

Tuesday, August 28, 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, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: Supervisor Peg Pinard

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

(SUPERVISOR PEG PINARD IS NOW PRESENT.)

SUM AGN

1 BPC 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: addresses Item B-11 regarding the vegetation removal in the Arroyo Grande and Los Berros Creek Channels; indicates these are "creeks" not "channels"; states the vegetation removal should be done with goats and not heavy equipment.

Mr. Ron De Carli: San Luis Obispo Council of Governments, addresses Item B-15 relating to the submittal of Transportation Funding Applications for State Transportation Improvement Program (STIP) Funded Projects; states he has worked with staff and the County Administrator to submit joint applications; suggests staff look at staging certain projects due to their cost and possibly phasing the large Enhancement Activities; recommends conditionally approving the projects before the Board today and should the Board decide to revisit any of these issues, staff could submit any revisions within the next few weeks.

Ms. Barbara Durand: addresses Item B-16 relating to Tract Map 1495; states this map is being approved without secondary emergency access; urges the Board to add this secondary emergency access as a condition. **No action taken.**

2 B-1 Consent Agenda Item B-15 is withdrawn for separate action. **Thereafter, on motion of**
 thru **Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**
 B-24

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

Consent Agenda Items B-1 thru B-24 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-24, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

B-1 Plans and specifications (Clerk's File) for security upgrades at the Court facilities in Grover Beach and Paso Robles; 1st and 3rd Districts, **Approved and the Clerk is instructed to give notice of Bid Opening set for September 10, 2001.**

Auditor-Controller Items:

B-2 **RESOLUTION NO. 2001-343**, setting tax rates and adopting contingencies, reserves, and designations for the 2001/2002 Final Budget, **Adopted.**

B-3 Annual cash count of the Department of General Services Maintenance Shop and County Parks, **Received and Filed.**

B-4 Unannounced cash count of Lopez Lake Recreational Area, **Approved and direct the**

Department to report back to the Board within four months on Audit recommendation implementation status.

Board of Supervisor Items:

- B-5 Appointment of Fran Jorgensen to the Area Agency on Aging Board, **Approved.**
- B-6 Appointment of Gregory Carroll and Harry Lyons as a District One Representative to the Bicycle Advisory Committee, **Approved.**
- B-7 Reappointment of Joe Quiroz as a District One Representative to the Commission on Children and Youth, **Approved.**
- B-8 Appointment of Katrina Rosa as a District Five Representative to the Bicycle Advisory Committee, **Approved.**

Clerk-Recorder Items:

- B-9 Port San Luis Harbor District 2001-02 Final Budget, **Received and Filed.**
- B-10 Amendments to the Assessment Appeals Board Policies and Procedures, **Approved.**

Public Works Items:

- B-11 Increase a purchase order amount (not to exceed \$35,000) for vegetation removal in the Arroyo Grande Creek Channel and Los Berros Creek Channel, Flood Control Zone 1 and 1A, located near the community of Oceano; 4th District, **Approved.**
- B-12 Bid opening report for road improvements on Paso Robles and 19th Street in the community of Oceano; 4th District, **Approved and instruct Chairperson to sign contract documents with Crosland Excavating, Inc., in the amount of \$136,655.**
- B-13 Bid opening report for the Cambria Cooperative Roads Project, and a resolution authorizing a revolving fund appropriation of \$346,706 to County Service Area No. 21 to fund the project; 2nd District, **Approved and instruct Chairperson to sign resolution and contract documents with Crosland Excavating, Inc., in the amount of \$310,549.**
- B-14 Disadvantaged Business Enterprise Program for the Department of Public Works, **Approved.**
- B-15 Submittal of a resolution authorizing Public Works, Planning and Building and General Services to submit transportation funding applications for State Transportation Improvement Program funded programs, **Withdrawn for separate action.**
- B-16 The following final maps:
 - A. Tract 1495, Phase 3, a proposed subdivision resulting in 20 residential condominium lots by Rancho Paso Estates, located on Theatre Drive south of Paso Robles; 1st District, **Approved.**
 - B. CO 00-0245, a proposed subdivision resulting in 2 lots by Sergio and Alida Ferreira, located on La Cumbre Road, Nipomo; 4th District, **Approved.**

Sheriff-Coroner Items:

- B-17 Contract with Monterey County to provide assistance for bomb related incidents, **Approved.**
- B-18 **RESOLUTION NO. 2001-345:** amending the position allocation list for Budget Unit 2590 - Sheriff-Coroner by deleting one full-time Sheriff's Systems Administrator position and adding one full-time Sheriff's Systems Coordinator position and Budget Unit 2840 - Animal Services Division by deleting one half-time Humane Educator position and adding one half-time Animal Services Humane Educator position, **Adopted.**

Other Items:

- B-19 **RESOLUTION NO. 2001-346:** Notice to commence negotiations for the exchange of property tax revenue and annual tax increment and a resolution accepting the exchange of property tax revenue and annual tax increment for Annexation No. 78 to the City of Paso Robles (Vina Robles); 1st District., **Adopted.**
 - B-20 Three year contracts (Clerk's File) with Sierra Vista Regional Medical Center and Twin Cities Community Hospital to provide medical care services to medically indigent adults and jail inmates, **Approved.**
 - B-21 Budget adjustment in the amount of \$19,320 from within accounts to fund the Los Osos Community Services District wastewater assessments on County owned real property, **Approved.**
 - B-22 Agreement (Clerk's File) with the State Department of Youth Authority to provide \$15,000 of medical treatment and diagnostic services to wards of El Paso De Robles Youth Correctional Facility, **Approved.**
 - B-23 Contract (Clerk's File)with San Luis Obispo Legal Alternatives Corporation Conflict Resolution Program of the Central Coast to provide: 1) conflict resolution for teen development, 2) victim/offender mediation, and 3) parent/teen mediation under the Comprehensive Youth Services Act, **Approved.**
 - B-24 Contract (Clerk's File) with the Economic Opportunity Commission to provide a children's waiting room for children whose parents or guardians are attending court, **Approved.**
- 3 B-15 Submittal of a resolution authorizing Public Works, Planning and Building and General Services to submit transportation funding applications for State Transportation Improvement Program (STIP) Funded Programs, is presented.

Based on discussions during consent Supervisor Bianchi withdrew this item for separate discussion.

Supervisor Bianchi: states she would like to take Mr. De Carli's suggestion and submit these now and work on phasing the large projects so they won't be discarded by SLOCOG.

Supervisor Ovitt: indicates he would like to add the downtown enhancement improvements in the community of San Miguel to the project list.

Board Members: discuss various issues, comments and concerns regarding: phasing the Tank Farm Road request; if there are any problems phasing Enhancement Activities; adding the downtown enhancement improvements in the community of San Miguel to the list; will all jurisdictions be asked to phase, with Mr. De Carli and Mr. Flynn responding.

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

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

NOES: None

ABSENT: None

the Board directs staff to phase some of the larger projects and add San Miguel to the list and RESOLUTION NO. 2001-347, resolution authorizing the directors of Public Works, Planning and Building, and General Services to submit applications for State Transportation Improvement Program Funding, adopted as amended.

- 4 C-1 This is the time set for hearing to consider an appeal by Ken Renshaw of the Planning Commission's approval of a Minor Use Permit/Coastal Development Permit, to allow the construction of a single family residence, located on the east side of Ogden Drive approximately 75 feet north of Randall Drive, Lodge Hill, Cambria; 2nd District.

Ms. Karen Nall: Planning, presents the staff report; discusses the slope calculations; describes the lot; speaks to the actions of the North Coast Advisory Council (NCAC); indicates staff's recommendation is to deny the appeal.

Mr. Ken Renshaw: Appellant, feels staff developed their own method of calculating the slope; discusses five surveys that were done by five different crews and all five found the slope greater than 30%; indicates North Coast Engineering did a survey for Alan Savage, Cambria Realty and found the lot to be 31.1%; addresses the staff report and feels staff has granted themselves a variance; states Mr. Debruin asked North Coast Engineering to verify the survey and it was still more than 30%.

Mr. Gerald Debruin: Applicant, clarifies that he never asked North Coast Engineering to verify the survey.

Mr. Terry Shubert: attorney representing the Applicant, addresses the Minor Use Permit; speaks to the methods used in calculating slope; indicates staff used the Basic Method; they ran their own numbers and found the lot to be less than 30%; states John Wallace of Wallace and Associates, also calculated the lot and found it to be less than 30%; indicates Mr. Renshaw is a neighbor and is also the Land Use Advisor for NCAC; speaks to the favorable vote of the NCAC on this project; urges the Board to deny the appeal.

Mr. John Wallace: representing the Applicant, states he reviewed this matter independently of previous studies done and used the Basic Method to find the lot to be less than 30%; addresses the five methods presented by Mr. Renshaw indicating the flaws in each.

Mr. John Vande Wouw: states his concern for overbuilding in Cambria; indicates the previous owners rescinded the sale of the property when they found that the slope was too steep; wants to make sure the size of the building fits the regulations; feels overbuilding on small lots is a bad practice.

Mr. Paul Skartvedt: Chairperson NCAC, states he likes to see people come to Cambria, build and be happy; states when the NCAC first reviewed this project it was turned down; the second time the NCAC stated they needed a certified survey by a licensed engineer; feels they received an inadequate survey; states the lot is not uniform.

Mr. Shubert: states Mr. Skartvedt forgot to mention that he and the NCAC voted to approve the MUP.

Mr. Renshaw: addresses the Basic Method to calculate the slope; indicates North Coast Engineering did come out to review the property and the result was more than 30%; states when he hired North Coast Engineering they used the Contour Method and when they came back to do the recheck they used the Basic Method; indicates he has five pieces of data that say the lot is more than 30%; states the Planning Commission based their decision on staff's original calculations that were calculated by the wrong method.

Mr. Skartvedt: explains his vote indicating he thought there was a certification on the survey submitted.

Board Members: discuss various issues, comments and concerns regarding: the boundary lines in the survey done by staff; if the property is uniform; the method used by staff.

A motion by Supervisor Bianchi to tentatively uphold the appeal and to not approve the Minor Use Permit at this time and directs that an independent survey be conducted by a third party, is discussed.

Supervisor Bianchi: withdraws her motion.

A motion by Supervisor Bianchi to continue this hearing until an independent third party survey is conducted, dies for lack of a second.

Board Members: discuss the use of the same formula for all applicants; if the method

for calculating the slope is a problem it should come back as a separate discussion.

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

AYES:Supervisors Ovitt, Pinard, Ryan, Chairperson Achadjian

NOES: Supervisor Bianchi

ABSENT: None

the Board denies the appeal; approves the Negative Declaration (ED00-410) and RESOLUTION NO. 2001-348, resolution affirming the decision of the Planning Commission and conditionally approving the application of Gerard Debruin for Minor Use Permit/Coastal Development Permit D000247P, adopted.

5 C-2 This is the time set for hearing to consider an appeal by Russ Kiessig of the Planning Commission's approval of a Development Plan authorizing construction of a 1,120 square foot building for production and sale of "wind-made" ice cream and conversion of an existing 1,404 square foot building from agricultural storage to agricultural product sales, located on the north side of Avila Beach Drive, west of the community Avila Beach; 3rd District.

Mr. James Caruso: Planning, presents the staff report; addresses the issues of the appeal, including traffic safety and the existing and proposed facility's ability to safely handle the visitation the site receives; indicates staff has added the recommendations of the Avila Valley Advisory Committee; states the applicant has agreed to provide access and parking controls as stated in Condition No. 7 A thru D.

Board Members: discuss parking issues on Avila Beach Drive.

Mr. Richard Marshall: Engineering, presents suggested language for the first sentence in Condition No. 7 to read: "The applicant shall prepare and submit an Access and Parking Control Plan to the Departments of Planning and Building and Public Works for review and approval. The Plan shall include but not be necessarily limited to:".

Mr. Joseph Boud: Joseph Boud and Associates Design Planning, representing the Applicant, states they are in agreement with staff's recommendation; indicates they also agree with Supervisor Ryan regarding studying the entire Avila Beach Dr. from 101 to Port Hartford.

Mr. Michael Winn: states he is pleased to see the Board's support for this item; addresses the speed limit on Avila Beach Drive that was raised last year from 35 mph to 45 mph; hopes the Board will find an enforceable standard that will maintain the safety of this road.

Mr. Seamus Slattery: Chairperson Avila Valley Advisory Committee (AVAC), states his concern for parking; indicates they support a no parking area; feels the vegetation in the front of the project should be cut back to allow for better visibility; thanks Mr. Kiessig for bringing the issues to the floor.

Supervisor Ryan: would like staff to look at Avila Beach Dr. regarding traffic and parking concerns.

Supervisor Pinard: would like this presented to AVAC for their input.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2001-349, resolution affirming and modifying the decision of the Planning Commission and conditionally approving the application of John Devincenzo for Development Plan/Coastal Development Permit D000200D, adopted

as amended.

6

C-3 This is the time set for hearing to consider adoption of the 2001 South County Circulation Update and modified road improvement fees for the South County Area; 4th District.

Mr. Dave Flynn: Engineering, presents the staff report; indicates the purpose of the study is to identify the long-range traffic circulation needs of the South County area and establish impact fees; addresses the goals which include improving internal connectivity of Nipomo Mesa to regional links; to improve access to Highway 101; evaluate alternative routes across 101 to connect Olde Town Nipomo with the Mesa; reduce overall collision rate on Nipomo Mesa; identify existing deficiencies for improvement; improve all modes of transportation and establish improvement priorities and funding sources; describes the building activity; addresses the transportation and pedestrian improvements; speaks to impact fee changes; urges the Board to receive Exhibit A-2001 Update; adopt revisions to Area fees and direct staff to continue working with Nipomo community Advisory Council (NCAC) traffic committee on priorities.

Board Members: discuss various issues, comments and concerns regarding: the good work of Mr. Flynn; extension of Mary Ave. being a priority; developers helping with road improvement projects; how to avoid appeals in the future; language in the Nipomo Community Services District (NCSD) “will serve” letter, with staff responding.

Mr. Eric Greening: addresses the environmental impacts of the Willow Road interchange and Highway 101; questions what assumptions are built into these fees regarding the cost of environmental mitigation and monitoring; addresses the need to target incentives for not driving; urges the Board to move towards a system where those who create the financial and environmental impact pay for those impacts up front.

Mr. Jim McGillis: addresses the process being held up by “will serve” letters being rejected.

Mr. Tim McNulty: Deputy County Counsel, states he spoke to Mr. Lichtenfels, Health Department, who stated they have received the “will serve” letters and his department will sign them off as of yesterday.

Mr. Jesse Hill: Chairperson Nipomo Community Advisory Council (NCAC), compliments staff; addresses the Southland interchange; wants to make sure that the impact fees for that potential interchange are also accounted for through the General Plan Amendment and that the environmental impacts of the specific plan are being looked at as part of the preparation of any EIR that is coming through.

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

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

NOES: None

ABSENT: None

the Board receives and adopts the 2001 Update to the South County Circulation Study and RESOLUTION NO. 2001-350, resolution of the Board of Supervisors of the County of San Luis Obispo modifying the Road Improvement Fee for all development within portions of the South County and San Luis Bay Planning Areas of the County of San Luis Obispo and adopting the required annual update, adopted.

7

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

Mr. Terril Graham: addresses substantial compliance with CEQA; states the Board should make a legislative decision instead of listening to staff; feels when a member of the public comes to a Board meeting and refers to a specific item, the Board should explain to the public the action being taken.

Mr. Rosco Mathieu: feels the Library security may be too tight.

Mr. Lester Goldfisher: states his concern regarding the Hospital Board firing Dr. Naimark and Dr. Lanza.

Mr. Jesse Hill: states the Nipomo Community Advisory Council has developed their website and encourages the Board to take a look.

Mr. Eric Greening: addresses library security indicates it's unfortunate that people cannot be dealt with as human beings; speaks to the Library Master Plan and if there is any chance the Board will divert funding from the New Government building to the Library.

Mr. Joe Kelly: addresses the progress of the County website; indicates he has viewed the Attorney General Opinion's website; states there are two issues he is wondering if the County will be willing to participate in: 1) using public funds to repair and maintain an unpaved road located on private property if the general public has prescriptive easement to travel on the road and 2) granting the Board of Supervisors the authority to remove for cause, by 4/5th vote, the Sheriff, District Attorney and other County Officers. **No action taken.**

8 CS

The Board announces it will be going into Closed Session regarding:

1. 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) *In re PG&E*, 3) *County of San Luis Obispo v. KFX Building Company*, 4) *SMART v. County of San Luis Obispo*, and 5) *Paso Watch v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)

6) *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. 7) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

2. 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: 8) Negotiator's Name: *Dale T. Hanson, Santos Arrona, Sue Wilkison, Gene Bell*; Name of employee organization: *SLOCEA: Public Services, Supervisors, Clerical, Trades and Crafts, Unrepresented Management, Confidential*.

Chairperson Achadjian: 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: Items 1 thru 8 - no public report required because no action was taken, and the Board goes into Open Public Session.

9 C-4

This is the time set for hearing to consider an environmental determination for the Craig General Plan amendment, a request to amend the land use category on eight acres of 40-acre parcel from residential rural to recreation (allowing 16 one-acre parcels) with the remaining 32 acres offered for a future school site, or allowed to subdivide further into six residential lots; the project is located on the northwest corner of Willow Road and Via Concha, west of the Black Lake Village on the Nipomo Mesa; 4th District.

Mr. John McKenzie: Planning, presents the staff report; describes the area; addresses the environmental issues including localized traffic, and cumulative effects related to water, traffic, and air quality.

Ms. Ellen Carroll: Environmental Coordinator, indicates staff recommends an Environmental Impact Report be prepared to focus on the issues of localized traffic, and cumulative effects related to water, traffic and air quality for the Craig General Plan Amendment; states staff recognizes the need for a school and the recommendation is not meant to deny the school.

Board Members: discuss various issues, comments and concerns regarding: currently Mr. Craig could build 8 homes plus 8 secondary dwellings without an EIR; the EIR requirement comes with the school; the expansion of the Black Lake Village reserve line; having the Craig project be 16 acres with one home on each acre with a 24 acre parcel for the school site; if the school would be willing to donate the property back for open space or a park if they choose to vacate the property; location of the homes; school buffer zone;

Ms. Carol Florence: Oasis Associates representing Lucia Mar School District, asks that the Board interpret the subdivision and planning process for 16 lots residential development and an extremely generous donation of a parcel of land to the District for a future school site and not subdivide the donated parcel into 6 additional residential lots; urges the Board to direct staff to process the General Plan Amendment (GPA) acknowledging that the 16 lot subdivision alone would not trigger an EIR; when the District is ready to proceed with the school they will prepare the appropriate environmental analyses; requests this be separate from the South County cumulative environmental study in order to streamline the GPA process; states they are committed to work on any of the issues that have been raised by the Nipomo Community Advisory Council (NCAC); addresses the CEQA requirements; urges the Board to ask staff to revisit the processing of this GPA.

Ms. Nancy De Pue: Superintendent for Lucia Mar School District, addresses the need to secure a school site for future growth; states they would support a condition to return the property to open space or a park if the District does not build a school.

Ms. Donna Mills: Board of Trustee for Lucia Mar School District, states the NCAC voted to approve the Craig project on June 26, 2000 with the only condition being the village reserve line remain the same; addresses the benefit to the community by having a new school in the area; urges the Board's support.

Ms. Donna Mehlschau: states this donation of property has been met with contentious neighborhood objections and should have been greeted as a community blessing; the Craig Family hopes to leave something to the South County children; questions why the zero percent increase in density is causing such outrage when children and the community are the beneficiaries.

Mr. James McGillis: Surveyor representing Mr. Craig, states 16 one acre parcels are going to use less water overall; the location of the school will cut down on air pollution; indicates there will be less of a demand on water and roads; doesn't understand why people don't want to live near a school.

Mr. Ron Swenson: President of the Black Lake Homeowners Association, states there will be impacts to the residents of Black Lake due to this development; understands this rezoning is being done without any discussion with the Black Lake Village Council; if the village line were to be moved they cannot support water or sewage requirements for that development; addresses Tract 2381; doesn't want the village line moved; states the Nipomo Community Services District (NCSO) approved a study to annex the Craig development (relating to water usage) as long as they do not use any of the Black Lake Village facilities; indicates as far as the EIR is concerned they are taking a neutral position; states they are not adverse to having a school at this location, however, they recommend the access to the school come off of Willow Road.

Ms. Marianne Buckmeyer: urges the Board not to approve an individual EIR for the Craig project; feels it should be linked to the cumulative EIR the County is doing for the Growth Management Ordinance; addresses piecemeal planning and the 2001 Grand Jury Report relating to Land Use Projects.

Mr. Lowell Davis: Save the Mesa, states the General Plan of the South County is based on supplemental water that isn't there; the water situation on the Nipomo Mesa is at a severity level 2; addresses the status of the Resource Capacity Study and the final Department of Water Resources report; reads a letter from Santa Barbara County.

Mr. Jesse Hill: Chairperson of the NCAC: states the NCAC has consistently voted in favor of the Craig project; the NCAC recommends there be a focused EIR, no movement of the village reserve line, no granny units; the remaining parcel be dedicated to the

school site and if there is no school built it would be given back for open space; that the Craig project not be included in the cumulative EIR.

Mr. Michael Winn: urges the Board to expedite this proposal; believes it deserves a Negative Declaration; addresses traffic impacts; states the NCS D would not support the annexation if it included annexation into the Black Lake Village line; encourages land buffers.

Mr. Bill Robinson: Save the Mesa, urges the Board to approve staff's recommendation to require an EIR; addresses the potentially significant environmental impacts on local roadways, cumulative water, traffic, and air quality; states this would set a precedent for other surrounding properties in the Residential Rural category.

Mr. Dan Feilmeier: states he is in opposition to the change in zoning; indicates he does not want the rural atmosphere changed in his neighborhood; feels a full EIR should be prepared.

Mr. Del Wayner: states he was not informed of this hearing; addresses the location of the school; urges the Board to require an EIR.

Mr. Eric Greening: states schools have large areas of turf that use a tremendous amount of water; addresses the Master Water Plan in the Nipomo area; urges the staff's recommendation and anything other than that would send the wrong message.

Board Members: discuss various issues comments and concerns regarding: ramification of moving the urban reserve line; rural suburban being the best zoning for the area with the balance of the land being dedicated to Lucia Mar School District be zoned public facility with a planning area standard attached; clustering; the ideal acreage for a middle size school; the EIR being done when the school is proposed.

A motion by Supervisor Ovitt, seconded by Supervisor Ryan to establish the land use to Rural Suburban to allow for 16 units, with the balance of the property being designated as Public Facility with a Planning Area Standard dealing with reversion of the property and that the village reserve line not be moved at this time; no EIR be required however, environmental investigation should continue with the current standards, is discussed.

Supervisor Bianchi: asks if the motion includes significant studies on water use.

Supervisor Ovitt: indicates there will need to be an environmental assessment done relating to the single family residences and then the school site will have its own EIR.

Chairperson Achadjian: asks if the motion included 16 homes one per acre.

Ms. Carroll: states under this land category they could not go below 1 acre; states the motion revises the General Plan Amendment project description to be Residential Suburban with 16 one acre lots and no revision to the village reserve line; including a planning area standard relating to reversion; states until the land is owned by the school it can't be zoned as Public Facility.

Mr. Tim McNulty: Deputy County Counsel, states the Board could evaluate Public Facility designation for the school property knowing that by the time it comes to the point where there is a determination to make an amendment to the land use designation they may have agreed to transfer this property to the School District.

Ms. Florence: states the Craig Family and the School District have a written agreement and the transfer would take place during the General Plan Amendment.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan, and unanimously carried, the Board directs staff to establish the land use category to Rural Suburban to allow for 16 units, with the balance of the property to be designated as Public Facility with a Planning Area Standard dealing with reversion of the property and that the village reserve line not be moved at this time; no EIR be required however, environmental investigation should continue

under the current standards.

10 D-1 This is the time set for consideration of an appointment to the Assessment Appeals Board.

Ms. Vicki Shelby: Clerk-Recorder staff, presents the staff report; hands the Board a correction to the Revenue & Taxation Code Section 1624.05.

Supervisor Pinard: addresses the need for diversity on the Board.

A motion by Supervisor Pinard, seconded by Supervisor Bianchi to appoint Jenele Buttery to serve as a regular member on the Assessment Appeals Board, is discussed.

Supervisor Ryan: indicates he was going to nominate Mr. Kelly.

Mr. Joe Kelly: states he wishes Mr. Yasamoto well; indicates he has two suggestions: 1) to implement rotating service of the alternate members and 2) training by the State Board of Equalization.

Supervisor Pinard: addresses the credentials of Ms. Buttery and the fact that the Assessment Appeals Board has been an all male Board for years.

Supervisor Bianchi: states she is in favor of diversity and Ms. Buttery had the best application and resume.

Supervisor Ryan: states he will not support the motion; addresses the qualifications of Mr. Kelly.

Matter is fully discussed and thereafter, on motion of Supervisor Pinard, Seconded by Supervisor Bianchi, with Supervisors Ryan and Ovitt casting a dissenting vote, motion carries, and the Board appoints Ms. Jenele Buttery to serve as a regular member on the Assessment Appeals Board.

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, August 28, 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/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 08/31/2001 cla

