don't feel there is a need for another; urges denial of this application.

**Ms. Tricia Knight:** representing Sprint PCS, presents a packet of information and maps and explains their request for the tower is based on customer needs; urges the Board to deny the appeal and approve their project.

**Mr. Gerd Kanning:** states he has property next to this site and it there will be a big visual impact for him; asks the Board to uphold the appeal.

**Mr. Andrew Christie:** representing the Sierra Club, speaks in support of the appeal and addresses their concern to the visual impacts.

**Ms. Lee Andrea Caulfield:** feels this is not a "fit" for the neighborhood and urges denial of the proposal.

**Mr. Terry Morgan:** addresses his concern to the tower and the proximity to his home; also, doesn't believe the neighbors got adequate notice and information on this.

**Mr. Al Orcutt:** states he lives within a block of this proposed tower and is in opposition to its placement.

**Mr. Eric Greening:** speaks in support of the appeal and doesn't believe the County has to approve this in order to support local businesses.

**Ms. Julie Tacker:** states she objects to the flag pole and expresses her concern as to what will be flown on this pole.

**Mr. David Duggan:** states this isn't for the residents of Los Osos but rather for those folks driving on Los Osos Valley Road.

**Ms. Knight:** gives her closing comments on behalf of the Applicant; states they are willing to continue working with the folks in the area.

**Mr. Jeff Blum:** for Sprint, addresses how they decide where to put a new tower.

**Ms. Vick:** gives the closing comments for the Appellant and cites several court cases they believe support their arguments against this tower.

**Chairperson Bianchi:** addresses the issue and her concerns and speaks against approving this application.

**Supervisor Patterson:** addresses his concerns to the approval being contrary to what the Los Osos Advisory Council recommended.

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

<b>AYES:</b>	<b>Supervisors Patterson, Achadjian, Ovitt, Lenthall, Chairperson Bianchi</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

**the Board tentatively upholds the appeal, directs staff to prepare the findings in support of the denial and continues this hearing to October 4, 2005 at 9:00 a.m. for final action.**

13

D-1 This is the time set for discussion of water resource issues including flood management and permitting.

**Mr. Paavo Ogren:** Public Works, introduces the item.

**Mr. John Euphrat:** Planning, presents the first part of the staff report addressing the water sections of the County General Plan that include: Resource Management System, with annual updates, a three tiered alert system and reviews groundwater supply and community water systems; the Conservation Element which is the oldest document and includes groundwater management, water resource development, water pollution control, stream, lake & marshland protection and flood control; the Water Element which includes regional water supply issues, regional water quality issues, wastewater treatment and disposal, watershed critical features and flood & stormwater management; addresses the pros and cons of a Water Policy options.

**Mr. Ogren:** addresses the water issues from the Flood Control & Water Conservation District perspective; addresses the makeup of the District and the various budgets; outlines the various major projects and special studies; addresses the Integrated Regional Water Management Plan and the components of the same; comments on the water resource “trends” and independent alternatives to a Flood Control District; highlights the various issues the Board should consider.

**Mr. Eric Greening:** states that the Conservation Element needs updating very badly as it is almost 31 years old; addresses his concern to the fact that the County is not a voting member of the Central Coast Water Authority and feels this should be looked at again; feels a watershed plan is good as long as it remains local.

**Supervisor Patterson:** addresses the issue and feels that the best approach is to update the Conservation Element and not create a separate Water Plan.

**Chairperson Bianchi:** speaks to the lack of water storage in the County; how water has been used/abused in the County; conjunctive use of water and groundwater; wants to see the Water Resources Advisory Committee involved with this process; she is also glad to see cooperative efforts of the Planning and Public Works Departments on this issue.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and unanimously carried, the Board directs staff to work on upgrading the Conservation Element in Fiscal Year 2006-2007 particularly the water portion and in conjunction with this, work on redefining the committees and commissions involved to help the County put together what comes out of the Conservation Element.**

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, September 13, 2005, 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: September 19, 2005  
vms