

Tuesday, November 22, 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 This is the time set for presentation of Employee Service Recognition Awards.

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**

**the Board approves the presentation of the Employee Service Recognition Awards.**

**Mr. Richard Greek:** Personnel Director, introduces the 20 year employees, with Ms. Heather Gunderlock presenting each their service pin.

**20 year employees present are:** James Struble - Assessor, Richard Walsh - Assessor, Barbara Starr - Auditor's Office, Lee Cunningham - District Attorney, Louise Comar - District Attorney, John Nall - Planning and Building, Gary Leffler - Public Works, Julie Duse - Retirement Plans and Bernita D'Ambrosio - Treasurer-Tax Collector

**20 year employees absent are:** Julie Anderson - Auditor's Office, Gail Coffman - Behavioral Health, Stan Autrey - Behavioral Health, Jacquie Bartholow - Child Support Services, William Hanley - District Attorney, Lenore Gallagher - Probation, Linda Bishop - Public Health, Ronald Wallravin - Public Works and Maria-Paz Aguirre - Social Services.

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

**Mr. Lester Goldfisher:** details the *Meet the Press* television show where they discussed the Bird Flu vaccine.

**Mr. David Duggan:** discusses the State Water Resources Board meeting regarding the low interest loan for Los Osos and the way they are addressing Measure B.

**Ms. Rachel Becker:** Executive Director of the Alliance for Nuclear Responsibility, asks the Board to support a letter to the California Energy Commission; urges the Board to look into alternative energy sources to avoid economic impacts to the County if Diablo Canyon is closed.

**Ms. Jay Adams:** reads the proposed letter to the California Energy Commission into the record.

**Ms. Henrietta Groot:** continues reading the proposed letter to the California Energy Commission into the record.

**Mr. Eric Greening:** continues reading the proposed letter to the California Energy Commission into the record; urges the Board to agendize this letter for action; discusses the rumor of an oversized truck stuck on Highway 41; expresses his concern to vehicles traveling on our local roads with hazardous material; and

discusses the age of the nuclear power plant.

**Mr. David Weisman:** member of the Statewide Alliance for Nuclear Responsibility, expresses his concerns with the Power Plant; discusses the alternative energy of a wind power farm in Texas; expresses his concern to the economic impacts if the Power Plant closes.

**Mr. Klaus Schumann:** states the San Luis Obispo Branch of the Green Party supports the proposed letter; urges the Board to agendaize the letter for Board action; addresses his concern with the Power Plant's waste.

**Chairperson Bianchi:** directs staff to bring this matter back at a future meeting for further discussion.

**Supervisor Lenthall:** responds to Mr. Greening comments about an oversized truck stuck on Highway 41. **No action taken.**

3 B-1 This is the time set for members of the public wishing to address the Board on items  
thru set on the Consent Agenda.  
B-18

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

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

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

**NOES: None**

**ABSENT: None**

**Consent Agenda Items B-1 through B-18 are approved as recommended by the County Administrative Officer.**

Consent Agenda Items B-1 through B-18 are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Administrative Office Items:

B-1 **RESOLUTION NO. 2005-379**, amending the County's "Section 125 Plan" (Clerk's File) to re-define the program year, **Adopted.**

B-2 **RESOLUTION NO. 2005-380**, designating the County's contribution to CalPERS approved health plans for employees and retirees, **Adopted.**

B-3 Appointment of Mike Manchak to the Workforce Investment Board of Directors, **Approved.**

Auditor-Controller Items:

B-4 Cash procedures review of the San Luis Obispo County Regional Airport conducted on November 3, 2005, **Received and Filed.**

B-5 Cash procedures review of the Child Support Services Department conducted on October 31, 2005, **Received and Filed.**

Behavioral Health Items:

B-6 Renewal agreements (Clerk's File) with Lucia Mar Unified School District, San Luis Coastal Unified School District and Coast Unified School District to provide student support and counseling, drug and alcohol intervention counseling and prevention activity development for elementary, middle and high schools, **Approved.**

B-7 An amended agreement (Clerk's File) with Life Steps Foundation, Inc. to provide funding to support an alcohol and drug free transitional living center for women and their children; and a corresponding budget adjustment reduction in the amount of \$45,000 to fund center 162 – Drug & Alcohol Services, **Approved.**

B-8 Agreement (Clerk's File) for County Drug and Alcohol Services to provide grant outcome evaluation services to Life Steps Foundation, Inc.; and a corresponding

budget adjustment in the amount of \$8,340 from unanticipated revenue, **Approved.**

General Services Items:

- B-9 **RESOLUTION NO. 2005-381**, regarding the intention to surplus and sell County-owned real property (APN 064-042-052) in the unincorporated area of Cayucos to an adjacent landowner, **Adopted.**
- B-10 Budget adjustment in the amount of \$60,840 from General Fund contingencies to Fund Center 113 [sic] for the purchase of 47 parcels of tax-defaulted land in Cayucos and California Valley and funding of current year special assessment costs associated therewith, **Approved.**
- B-11 Bid opening report for the construction of a new pre-engineered metal building at Fire Station # 42 in the Carrizo Plain; 5th District, **Approved and the Chairperson is instructed to sign contract documents with Elam Woods Construction Company, Inc. in the amount of \$218,878.**

Treasurer-Tax Collector Items:

- B-12 **RESOLUTION NOS. 2005-382 and 2005-383**, notice and approving sales of tax-defaulted property subject to the Tax-Collector's power to sell, sale numbers 205 and 206, **Adopted.**
- B-13 Agreements (Clerk's File) to purchase tax-defaulted property, sale numbers 204, 207, and 208, **Approved.**

Other Items:

- B-14 Budget adjustment in the amount of \$30,000 from unanticipated revenue to offset the cost of surgical equipment to be used for pediatric dental procedures for low-income children; and authorizing the County Administrator or his designee to approve contracts and funding up to \$30,000 in relation to the purchase of the surgical equipment, **Approved.**
- B-15 Renewal agreement (Clerk's File) with the Lucia Mar Unified School District for School Based Medi-Cal Administrative Activities (SBMAA); and a corresponding budget adjustment in the amount of \$283,293 from unanticipated revenue to fund the agreement, **Approved.**
- B-16 Proposed mitigated Negative Declaration for the Old Creek Bridge Repair Project located on the Santa Rita Road east of Cayucos (ED04-523); 2nd District, **Approved.**
- B-17 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. Tract 2507, a proposed subdivision resulting in 6 lots by R. G. & Bonita Holland, Ormonde Road, east of Arroyo Grande; reject the offer of dedication without prejudice to future acceptance, **Approved; RESOLUTION NO. 2005-384**, to approve an Open Space Easement agreement; 3rd District, **Adopted.**
- B. Tract 2384, a proposed subdivision resulting in 8 lots, by James Pudwill, Dawn Road at Sundale Way, Nipomo, reject the offer of dedication without prejudice to future acceptance, **Approved; RESOLUTION NO. 2005-385**, to approve an Open Space Easement agreement; 4th District, **Adopted.**
- B-18 **RESOLUTION NO. 2005-386**, adopting policies to promote a smoke-free environment for foster children in the County, **Adopted.**

- 4 D-1 This is the time set for presentation of the Fiscal Year 2005-2006 First Quarter Financial Report.

**Ms. Leslie Brown:** Administrative Analyst, presents the staff report; states most department's budgets are on track; discusses the unbudgeted revenue received; addresses the areas of concern which may need General Fund support later in the year; highlights the staff recommendations.

**No one appearing and 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

the Board receives, reviews and files the Fiscal Year 2005-2006 First Quarter Financial Report; approves the budget adjustment to transfer \$2.5 million from unanticipated revenues (insurance settlement) to the following areas: \$2,193,000 to the Capital Projects Facilities Planning reserves, \$207,000 to Fund Center 408 (Self-Insurance), and \$100,000 dollars to Fund Center 105 (Risk Management); accepts gift funds and donations on behalf of: the District Attorney and approves a budget adjustment in the amount of \$29,444 transferring these funds to Fund Center 133 - Victim Witness; Veterans Services in the amount of \$44,167; the Library and approves a budget adjustment in the amount of \$13,577.82 to the Department's operating budget; Social Services and approves a budget adjustment in the amount of \$2,417.80 from the Department's Gift Trust Funds to the Social Services operating budget; and, approves a request for discharge from bad debt totaling \$8,102.94 on behalf of Behavioral Health Services.

- 5 C-1 This is the time set for hearing (introduced on November 1, 2005) to consider an ordinance amending the County Fee Schedule for Fiscal Year 2006-2007 and amend the Parks, Golf Course and Airport fees for calendar year 2006.

**Ms. Leslie Brown:** Administrative Analyst, presents the staff report; outlines the methodology used to determine the need for a change in fees; discusses the summary of fee changes and the effective dates; highlights staff recommendations.

**No one appearing 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 reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3076, ordinance amending County Fee Schedule, adopted.**

- 6 E-1 This is the time set for hearing to consider revisions to the County Agriculture and Open Space Element, Appendix D of the Agricultural Buffer Policy; All Districts.

**Mr. Robert Lilley:** Agricultural Commissioner, presents the staff report; reminds the Board of their prior action at the August 23, 2005 meeting; outlines the revisions to be made to the Agricultural Buffer Policies and Procedures; addresses questions regarding the letter to the Board of Supervisors dated November 15, 2005 from Bornholdt & Associates regarding the potential impacts to the Laetitia Vineyard & Winery.

**Mr. Warren Hoag:** Planning and Building, states Laetitia Vineyard & Winery has been accepted for processing as a tentative vesting Tract Map and is subject to the ordinances and policies in effect at the time of acceptance; explains any changes to the policy today will not impact this Tract Map.

**Mr. Lilley:** continues addressing the questions on the Bornholdt & Associates letter; presents possible alternative language for Page 8, #7 regarding buffers and cluster developments.

**Supervisor Achadjian:** questions the point of measurement for the buffer, with Mr. Lilley responding.

**Supervisor Patterson:** addresses his concerns with the buffer as it relates to dry land vineyards in Table 1.

**Mr. Lilley:** at the request of Supervisor Lenthall, reads into the record the proposed alternative language for Page 8, #7.

**Chairperson Bianchi:** expresses her concern with the lack of public review for the proposed language as it has a potentially significant impact; questions if it is appropriate to act on this proposed language change today.

**Mr. John Nall:** Planning, suggests if the Board approves the proposed language an environmental review be completed to identify the potential impacts to agricultural resources.

**Supervisor Ovitt:** states Ag clusters are required to do an Environmental Impact Report or an environmental assessment which would identify the environmental impacts of that cluster.

**Chairperson Bianchi:** expresses her concern regarding the possible precedence if there is no public review of the proposed language change.

**Mr. Tim McNulty:** Deputy County Counsel, states if the Board believes there will be potential physical environmental impacts with the proposed language, it would be best to allow for public review and could require an environmental review.

**Mr. Eric Greening:** urges the Board to not act on the proposed alternative language change today; expresses his areas of concern with the policy.

**Mr. Ken Bornholdt:** representing Laetitia Vineyard & Winery, thanks the Board for addressing his concerns that the new language would not impact prior approved projects; addresses the deleted sentence under Scope on Page E-1-7; urges the Board to put the sentence back and suggests revised language for the sentence.

**Mr. Vic Montgomery:** addresses his concerns regarding the alternative language suggested by staff; urges the Board to allow time for public review; expresses his concerns regarding the guidelines to determine the buffer; urges the Board to maintain flexibility in determining the amount of the buffers.

**Ms. Joy Fitzhugh:** Farm Bureau, expresses her items of concern; urges the Board to bring the alternative language back at another time after time for public review.

**Board members:** discuss where the measurement of the buffers will be calculated from.

**Mr. John Janneck:** discusses Laetitia Vineyard practices within the buffer; suggests rules for crops within the buffers to mitigate the problems; states he agrees with previous speakers who support the alternative language having time for public review; wants the Board to maintain their ability for flexibility in determining the amount of buffers.

**Mr. Michael Sullivan:** expresses his belief that the proposed language amends the General Plan; urges the Board to complete an Initial Study.

A discussion regarding the Buffer Distance Range by Crops in Table 1 occurs.

**Supervisor Patterson:** expresses his concerns regarding analyzing the Ag clustering language out of content; urges the Board to send the whole package back out with the Ag cluster language for review; doesn't agree with approving only a portion of the buffer policy.

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

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

**NOES: Supervisor Patterson**

**ABSENT: None**

**the Board approves the Agriculture Buffer policy outlined in the staff report dated November 22, 2005 with the following changes: amends Page E-1-7, under Scope, the stricken second sentence is put back into the report and is amended to read: "However, the total buffer distance calculation and recommendation is measured from proposed occupied structure to the edge of the agricultural operation."; Page E-1-8, the first paragraph, the second sentence is removed that reads: "Other mitigation measures such as screening may reduce buffer distance**

recommendations by a maximum of 100 feet.”; on Page E-1-10, Under Paragraph B, delete the last sentence in the paragraph that reads: “Ag cluster division home sites will be buffered from the remaining agricultural uses utilizing the buffer policy.”; Under Specific Situational Issues, remove item #7 that reads: “Proposed homes for agricultural cluster land division projects need to be buffered from the remaining agricultural use according to the buffer policy.” and refers it back to the Agriculture Commission for further revised language and allow for public review.

7 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) *Citizens for a Safe and Affordable Environment v. Superior Court of San Luis Obispo*

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (2) *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. (3) *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: (4) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy County Counsel Association*; (5) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *Deputy Sheriffs Association*; (6) Negotiator’s Name: *Santos Arrona, Gail Wilcox*, Name of employee organization: *SLOGAU*.

**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.

8 C-2

This is the time set for continued hearing (continued from October 4, 2005) to consider the Transfer of Development Credit (TDC) Program and recommendations for amendments to the program; and an amendment to extend the Interim Ordinance to establish a moratorium of approving new development permits employing Transfer Of Development Credit receiving sites in the areas of South Atascadero, Creston, Pozo and Santa Margarita; 1st, 3rd, 4th and 5th Districts.

**Mr. Victor Holanda:** Director of Planning and Building, reminds Board of their past actions; states staff will clarify the difference in the length of the Interim Ordinance; and introduces Ms. Kami Griffin and Ms. Karen Nall.

**Ms. Kami Griffin:** Planning, details the recommended amendments to the TDC program as outlined in the staff report; asks the Board to hold the public hearing regarding the Interim Ordinance.

**Mr. Tim McNulty:** Deputy County Counsel, discusses Government Code Section 65090; urges the Board if they are going to extend the Ordinance, to go with the 10 month and 15 days and clarifies why.

**Chairperson Bianchi:** questions if the Interim Ordinance can be extended past the 10 month and 15 day time period with Mr. McNulty acknowledging it can and discusses the different options available to the Board .

**Mr. Bruce Gibson:** states the current TDC program doesn’t work; urges the Board to look at working TDC programs in other areas for ways to change ours; expresses his support of the current moratorium.

**Mr. Greg McMillan:** Chairman of the Shandon Area Advisory Committee (SAAC), reads the letter dated November 22, 2005 from SAAC into the record urging the Board to dissolve the TDC program, create a Countywide moratorium; and provides suggestions if the County continues the program.

**Mr. Eric Greening:** urges the Board to support the Interim Ordinance; discusses mitigations of the TDC program receiver sites; the need for an Environmental Impact Report to see the potential impact of the program; states the TDC program is not bringing about Smart Growth; urges the Board to extend the moratorium, continue the rest of the hearing until staff can incorporate the information they have received from the public.

**Mr. Fred O'Toole:** speaks against the TDC program; states his neighbors oppose the program; express his concerns with the lack of Fire and Sheriff services.

**Mr. Brian Stark:** Executive Director of the Land Conservancy of San Luis Obispo, states the program is not working as intended; supports the Planning Commission's recommendations; urges the Board to create partnerships between cities and local communities to make a TDC program that works; discusses options used by other TDC programs that are working; supports the Interim Moratorium until staff is able to implement the recommendations to address the problems with the TDC program.

**Ms. Joy Fitzhugh:** Farm Bureau, addresses her areas of concern in the staff report and asks for further clarification on some matters.

**Ms. Tobey Osgood:** expresses her support for the TDC program and the staff recommendations presented today.

**Ms. Susan Harvey:** urges the Board to adopt the Planning Commission's recommendation to dissolve the program.

**Mr. Andrew Christie:** Chapter Coordinator of the Sierra Club, urges the Board to not try to fix the program but dissolve it; approve the extension of the moratorium, table everything else and bring it back to terminate the program.

**Ms. Della Barrett:** questions why the recommendation of the Santa Margarita Advisory Committee to dissolve the program is not in the staff report; addresses her concerns about the staff report and recommendations; urges the Board to dissolve the program.

**Ms. Joyce Connelly:** reads a letter into the record opposing the program.

**Ms. Sheila Lyons:** discusses the negative impacts of the program; states agricultural land should not be used as receiver sites; urges the Board to dissolve the program.

**Ms. Dorothy Jennings:** speaking on behalf of the Templeton Area Advisory Group, discusses missing advisory committee recommendations, to dissolve the program, in the staff report; discusses the efforts to work with the Planning Department to create community-based plan; urges the Board to dissolve the program and revise the Interim Ordinance to be Countywide.

**Ms. Tina Salter:** outlines problems with the program; urges the Board to dissolve the program and continue the moratorium.

**Ms. Sue Luft:** discusses environmental impacts in her area from the TDC program; urges the Board to discontinue the program and adopt a Countywide moratorium.

**Mr. Richard Hawley:** outlines the history of the program; urges the Board to listen to the public and dissolve the program; echos the comments by Mr. Greening.

**Mr. Greg Shipley:** states his support of the program; presents suggested language changes for recommendation #7.

**Mr. Bill White:** discusses the Planning Commission and Advisory Committee recommendations to dissolve the program; urges the Board to terminate the program and revise the Interim Ordinance to be Countywide.

**Mr. Ken Bornholdt:** representing the Bonneheim Family, thanks staff for their work; discusses the Bonneheim Family's use of the program; the potential impacts if the program is dissolved; the difficulty in selling credits; states there is no need for a moratorium; if Board continues the moratorium ask that they only do so for 10 months and 15 days.

**Ms. Christina Aguirre:** discusses the definition of “Receiver Sites” in the TDC Manual dated August 10, 2004; addresses the water problems in South Atascadero.

**Ms. Dolores Simons:** discusses her neighbor’s possible use of the program and the impacts it will have; states the program is changing rural areas into urban areas; supports the Interim Moratorium.

**Mr. Michael Sullivan:** states he agrees with Mr. Greening’s comments; states the program is used to make money; the program is not inconsistent with the General Plan; discusses the loss of resources and other impacts from the program.

**Mr. James Wood:** urges the Board to listen to their Advisory Committees that are opposing the program; discusses the potential recall of two Supervisors; urges the Board to dissolve the program.

**Ms. Chris Volbrecht:** discusses the intent of the program and urges the Board to continue the program to preserve agriculture land.

**Mr. Roy Aguirre:** discusses the effects of the program on communities; the retiring of lots; states he supports discontinuing the program.

**Ms. Audrey Beatty:** urges the Board to support discontinuing the program and approve a Countywide moratorium.

**Ms. Maria Lorca:** thanks the Board for supporting the moratorium and urges them to continue it; urges the Board to discontinue the program.

**Ms. Kathryn Sweet:** discusses the impacts of the program on South Atascadero; questions how much money has been spent on this program; urges the Board to support their Advisory Committees recommendations to dissolve the program and extend the moratorium.

**Mr. Richard Pettit:** discusses the problems with the program; agrees with the Grand Jury Report that the program has failed; states Planning staff is part of the problem; urges the Board to adopt a Countywide moratorium and dissolve the program.

**Chairperson Bianchi:** asks how far down could the lots be divided in South Atascadero without the TDC program; how credits are determined; and the impacts if the program was cancelled.

**Supervisor Patterson:** questions how changes could be made that remove the Ag to Ag Transfer and eliminate the 5 mile radius around the village reserve line; how it would handle things if the program was suspended.

**Supervisor Achadjian:** questions the liability for the County of sending sites if the receiver sites have a moratorium.

**Mr. McNulty:** states the sending credits are issued at the time the easement is recorded; the notice of eligibility shouldn’t make the County liable; the credits currently issued should be honored; amendments regarding Ag to Ag Transfer and village reserve lines are usually addressed in the Zoning Ordinance; if the Board wanted to impose a Countywide moratorium suggests the Board put on the next agenda to avoid any possible Brown Act violations.

**Ms. Griffin:** responds to issues raised by the Board members and the public.

**Mr. Bornholdt:** states the Bonneheim Family has 54 unsold credits, there is a pending sale where 12 credits are being sold.

**A motion by Supervisor Patterson, seconded by Supervisor Achadjian to adopt the proposed Ordinance extending the moratorium to 10 months and 15 days, is discussed.**

**Supervisor Achadjian:** supports an exemption to those sending site credits in place.

**Supervisor Ovitt:** states he won’t support a moratorium because there are no health and safety issues; urges the Board to either keep or dissolve the TDC program.

**Supervisor Patterson and Supervisor Achadjian withdraw their motion and second.**

**Supervisor Ovitt:** discusses the history of the program; won't support a moratorium as the moratorium won't solve the problems.

**Supervisor Bianchi:** enters letters, received by the Board members, into the record; states the staff report shows all the Advisory Committees recommendations.

**A motion by Supervisor Lenthall to direct staff to: immediately process amendments to delete the Ag Receiver Sites, delete allowing receiver sites within 0 to 5 miles of the village reserve lines, evaluate the use of TDC's with General Plan Amendments for conversion of Ag land, form a new Technical Advisory Committee to re-evaluate at a minimum the method of assigning credits to sending sites, allowed uses in conservation easements, receiving site density bonuses; the Technical Advisory Committee could contain: members representing agriculture, development, the environment, general public member from North County and South County, various boards and commissions.**

**Supervisor Lenthall:** comments his would support a moratorium with the exception that those credits already in the pipeline be honored.

**Supervisor Patterson:** states the program hasn't worked as intended; expresses his belief that the reason the program has failed is because there was no community buy-in; Santa Margarita Area Advisory Council's recommendation is to abolish the program and requests a moratorium; the Technical Advisory Committee needs to take a broader look at other TDC programs that are working.

**Supervisor Achadjian:** states the TDC program is working in Nipomo; asks to include the Land Conservancy to the Commission, and seconds Supervisor Lenthall's motion.

**Board members:** discuss and clarify the motion.

**Supervisor Ovitt:** the program will need measurable results; suggests a person with appraisal knowledge should be on the Technical Advisory Committee, with Mr. Lenthall agreeing.

**Supervisor Bianchi:** states the basic criticisms of the program are going away, which is why she will continue to support the program.

**Supervisor Patterson:** questions if the motion will direct the Committee and staff to return to the Board by a particular date.

**Supervisor Lenthall:** expresses he doesn't want to put timelines on the Committee so they have the opportunity to look into and address all concerns.

**Supervisor Ovitt:** states the final approval of the Committee should come back to the Board with recommendations and public review.

**Ms. Griffin:** states they will post an ad in the newspaper to advertise positions available for interested parties.

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

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

**NOES: None**

**ABSENT: None**

**the Board directs staff to: immediately process amendments to delete the Ag Receiver Sites, delete allowing receiver sites within 0 to 5 miles of the village reserve lines; evaluate the use of TDC's with General Plan Amendments for conversion of Ag land, form a new Technical Advisory Committee to re-evaluate at a minimum the method of assigning credits to sending sites, allowed uses in conservation easements, receiving site density bonuses; the Technical Advisory Committee should be made up of members representing agriculture,**

development, the environment, general public member from North County and South County, Land Conservancy, various other boards and commissions.

Thereafter, on motion of Supervisor Lenthall, seconded by Supervisor Patterson and unanimously carried, the Board agrees to continue the meeting past 5 p.m.

**Supervisor Achadjian:** states he will support a moratorium for the 10 months and 15 days as long as there is an exemption to allow those that have already been granted sending sites.

**Mr. McNulty:** outlines the language in the Interim Ordinance under Section 2 clarifying the exception to the moratorium; discusses the areas where sending credits can be used; there is no liability issue as there are other areas the credits can be transferred to.

9 C-2 **Matter is fully discussed and thereafter, on motion by Supervisor Patterson, seconded by Supervisor Lenthall and on the following roll call vote:**

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

**NOES: Supervisor Ovitt**

**ABSENT: None**

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3077, an interim ordinance extending a moratorium on the approval of Development Permits Employing Transfer of Development Credits Receiving Sites in the areas of South Atascadero, Creston, Pozo and Santa Margarita, adopted.**

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 22, 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/C.M. Christensen,  
Deputy Clerk-Recorder

DATED: December 2, 2005

cmc