

Tuesday, July 17, 2001

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, Shirley Bianchi, and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisors Peg Pinard, Michael P. Ryan

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM AGN

Supervisor Ovitt thanks everyone for all their prayers and good thoughts and is glad to be back.

(SUPERVISORS MICHAEL P. RYAN AND PEG PINARD ARE NOW PRESENT.)

1 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: speaks to Item B-2 and questions what equipment will be used for this excavation project and the need to protect this creek when cleaning it.

Mr. Michael Kovacs: addresses B-7, B-15 and B-16 and the proposed changes to staffing; his concerns to these increases and the cost to the taxpayer. **No action taken.**

2 B-1 Consent Agenda Item B-3 is amended to correct Page B-3-8, Section
thru 15.10.200 - Tank Farm Rd. to reference County Road Number 2091 not
B-22 2041. Item B-21-C is amended to correct the cover sheet to reflect COAL 98-0817 not
COAL 978-0187.

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

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

Consent Agenda Items B-1 through B-22 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-22, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening and hearing:

B-1 Plans and specifications (Clerk's File) for the widening of Moonstone Beach Drive, Cambria; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for August 16, 2001 at 3:00 p.m..**

B-2 Plans and specifications (Clerk's File) for the excavation of excess materials from the Arroyo Grande Creek Channel and Los Berros Creek Channel near the community of Oceano; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for August 16, 2001 at 3:00 p.m..**

B-3 Introduction of a proposed ordinance amending the County Code relating to the establishment of speed limits on Hazel Avenue, Nipomo; Avila Beach Drive near Avila Beach; Tank Farm Road and Los Ranchos Road near San Luis Obispo; 3rd and 4th Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date scheduled for July 24, 2001 at 9:00 a.m..**

B-4 Introduction of a proposed ordinance amending the County Code relating to the

establishment of stop signs on River Road at Wellsona Road, North County; Inga Road at North Frontage Road and Thompson Avenue at Tefft Street in Nipomo; 1st and 4th Districts, **Approved and the Clerk is instructed to give notice of hearing date scheduled for July 24, 2001 at 9:00 a.m..**

- B-5 Introduction of a proposed ordinance amending the County Code relating to the establishment of through highways on Sevada Lane and Price Street in Nipomo; 4th District, **Approved and the Clerk is instructed to give notice of hearing date scheduled for July 24, 2001 at 9:00 a.m..**
- B-6 **RESOLUTION NO. 2001-285**, of intention to vacate a portion of Old County Road in the community of Templeton; 1st District, **Adopted and the Clerk is instructed to give notice of hearing date scheduled for August 7, 2001 at 9:00 a.m..**
- B-7 Introduction of two proposed ordinances creating the Department of Behavioral Health Services and the position of Behavioral Health Services Director, **Approved and the Clerk is instructed to give notice of hearing date scheduled for July 24, 2001 at 9:00 a.m..**

Administrative Office Items:

- B-8 Settlement of two outstanding claims (Whalley and Morley) against the County, **Approved.**
- B-9 Workers' Compensation and Unemployment Insurance Program rates for fiscal year 2001-02, **Approved.**

General Services Items:

- B-10 Lease agreement with Fiero Lane Mutual Water Company allowing County owned property, located adjacent to the San Luis Obispo County Regional Airport, to be used as a leach field to accommodate waste water generated by the Water Company; 4th District, **Approved.**
- B-11 Amendment to a contract with Coastal Golf Company for the installation of paved cart paths at Chalk Mountain Golf Course; 5th District, **Approved.**
- B-12 **RESOLUTION NO. 2001-286**, authorizing execution of a notice of completion for the upgrade of the fire alarm system at the County Government Center; All Districts, **Adopted.**

Health Agency Items:

- B-13 Agreement (Clerk's File) with the Children and Families Commission for staff and professional support services provided by County staff, **Approved.**
- B-14 Contract (Clerk's File) with Family Care Network, Inc. to provide mental health services to Mental Health clients, **Approved.**
- B-15 Contract (Clerk's File) with Transitions-Mental Health Association to provide mental health services to Mental Health clients, **Approved.**

Public Works Items:

- B-16 1) An agreement with TY Lin International to provide engineering consulting services and environmental services for the widening of the San Luis Bay Drive Bridge at Avila Beach Drive; and 2) a corresponding budget adjustment in the amount of \$217,338 from Regional State Highway Funds and Avila Area Road Impact Fees; 3rd District, **Approved.**
- B-17 **RESOLUTION NO. 2001-287**, vacating a road easement by summary vacation, east of LaCumbre Road near North Las Flores, in the community of Nipomo; 4th District, **Adopted.**

- B-18 **RESOLUTION NOS. 2001-288 and 2001-289**, accepting conveyances from Kay Williams and Carolyn Gagliardini for the Los Berros at El Campo Road Project; 4th District, **Adopted**.
- B-19 **RESOLUTION NO. 2001-290**, accepting conveyances from Ben Maddalena for the San Luis Obispo County Regional Airport Runway Extension/Buckley Road Project and a request to approve a budget adjustment in the amount of \$392,040 for the purchase of land; 4th District, **Adopted**.
- B-20 **RESOLUTION NO. 2001-291**, approving the creation of the San Luis Obispo County Flood Control and Water Conservation District Zone 1 and 1A, Advisory Committee; 4th District, **Adopted**.
- B-21 The following final maps:
- A. Tract 2354, a proposed subdivision resulting in 10 lots, by Susan Ostrov et al, located on Christmas Tree Place, Oceano, reject the offer of dedication without prejudice to future acceptance and order the abandonment of Mad Max Place; 4th District, **Approved**.
- B. COAL 00-0177, a proposed lot line adjustment of 4 lots which will not result in any new lots, by Aero Loop, LLC, located on Aero Vista Place at Highway 227, south of the City of San Luis Obispo; 3rd District, **Approved**.
- C. COAL 978-0187, a proposed lot line adjustment of 24 lots which will not result in any new lots, by Andrew and Margaret David, located on Huasna Road east of the City of Arroyo Grande; 4th District, **Approved as amended**.

Other Items:

- B-22 Agreement that will consolidate the Sarah Day Trust monies donated to the Library into the Foundation for San Luis Obispo County Public Libraries Endowment, **Approved**.
- 3 C-1 This is the time set for hearing to consider mandated changes to the Supervisorial district boundaries based on the Census 2000 data; All Districts.

Ms. Leslie Brown: Administrative Office, presents the staff report; the Board is required to redraw the district lines every ten years based on census data; redistricting balance's legislative representation and brings districts back in compliance with "one-person one-vote" mandates of State and Federal laws; states the legal rules for redistricting include: (1) equal population; (2) not discriminatory against racial or language minorities in purpose or effect; and, (3) cohesiveness, contiguity, integrity and compactness; indicates the Board previously directed staff to adjust the lines, did not want a complete redraw and that other district lines should be followed where possible; presents a chart showing the changes in population that will need to occur in each district which will bring the population for each district to approximately 47,554; highlights Scenarios 1 through 5, indicating that Scenarios 2 through 4 would move the incumbent District 4 Supervisor from his district; addresses the request by the residents of Oceano to keep their area with one Supervisor and to maintain it in the 4th District; staff, at the request of the Supervisors, created Scenario 1-B which will keep Oceano in the 4th District and highlights the modifications to the districts for this proposal.

Supervisor Pinard: states she wants to see more definition as to where the lines between districts are.

Mr. Michael Winn: Nipomo Chamber of Commerce, states they unanimously supported Scenario 5, but did not see Scenario 1-B; feels the Chamber would also support 1-B as they want to keep their same Supervisor.

Mr. Michael Kovacs: feels this is a prime opportunity to streamline County Government; questions why the City of San Luis Obispo is carved up among all the Supervisors; feels there should be two Supervisors North of the Cuesta Grade and the other three should have the County south of the Cuesta Grade.

Ms. Peggy Wilson: welcomes back Supervisor Ovitt; states as a representative of the Oceano-Halcyon Advisory Committee they want to remain undivided and in the 4th District; thanks everyone for creating Scenario 1-B; speaking for herself she believes that generally the folks in the Oceano area don't want to be divided.

Supervisor Bianchi: thanks all the staff and public for their work on this.

Supervisor Pinard: states she believes, in the future, the City of San Luis Obispo will be represented by only two Supervisors and wants the boundaries defined to address future changes; further addresses various boundary lines in the City of San Luis Obispo and altering these to remove "dog legs" and round them out better, with staff modifying the Scenario 1-B map to address those changes.

Mr. David Edge: County Administrative Officer, addresses the various scenarios and fixing the lines to better address constituent needs.

Supervisor Ryan: states he believes the lines could have been moved to make a true South County Supervisor and Scenario 1-B is close to accomplishing that; believes in 10 years the 5th District will solely be in the North County and not in the City of San Luis Obispo.

Supervisor Ovitt: addresses the proposed changes and moving California Valley into the 5th District.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Pinard and unanimously carried, the Board directs staff to prepare an ordinance using Scenario 1-B and to return on August 7, 2001 to introduce the ordinance and to hold the public hearing on the ordinance on August 14, 2001 at 9:00 a.m..

4 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) *In re Lum*, (2) *McKrill v. County of San Luis Obispo*, (3) *In re PG&E* and (4) *Atascadero Mutual Water Company v. County of San Luis Obispo*.

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: *Dale T. Hanson, Santos Arrona*, Name of Employee Organization: *District Attorney Investigators Association*.

III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov. Code §54956.8) It is the intention of the Board to meet in Closed Session to have a conference with its real Property Negotiator concerning the following: (8) Property Description: *French Hospital*, Parties with whom negotiating: *Jim Braley*, Instructions to Negotiator will concern: *Price, Terms and Conditions*.

Chairperson Achadjian: opens the floor to public comment.

Ms. Peggy Wilson: addresses the Lum matter on the Closed Session today and indicates the Oceano area has been on the receiving end of actions by Mr. Lum and they have not been pleasant.

Thereafter, the Board goes into Open Public Session.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

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

Ms. Nancy Rollman: Environmental Specialist, addresses an upcoming meeting to be held with Monterey County regarding Lake Nacimiento on July 30, 2001 at 7:00 p.m. at the High School Activity Center, Niblick Rd. in Paso Robles; states the Environmental Impact Statement is currently out for public review.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

Supervisor Pinard: questions regarding the draw down by Monterey County and whether the County's total acre feet was included in this, with Ms. Rollman indicating they have included our allotment.

Supervisor Ovitt: thanks his Legislative Assistant and County staff for all their work in getting this meeting in our County. **No action taken.**

- 6 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board discussed all the items listed on the Closed Session and took one action on *Atascadero Mutual Water Company v. County* - the Board authorized the Chairperson to sign a settlement agreement which would basically resolve the dispute over the Atascadero Road Yard; the settlement agreement briefly provides that the County would occupy 5.1 acres of the total 24 acres and would be paying rent to the Water Company through 2011 and then could extend the period of occupancy for another 5 years, at fair market value.

- 7 PC Public Comment Period for items not listed on the Agenda is brought back on by Chairperson Achadjian.

Mr. Michael Kovacs: addresses a special notice he received regarding his Social Security account and indicates he cannot pay any more money to the government; wants the Public Comment period put back on in the morning so people don't have to come to the Board twice; questions all the increases in pay staff members are receiving. **No action taken.**

- 8 C-2 This is the time set for hearing to consider an appeal by the City of Paso Robles and Paso Watch of the Subdivision Review Board's decision to approve a development plan and lot line adjustment of 150 parcels and development of roads, waterlines and other utilities, located on the west side of Santa Ysabel Avenue, south of the City of Paso Robles; 1st District.

Mr. Bryce Tingle: Assistant Director of Planning and Building, introduces the item indicating there were two appeals filed on this project.

Mr. James Caruso: Planning, states this project currently has 150 legal lots and the proposal is to reconfigure those lots; this also includes a development plan; the site is 838 acres, with 230 acres being in open space; the 150 legal lots range in size from 1.4 to 5.1 acres, with three parcels ranging from 25 to 138.8 acres; there is also a proposal on one of the larger parcels to be used for the creation of a water company; states lot line adjustments are exempt from the Subdivision Map Act; outlines what the environmental review consisted of; presents a map of the site and maps of the existing parcel configuration; addresses the appeals that were filed: the appeal by the City of Paso Robles addresses concerns regarding air quality and traffic; indicates the project will pay traffic fees to the City; addresses concerns raised regarding the oak tree replacement and states the condition requires a 6:1 replacement, with 10 years of monitoring; addresses the Paso Watch appeal, indicating that the Environmental Defense Center (EDC) filed a letter on their behalf.

Supervisor Ryan: questions who Paso Watch is and what is their legal standing.

Mr. Caruso: indicates Paso Watch is two gentlemen - Thomas Rusch and Loren Gilbertson and both signed the appeal.

Mr. James Lindholm: County Counsel, indicates they have legal standing to file the appeal either as Paso Watch or as individuals.

Mr. Caruso: continues the staff report addressing and responding to the issues raised in the EDC letter which includes: concerns regarding eagles that have nests in trees on the property; impacts by humans on birds; and, indicates the reconfiguration of the lots moves development away from the more sensitive areas on the property.

Supervisor Ovitt: questions whether a Developer's Statement has been signed and agreed to and questions whether this would indicate they are agreeing to all the mitigation measures, with Mr. Caruso responding that the Applicant has signed and agreed to all the measures.

Mr. Caruso: addresses the EDC letter further; comments on a letter from Robert Stafford regarding the Kit Fox; the issue of wetlands and whether the County should follow the State or Federal definition for the same; states staff deleted a condition that would have required that 100+ acres be set aside (which is offsite) for Oak tree and woodland protection; indicates deletion of this condition created the 6:1 replacement ratio of Oak trees with 100% survival rate; states the table in Condition #34 (page C-2-48) needs to be corrected to include language for the reference to Lots 111 to 146 and presents a copy of the same; presents added Condition #75 which is the Indemnification of County by Applicant language; and, presents language to add a paragraph to Finding #5 - Visual Resources regarding box trees; indicates the Applicant and City of Paso Robles will negotiate on the fees to be charged for traffic improvements; addresses water and the availability of the same.

Chairperson Achadjian: questions the original number of lots on this property versus the current number.

Mr. Tingle: responds that under a previous owner there was a request to approve 500+ lots for this property and the County determined there were 150 legal lots.

Supervisor Ovitt: states he knows the letter from the EDC came in late last week and commends Mr. Caruso for being able to respond to the issues in this document so quickly.

Supervisor Bianchi: speaks to the issue of water; and, the Water Resources Advisory Committee (WRAC) and their request to have projects like this referred to them and questions whether this was referred to them for review, with Mr. Caruso responding.

Mr. Loren Gilbertson: Paso Watch Appellant, states the EDC will be speaking on their behalf.

Council Member Duane Picanco: Appellant for the City of Paso Robles, states they don't object to the project but do have concerns about the impacts they believe have not been mitigated; addresses the adequacy and relevancy of the air quality mitigation measures; the adequacy of the cumulative traffic impact mitigation, particularly as it relates to the subject project being an addition to unmitigated impacts from other County unincorporated development; and, the adequacy of the oak tree mitigation measures, particularly relative to habitat and the visual impacts; wants to see fees collected for impacts to the City; questions what is being done to address mitigations for another river crossing.

Mr. Bob Lata: Community Development Director for the City of Paso Robles, states they never received a staff report or notice of this hearing and supports the comments by Mr. Picanco.

Mr. Babak Naficy: attorney for the EDC, addresses the oak tree impacts to existing versus proposed lots for this project; comments on the groundwater basin study that is underway in the Paso Robles area and the results of this are still an unknown; questions how they will make sure there is a 100% survival rate on the Oak trees; feels the County is losing its woodland habitat.

Mr. Gordon Hensley: EDC, states this is more than a lot line adjustment as it also includes a development plan; wants to be able to support the staff report but believes a Negative Declaration is the wrong environmental document for this project; states there are no goals for any of the proposed mitigations; comments on page B-1 of the Initial Study relating to pond turtles and their concerns regarding the same; addresses the nesting Golden Eagle and indicates it requires a permit to remove the nest from Fish & Wildlife Services; presents an overhead of a letter from Mr. Stafford's supervisor disputing earlier comments by Mr. Stafford; presents a map of the corridors which are vital for wildlife movement; states there are many significant impacts associated with this project and they need to be addressed through an EIR.

Mr. Brian Dempsey: EDC, addresses their environmental concerns further; speaks to the percolation rates and the Regional Water Quality Control Board (RWQCB) showed 18 parcels had inadequate percolation rates; states there are inaccurate statements in the staff report; addresses their concern to post construction mitigation measures and feel they will be impossible to enforce; suggests there are long term impacts that have not been addressed; addresses the traffic impact fees and there is no mechanism for public input through this process.

Mr. Dan Lloyd: representing the Weyrich's, responds to the issues raised by the Appellants; addresses the maximum number of trees they can remove and indicates they do not intend to remove that many; further, a number of the trees marked for removal are considered "dead" trees per the Arborist; speaks to the number of trees that are being cultivated to replace trees that are cut down; states that he personally notified Mr. Lata from the City of Paso Robles three weeks prior to the Subdivision Review Board (SRB) hearing; addresses the fees they will pay to the City and these fees will go to existing systems, etc. that are impacted; feels they have a professionally well thought out and prepared proposal; states they will also be paving Hanging Tree Lane; asks for approval for the project.

Ms. Lynne Dee Althouse: biologist representing the Weyrich's, addresses the Oak trees; areas they will protect on the property; riparian habitat and protection of the same; states the tree the eagles are nesting in is not proposed for removal; addresses the issue of the turtles and their discussions with Fish & Wildlife Services; comments on the on-site viewing they did for the Kit Fox and the ratings they performed; states they don't believe the Kit Fox will ever live here but they do have plans in place should they come onto the property; presents a map that outlines potential areas the Kit Fox to live in the Central California area; addresses the issue of wetlands; discusses tagging all the trees; speaks to growing new trees and the expense involved in this; states they did do an environmental baseline; speaks to an equestrian trail plan and who is developing this; speaks to the process of transplanting trees.

Mr. Tim Cleath: Hydrogeologist representing the Weyrich's, responds to various issues raised by the EDC with respect to water; states he is involved in the study that is being done on the Paso Robles Basin; states there are no significant impacts to wells adjacent to this property; states the water is from deep wells and is not coming from groundwater or the river.

Supervisor Bianchi: questions whether there is a stable water basin in this area and further questions regarding water in the Paso Robles Basin, with Mr. Cleath responding.

Mr. Dennis Law: attorney representing the Weyrich's, addresses the enforcement mechanism for the mitigation measures; states these will also be addressed in the CC&R's and cannot be changed by future homeowners; all water rights on these properties will be granted to the water company.

Mr. Eric Greening: speaks to the aquifer in the area and the need for inclusion of this information in the record and this information is not yet complete; suggests the applicant should wait until this information has been completed and if the applicant doesn't want to wait then they should do an EIR.

Mr. Cody Ferguson: Kiler Canyon Road resident, states his family has lived here since 1947 and he is the third generation to live on the property; addresses his concerns for rapid

growth, the replacement of the Oak trees, water availability and air quality; presents a copy of his letter for the record.

Ms. Donna Ferguson: Kiler Canyon Road resident, further addresses their concerns regarding air quality and comments on the ozone exceedences that have occurred in the past several years; presents a copy of her letter for the record.

Mr. Stephen Ela: presents two letters for the record and comments on the same; outlines his concerns regarding the Oak trees; urges the Board to uphold the appeals.

Mr. Pat Mackie: addresses the issue of septic systems and concerns to their impact on the river; feels the staff has “bought off” on a project that is not a good one.

Ms. Pam Marshall Heatherington: ECOSLO, states there are forty-one findings of insignificant impacts in the Mitigated Negative Declaration and finds this hard to believe; questions what the cumulative impacts of this many “insignificant impacts” are.

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

Ms. Robin Chapman: asks the Board to find in favor of the Appellants; addresses her concern to the impacts this project will have on City services; feels the traffic fees will not help folks with medical problems such as asthma; wants to see a full EIR required.

Mr. Michael Kovacs: addresses the project; feels there is a need to “have fresh blood injected into the County”; urges the Board to support the Applicant’s request.

Mr. Neil Havlik: states he is representing a Statewide Oak tree protection organization and indicates their concern to the indirect impacts to the Oak trees; urges the Board to require an EIR.

Mr. Lloyd: responds to issues raised regarding the percolation tests and indicates that tests were performed on each lot; responds to issues regarding wastewater; and states there were studies done on every aspect of this proposal.

Ms. Althouse: responds to issues regarding replanting the Oak trees and what they will be doing; addresses the various types of Oak’s that will be replaced.

Board Members: questions various aspects of the tree removal and replacement processes, with Ms. Althouse responding.

Mr. Law: addresses the issue of tree removal in and outside the building envelope.

Ms. Naficy: speaks to the impacts this project will have on the City; reads from the Conservation Element; disputes various areas of the biological study; asks for time to review the new information presented by the Applicant today; urges the Board to require a full environmental review of this project.

Supervisor Ovitt: states this is the most “mitigated/conditioned” project he has even seen come before the Board; states he is “amazed” at the condition regarding Oak tree replacement; addresses the normal protocol used for Kit Fox protection that has been approved without dispute on other projects but the same protocol is being objected to for this project; indicates the Clerk’s record shows that notification of this hearing was sent to the Mayor for the City.

Supervisor Bianchi: speaks to a recent letter from California Valley Community Services District asking the County to reinstate their fire station; states this area wants their fire station back and the Board is being asked to approve a project that puts an even bigger draw on fire services; feels this project “almost” is in violation of the General Plan; speaks to comments from the biologist regarding water for the Oak trees; addresses the concerns she has regarding water and states she would support a Full EIR with a redesign of the project; states she would support the lot line adjustment but not the development plan.

Supervisor Ryan: addresses comments regarding “unplanned development” on the City fringe, indicating this map was created back in the late 1800's and development could have occurred at anytime; states this is a lot line adjustment not a subdivision; addresses comments regarding the Oak trees.

Chairperson Achadjian: questions the traffic fees and whether they are higher from the City or County.

Mr. Caruso: states they would be higher from the City as the County does not collect road fees in this area.

Mr. Tingle: addresses the staff report and states he believes staff has followed the requirements of CEQA with respect to this project.

Mr. Caruso: further explains they did go beyond the minimum requirements of CEQA; states information has been out there for public review throughout this process.

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

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

the Board denies the appeals and Finding #5 - Visual Resources is amended to add the following language: “Section 15074.1 of the CEQA Guidelines allows the Lead Agency to substitute equivalent mitigation measures without having to recirculate the Mitigated Negative Declaration. The Lead Agency must hold a hearing on the matter and must find that the new mitigation measures are at least as effective as the original ones in mitigating significant environmental impacts. Pursuant to CEQA Guidelines Section 15074.1 it is found, based on the evidence in the record, that planting 24 inch box trees in key areas to help screen future residences is more or at least equally effective than transplanting trees from on site. Box trees have a better chance at surviving than transplanted trees and the box trees will be more effective at screening over the long term.”; Condition #34 is amended to add language to the reference to Lots 111 to 146 that reads: “Save all trees - Reduce cumulative impacts - *Mitigation measures listed in this table shall be incorporated in the Tree Removal and Protection Plan required as part of VR/mm 1. Note: The mitigation measures above apply to the areas within the maximum building envelopes (MBE). Within each lot, all trees outside of the maximum building envelopes shall be saved.*”; and Condition #75 is added to read: “The Applicant shall as a condition of approval of this development plan defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this development plan or the manner in which the County is interpreting or enforcing the conditions of this development plan, or any other action by a third party relating to approval or implementation of this development plan. The Applicant shall reimburse the County for any court costs and attorney’s fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the Applicant of his obligation under this condition.”; and, RESOLUTION NO. 2001-292, resolution affirming the decision of the Subdivision Review Board and conditionally approving the application of Weyrich Development Co. for Development Plan D990062D, adopted, as amended.

C-2 Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:

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

the Board amends Finding #5 - Visual Resources to add the following language: “Section 15074.1 of the CEQA Guidelines allows the Lead Agency to substitute

equivalent mitigation measures without having to recirculate the Mitigated Negative Declaration. The Lead Agency must hold a hearing on the matter and must find that the new mitigation measures are at least as effective as the original ones in mitigating significant environmental impacts. Pursuant to CEQA Guidelines Section 15074.1 it is found, based on the evidence in the record, that planting 24 inch box trees in key areas to help screen future residences is more or at least equally effective than transplanting trees from on site. Box trees have a better chance at surviving than transplanted trees and the box trees will be more effective at screening over the long term.”; and, RESOLUTION NO. 2001-293, resolution affirming the decision of the Subdivision Review Board and conditionally approving the application of Weyrich Development Co. for a lot line adjustment COAL 99-0229, adopted as amended.

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, July 17, 2001, 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: July 19, 2001
vms