

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, Peg Pinard, Michael P. Ryan and Chairperson K.H. 'Katcho' Achadjian

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON ACHADJIAN.

SUM _____ AGN

1 A-1 ___ This is the time set for presentation of a resolution from the City of Santa Maria expressing their appreciation for assistance provided by San Luis Obispo County Fire.

Fire Chief Frank Ortiz: presents Fire Chief Dan Turner with a resolution expressing their appreciation for the assistance provided by San Luis Obispo County Fire/CDF, in suppressing the Casiano Berry Supply Fire in June 2001.

Chief Turner: thanks Chief Ortiz for the recognition; states they were happy to help; indicates mutual aid is just good government and it is never onesided.

Chairperson Achadjian: asks for a moment of silence for Steve Lombardo, Division Chief for the CDF in San Luis Obispo County. **No action taken.**

2 A-2 This is the time set for presentation of employee service recognition awards.

Mr. Dale Hanson: Personnel Director, introduces Santos Arrona of his staff, to read the names of those employees receiving their 20-year service pins.

Mr. Arrona: introduces the following employees with Mr. Hanson presenting each with their pin: Vincent Morici - Administrative Office; Roderick Hallin - Assessor; Sandra Sparling - Assessor; Stephen Brown - District Attorney; Linda Walker - Probation; Carol Andrews - Health; Lance Nix - Drug & Alcohol; Jeremy Shennum - Drug & Alcohol; William Heath - Sheriff-Coroner; James Storton - Sheriff-Coroner; David Mattice - Sheriff-Coroner; Reann Spates - Sheriff Coroner; and Diane Mansell - Sheriff Coroner.

25-Year Employee Service Awards, are presented.

Ms. Kim Barrett: Acting Chief Probation Officer, introduces Mr. Greg Saunders of her staff; presents the history of his time with the County and thanks him for his service.

Mr. Brian Reynolds: Library Director, introduces Ms. Carolyn Mueller of his staff; presents a brief history of her employment with the County.

Ms. Mueller: states everyday is an adventure; indicates she loves her job and the people she encounters daily.

Lieutenant Ben Hall: introduces Mr. Gary Anderson of his staff; highlights Mr. Anderson's duties over the years.

Mr. Anderson: states he looks forward to another five to ten years.

30-Year Employee Service Award, is presented.

Chairperson Achadjian: introduces Mr. Raleigh Greene, Public Works, addressing his job duties over the past 30 years (Mr. Hanson presents Mr. Greene with his service award).

Mr. Noel King: Public Works Director, thanks Mr. Greene for his public service.

Mr. Greene: states the past 30 years have been good; indicates he wouldn't have been here that long if it weren't for the people and the past and present Board members. **No action taken.**

3 A-3A **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

RESOLUTION NO. 2001-428, resolution proclaiming November 2001 as “Alzheimer’s Awareness Month” in San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Ms. Judy Miller, Alzheimer’s Association Area Coordinator.

Ms. Miller: invites the Board and the public to attend the events that are scheduled; states there is a new office in Grover Beach that will help to better serve the San Luis Obispo area; thanks the Board for the recognition.

4 A-3B **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

RESOLUTION NO. 2001-429, resolution honoring Anne Candelaria as the recipient of the San Luis Obispo Poetry Festival’s Annual selection as Poet Laureate, adopted.

Supervisor Pinard: reads the resolution and presents the same to Ms. Anne Candelaria.

Ms. Candelaria: thanks the Board for the recognition and the honor; states the arts become so important in trying times; urges everyone to attend the Poetry Festival beginning November 9th and continuing through November 18, 2001.

5 A-3C **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

RESOLUTION NO. 2001-430, resolution proclaiming the month of November 2001 as “National Hospice Month” in San Luis Obispo County, adopted.

Supervisor Ovitt: reads the resolution and presents the same to Ms. Janet Jeffrey & Ms. Donna Kean.

Ms. Jeffrey & Ms. Kean: thank the Board for their continued support; addresses the number of long time volunteers they have working for them; indicates they are moving into a larger building that will help them better serve the residents of the County.

6 BPC This is the time set for members of the public wishing to address the Board on items set on the Consent Agenda.

Mr. Doug Bird: Public Works, addresses Item B-28 indicating Exhibit “A” was left out of the packet and needs to be added; states the added exhibit does not change the intent, it just provides more information. **No action taken.**

7 B-1 Consent Agenda Item B-13 is amended to change the coversheet to read “September”
thru instead of “November”. Item B-28 is amended to add exhibit “A”. Items B-31 thru B-33
B-37 are withdrawn for separate action. **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and on the following roll call vote:**

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

NOES: None

ABSENT: None

Consent Agenda Items B-1 thru B-37 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 thru B-37, 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 the construction of additional parking at the Probation Department, **Approved and the Clerk is instructed to give notice of Bid Opening set for November 19, 2001, at 3:00 p.m..**

Administrative Office Items:

- B-2 **RESOLUTION NO. 2001-431**, amending the County's ITS (Individual Tax Saving) Plan. by increasing the annual Health Care Spending Account contribution from \$2,000 to \$2,500 and increasing options for mid-year changes to the plan, **Adopted**.
- B-3 Revisions and clarifications to the existing Board's District Community Project funding policies in order to streamline the current funding process, **Approved**.
- B-4 Notice to commence negotiations for the exchange of property tax revenue and annual tax increment and **RESOLUTION NO. 2001-432**, resolution accepting the exchange of property tax revenue and annual tax increment for Annexation No. 21 to the Nipomo Community Services District (Knollwood); 4th District, **Adopted**.

Board of Supervisors Items:

- B-5 Reappointment of Thomas Runels and Steven Flood as District Four Representatives to the Arroyo Grande Public Cemetery District, **Approved**.
- B-6 Appointment of Hunter Francis as the District Three Representative to the Agricultural Liaison Advisory Committee, **Approved**.
- B-7 **RESOLUTION NO. 2001-433**, commending Tom Sullivan for 50 years of community services as a United Way Volunteer, **Adopted**.
- B-8 **RESOLUTION NO. 2001-434**, recognizing the dedication and heroic service provided by the Police and Fire Departments of the City of San Luis Obispo, **Adopted**.
- B-9 Allocation of \$200 from District Four Community Project Funds to the American Youth Soccer Organization (AYSO) to be used to purchase uniforms, balls and equipment and banners for unsponsored, **Approved**.
- B-10 Allocation of \$250 from District Two Community Project Funds to the Coast Union High School 2002 Safe & Sober Graduation Committee to provide scholarships for five students to attend the event, **Approved**.
- B-11 Allocation of \$500 from District Three Community Project Funds to the City of Grover Beach Police Department to be used to purchase updated educational materials for the Drug Abuse Resistance Education (D.A.R.E.) Program, **Approved**.
- B-12 Allocation of \$2,730 from Community Project Funds (District One - \$500, District Two - \$730, District Three - \$500, District Four - \$500 and District Five - \$500) to the SLOCO Access to be used to update and reprint the SLO County Access Guide, **Approved**.

Clerk-Recorder Items:

- B-13 Minutes of the November 11, 18, and 25, 2001 Board of Supervisors' meetings, **Approved as amended**.
- B-14 Various appointments in-lieu of an election for the September 6, 2001 Consolidated General Districts Election, **Approved**.
- B-15 Appointments to the Linne Community Services District, in-lieu of an election for the November 6, 2001 Consolidated General Districts Election, **Approved**.
- B-16 **RESOLUTION NO. 2001-435**, authorizing the Clerk-Recorder to receive criminal history information from the Department of Justice for licensing or certification regarding process server purposes, **Adopted**.

General Services Items:

- B-17 Request to terminate emergency action to construct a new parking lot at the San Luis Obispo County Regional Airport in order to comply with FAA emergency mandates, **Approved**.
- B-18 Amended agreement with Rex and Betty Hendrix to allow tenant improvements for leased office space located in Atascadero for the Department of Social Services, **Approved**.

Health Items:

- B-19 Agreement (Clerk's File) with the State Department of Health Services to continue funding for the immunization program for 2001-02; and a corresponding appropriation transfer in the amount of \$9,901 from unanticipated revenue, **Approved.**
- B-20 Agreement with the State Department of Health Services to provide reimbursement for uncompensated emergency services to the indigent population, **Approved.**
- B-21 **RESOLUTION NO. 2001-436**, amending the position allocation list for Budget Unit 3000 - Health Department, by deleting on half time Secretary I position and adding 1 full time Limited Term AIDS Program Coordinator position and a request to approve a corresponding budget adjustment in the amount of \$30,000 from unanticipated revenue, **Adopted.**

Planning Items:

- B-22 Amended agreement (Clerk's File) with the Morro Group, Inc. to preform mitigation monitoring for the AT&T Cable Upgrade Project; 1st and 5th Districts, **Approved.**
- B-23 **RESOLUTION NO. 2001-437**, approving an open space agreement with Morro Bay Mini Storage, for a minor use permit, located on the northwest corner of the intersection of Mountain View Drive and Santa Ynez Avenue, in the community of Los Osos; 2nd District, **Adopted.**
- B-24 **RESOLUTION NO. 2001-438**, approving an agreement with San Geronimo Limited Liability Company establishing restrictions and obligations for real property located northeast of Cayucos; 2nd District, **Adopted.**
- B-25 **RESOLUTION NO. 2001-439**, approving an amended mitigation agreement with Michael and Jennie Brunick for Tract 1516, located on Riata Lane, north of the community of Nipomo; 4th District, **Adopted.**
- B-26 **RESOLUTION NO. 2001-440**, approving an agreement with Andrew Fetyko exempting an affordable residential project located in the community of Shandon from the Growth Management Ordinance; 1st District, **Adopted.**
- B-27 **RESOLUTION NO. 2001-441**, approving an amended mitigation agreement (Clerk's File) with Morro Bay, Limited for a lot line adjustment, located west of Highway One, approximately 3 miles south of Harmony and 6 miles north of Cayucos; 2nd District, **Adopted.**

Public Works Items:

- B-28 Amended agreement with Stetson Engineers, Inc., to conduct a safe yield analysis and shoreline habitat survey for the Lopez Dam Remediation Project; 3rd and 4th Districts, **Approved as amended.**
- B-29 Bid opening report for improvements for County Service Area No. 1 Collection System Improvements and a request to approve a contract with RMC, Inc., to provide design related services; 4th District, **Approved and instruct Chairperson to sign contract documents with D-Kal Engineering in the amount of \$191,285.**
- B-30 The following maps:
 - A. COAL 99-0200, a proposed lot line adjustment of 2 lots by Anthony Borjon et al, located at Cow Meadow Place in the community of Templeton; 1st District, **Approved.**
 - B. CO 00-0070, a proposed subdivision resulting in 2 lots by Barbara Arnold, located on Highway 58 east of Santa Margarita; 5th District, **Approved.**
 - C. CO 99-0244, a proposed subdivision resulting in 2 lots by Michael and Pamela Flemign, reject the offer of dedication without prejudice to future acceptance, located on Burkhill Lane off Noyes Road, Arroyo Grande; 3rd District, **Approved.**

Social Services Items:

- B-31 Request to approve a contract (Clerk's File) with the Conflict Resolution Program of the Central Coast to provide family group conference coordination (neutral third party family mediation) services, **Withdrawn for separation action.**

- B-32 Request to approve a contract (Clerk's File) with Transitions Mental Health Association to provide Independent Living Program services for at-risk youth, **Withdrawn for separation action.**
- B-33 Request to approve two contracts (Clerk's File) with the City of Atascadero and Paso Robles Public Schools to provide after-school activities and programs for junior high school students, **Withdrawn for separation action.**

Other Items:

- B-34 Contract with Mission Medical Associates to provide physician call coverage to pediatric patients of General Hospital and the Family Care Centers, **Approved.**
- B-35 **RESOLUTION NO. 2001-442**, authorizing an agreement with the California Youth Authority to provide emergency housing in the event of a disaster or involving a safety problem with a minor placed in juvenile hall, **Adopted.**
- B-36 **RESOLUTION NO. 2001-443**, authorizing the Sheriff's Department to update the Local Law Enforcement Block Grant Advisory Board Membership, **Adopted.**
- B-37 **RESOLUTION NO. 2001-444**, amending the fiscal year 2001-02 salaries for employees defined and identified as classifications with the Trades, Crafts and Services Unit to correct an administrative error, **Adopted.**

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- B-31 Request to approve a contract (Clerk's File) with the Conflict Resolution Program of the Central Coast to provide family group conference coordination (neutral third party family mediation) services;
- B-33 Request to approve a contract (Clerk's File) with Transitions Mental Health Association to provide Independent Living Program services for at-risk youth; and Request to approve two contracts (Clerk's File) with the City of Atascadero and Paso Robles Public Schools to provide after-school activities and programs for junior high school students, are presented.

Based on discussions during the Consent Agenda Supervisor Pinard withdrew these items for separate discussion.

Supervisor Pinard: states she wants to see the measurable results and data supporting those results.

Mr. Lee Collins: Social Services Director, states he regrets he did not provide the statistics and feels it is a fair request.

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

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

NOES: None

ABSENT: None

the Board directs staff to bring back information regarding the programs effectiveness and continues these items to November 13, 2001.

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- C-1 This is the time set for hearing to consider a resolution authorizing the surplus and sale of County owned real property to an adjacent property owner in the unincorporated area of Los Osos and a request to approve a corresponding budget adjustment in the amount of \$15,000 from unanticipated revenue; 2nd District.

(SUPERVISORS SHIRLEY BIANCHI AND MICHAEL P. RYAN ARE NOW ABSENT.)

Ms. Caryn Maddalena: Property Manager, presents the staff report, indicating the minimum bid that can be accepted is 15,000 and presents the Clerk with one sealed bid.

(SUPERVISORS SHIRLEY BIANCHI AND MICHAEL P. RYAN ARE NOW PRESENT.)

Clerk: opens the bid and announces it is from Ms. Phyllis Cameron and Mr. David Swartz in the amount of \$15,000.

Chairperson Achadjian: opens the floor to oral bids and public comment without response.

Supervisor Pinard: states she doesn't support this item because she feels the property is worth more than \$15,000.

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, Ryan, Chairperson Achadjian

NOES: Supervisor Pinard

ABSENT: None

the Board accepts the bid from Ms. Cameron and Mr. Swartz in the amount of \$15,000 and RESOLUTION NO. 2001-445, authorizing the sale of County owned real property to an adjacent property owner in the unincorporated area of Los Osos, adopted.

10 C-2 This is the time set for hearing to consider a resolution of intention to surplus and sell County owned real property to an adjacent property owner in the unincorporated area of Paso Robles and a request to approve a corresponding budget adjustment in the amount of \$7,000 from unanticipated revenue; 1st District.

Ms. Caryn Maddalena: Property Manager, presents the staff report, indicating the minimum bid that can be accepted is \$7,000 and presents the Clerk with one sealed bid.

Clerk: opens the bid and announces it is from M&S/Salisbury & Miller in the amount of \$7,000.

Chairperson Achadjian: opens the floor to oral bids and public comment without response.

A motion by Supervisor Ovitt, seconded by Supervisor Ryan to adopt staff recommendation, is discussed.

Supervisor Pinard: questions if this property can ever be divided, with Mr. Larry Kelly, Planning, responding.

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, Bianchi, Pinard, Chairperson Achadjian

NOES: None

ABSENT: None

the Board accepts the bid from M&S/Salisbury & Miller in the amount of \$7,000 and RESOLUTION NO. 2001-446, resolution authorizing the sale of County owned real property to an adjacent property owner in the unincorporated area of Paso Robles, adopted.

11 C-3 This is the time set for hearing to consider an appeal by Harold and Dorothy Fones of the Planning Commission's approval of a Variance and Minor Use Permit/Coastal Development Permit, to allow construction of a single family residence, located on the north side of Old Creek Road, approximately 1/4 mile east of Highway One in the community of Cayucos; 2nd District.

Mr. Matt Janssen: Planning, introduces Ms. Martha Neder, Planning.

Ms. Neder: presents the staff report and photos of the area; explains the issues of the appeal include: slope, hillside stability, hillside erosion, zero set back of garage, fire danger and traffic; hands the Board two added Conditions: 17. Requiring an easement verifying access and 18. Indemnification of County by the Applicant.

Mr. Janssen: indicates staff is requesting the Board deny the appeal based on the findings and conditions.

Supervisor Bianchi: states she has a problem with this project; indicates it has not gone before the Cayucos Citizens Advisory Committee (CCAC) and is on their agenda for tomorrow night; addresses a letter sent to staff from Bing Yen and Associates, Inc. regarding their review of the reports, calculations, and plans done on the project; feels Bing Yen and Associates, Inc. did not investigate thoroughly; questions the slope and the health and safety

issues relating to it; feels there needs to be a lot more information.

Ms. Dorothy Fones: Appellant, presents a brief history of the project; states her concern for the project site relating to the slope; addresses the erosion problem in this area; refers to a memorandum dated August 24, 2001, from CCAC addressing their standard recommendations for variances, exceptions or waivers (VEW's); indicates CCAC also has concerns with the driveway; states her concern for the driveway site distance; speaks to the geological reports; states the site should remain below the 155-foot contour level as originally conditioned; addresses the risk of fire damage to the surrounding properties; presents a timeline of correspondence with the County regarding the location of the home site.

Mr. Harold Fones: Appellant, presents pictures describing the site distance, where the driveway enters Old Creek Road; explains Table 405.1A relating to the site distance standards the County uses for their safety standards; speaks to the safety of the neighbors in case of fire.

Ms. Fones: ; urges the Board to require: 1) the site to be repositioned below the 155-foot contour as originally conditioned to ensure the safety of the neighborhood and minimize the disturbance of the hillside; 2) depth of the foundation to be established prior to disturbing the hillside; 3) the driveway to be engineered to improve the site distance; and, 4) a maintenance agreement for the proposed driveway be in place prior to the start construction.

Mr. Michael Deveau: Applicant, states he would like to address the facts relating to his project; indicates the project has been reviewed by a civil engineer; states the slope is closer to 33% than 40%; indicates the project was reviewed by CCAC last year; feels there is no reason to postpone this hearing; states he bought the lot in 1980 and has done everything he was told to do; addresses the setbacks and the stability issues; states the retaining wall will help the erosion problem and be a benefit to the County; describes the proposed home indicating it will be fire safe; states the project has been approved; indicates he has the funding and the experience to complete the project.

Ms. Helen C. Bailey: states she attended the Planning Commission meeting and raised her concerns; requests the Board weigh on the side of caution and choose the lower elevation for the home site.

Mr. Scott Rebstock: states his concern for fire safety; indicates the fire hydrant in that area is inadequate for a closed garage; urges the Board to move the site location below the 155-foot contour level.

Ms. Mary Ann Carnegie: Cayucos Citizens Advisory Council, states their concerns include road right-of-way and if there are projects with variances, exceptions, or waivers that they have to follow the strictest standards at all times; questions findings relating to soil testing; addresses her concern regarding this project setting a precedent.

Mr. Ed Carnegie: states there has been controversy regarding this project every step of the way; addresses his concern relating to the setback; believes every stage of this project has barely passed.

Mr. Deveau: addresses the setbacks; indicates there will be no interruption of the appellants view; states they have passed every test with flying colors.

Mr. Leon: presents his personal background; states reports are prepared based on statistics; addresses the type of soil and conditions of the land; indicates when the piles are being drilled they will be monitored and will benefit the overall stability of the project.

Ms. Fones: states she was of the understanding that the project was approved below the 155-foot contour level; questions when the site plan changed; addresses environmental issues regarding: repositioning of the site; depth of the foundation; driveway site distance; the maintenance agreement for the retaining wall.

Mr. Fones: believes a North/East approach to the seven lots would be a better way to access the lots; states the slope is approximately 40%; feels more soil testing needs to be done; indicates the applicant didn't show at the Land Use Committee meeting last week; states there is no report that shows a better site location than the one below the 155-foot contour level; states they are not against the project it just needs further study.

Supervisor Bianchi: states she wants this item referred to the CCAC to have questions

answered relating to: 1) setbacks; 2) fire hydrant not being adequate; 3) access to the proposed home; and, 4) the retaining wall foundation; indicates there are six lots on that side of Old Creek Road and questions need to be carefully answered before anything is built.

Board Members: discuss various issues, comments and concerns regarding: changes made at the Planning Commission meeting; issues that were already mitigated; the depth of the grading; if a “fatal error” is found while grading, what happens to the project; the sprinkler system required to conform with the conditions of approval, with staff responding.

A motion by Supervisor Bianchi to continue this item to a date certain so CCAC and staff can provide answers to questions regarding: 1) setbacks; 2) fire hydrant pressure not being adequate; 3) access to the proposed home; and, 4) the retaining wall foundation being adequate, is discussed.

Mr. Bruce Gibson: CCAC, states if this is referred back to the CCAC they would like to know what issues the Board would like their advise on; addresses the standard recommendations; basically this project is the same project they reviewed a year ago and their recommendation will be the same, that Old Creek Road be safe and that the Board hold strictly to the County criteria on line of sight relating to the driveway.

Supervisor Pinard: seconds the motion because she would like to honor the CCAC so they can see this item in its’ final form.

Supervisor Bianchi: indicates she would like to continue this item to December 18, 2001, with the Supervisor Pinard concurring.

Supervisor Ryan: states he does not support the motion; feels the Board should make a decision.

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

AYES: Supervisors Bianchi, Pinard, Chairperson Achadjian

NOES: Supervisors Ovitt, Ryan

ABSENT: None

the Board continues this item to December 18, 2001 at 9:00 a.m. so that the Advisory Council and staff can get answers to questions regarding: 1) setbacks; 2) fire hydrant pressure not being adequate; 3) access to the proposed home; and, 4) the retaining wall foundation being adequate.

12 CS **Mr. James Lindholm:** County Counsel, states there is a need to add an item to today’s Closed Session.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Pinard and unanimously carried, the Board determines that the need to add an item to the Agenda arose subsequent to the 72-hour noticing requirement of the Brown Act and adds *State of California vs. Unocal*.

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) *Naimark v. County of San Luis Obispo*, 4) *State of California v. Robert Costa, et al.* and 7) *State of California v. Unocal*.

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.

Chairperson Achadjian: opens the floor to public comment without response.

Thereafter, the Board goes into Open Public Session.

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

Mr. Ron Alsop: County office of Emergency Services, presents an update on the steps the County and local governments have taken with respect to terrorism preparedness.

Supervisors Bianchi and Pinard: address the false sense of security; the need to start thinking differently; the use of potassium iodine in the event of an emergency; there being no testing lab in Santa Barbara County; the time frame to detect anthrax, with Dr. Greg Thomas, Health Director, responding.

Ms. Annette Carlin: invites the public to attend a living memorial for those who lost their lives on September 11, 2001; states the event will be November 25, 2001 and for more information call 466-4653 or e-mail www.standingforamerica.com.

Mr. Bill Denneen: compliments the Board on their broadcasts; reprimands them on their decision to fast track the Santa Margarita Ranch and Oak Shores due to Senate Bill 497; suggests the Board maintain the growth cap in South County.

Ms. Brooke West: indicates she is has been standing in front of the Government Center for seven days in support of promoting peace and educating the community; states they have phone numbers for the White House, Congress and the Senate; indicates they have not received any support from the County; states she is motivated by the well being of her community and her environment.

Mr. Lester Goldfisher: addresses the use of the Tobacco Settlement funds; feels the Board is ignoring the work done by Mr. Hood; suggests the County hire AGP Video to tape the Interim Hospital Authority Board (IHAB) meetings.

Mr. Kevin Harris: addresses the loss of the lease at the Centerpoint Theatre Group; speaks to the benefits of the Theatre and that time is of the essence in addressing this; urges the Board and the public to write letters and to call 545-8392 for the address.

Mr. Richie Ray Walker: suggests adding an item regarding terrorism and anthrax on a future agenda; discusses a Court of Appeal case relating to commercial drivers that fall asleep at the wheel.

Ms. Sandra Nielsen: hands the Board 14 questions relating to County preparedness entitled "Hope for the Best prepare for the Worst".

Mr. John Wysong: addresses several hazardous roads in the County.

Mr. Doug Buckmaster: addresses the vote taken relating to Senate Bill 497; suggest the County hire a Natural Resource Management person.

Ms. Pam Marshall-Heatherington: states she would also like to reprimand the Board for fast forwarding the Rossi project; addresses the Negative Declaration; asks if others on the list were notified of this change; addresses an article in the Los Angeles Times regarding a County Planner illegally issuing Certificates of Compliance and questions if this could happen in the County.

Mr. William Miller: addresses the violations that were done by the vote regarding Senate Bill 497 on October 23, 2001.

Mr. Bill Allen: states the decision regarding Senate Bill 497 was legally and ethically wrong and violates the first-come first- serve basis; urges the Board to resend their action.

Mr. Bill Warren: raises his objection to Santa Margarita Ranch being able to move to the front of the line; states it's unethical.

(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)

Mr. Eric Greening: addresses the effect of adding Santa Margarita Ranch and Oak Shores to the on Planning Departments timeline; questions if this will be precedent setting; urges the Board to overturn the decision relating to Senate Bill 497 suggests scheduling a briefing on this item; questions if this will be precedent setting.

(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)

Mr. Jesse Arnold: addresses the possibility of MTBE in drinking water; suggests taking MTBE out of gas or not allowing boats on Santa Margarita and Lopez Lakes.

Mr. Doug Mullar: addresses violent crimes on children in the County; refers to the book “Secret Weapons” relating to a true story of two sisters; discusses his views on actions taken by a prior Judge.

Supervisor Bianchi: states she is disturbed over Ms. Marshall-Heatheringington’s accusations against the Planning Department.

Supervisor Pinard: responds to the public testimony relating to Senate Bill 497; indicating the hearing process will still take place. **No action taken.**

14 CS Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: all items were discussed and no report is required as no final action was taken.

15 C-4 This is the time set for continued hearing to consider an appeal by Michael and Torri Avila of the Subdivision Review Board's denial of a lot line adjustment, located at Callender Road, east of Highway One; 4th District.

Ms. Stephanie Fuhs: Planning, presents the staff report and requests the Board take final action.

Mr. Stephen Babcock: Vaughn Surveys, indicates they agree with all the changes and urges the Board’s approval.

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. 2001-447, resolution reversing the decision of the Subdivision Review Board and conditionally approving the application of Michael and Torri Avila for lot line adjustment COAL 00-0283, adopted.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

16 C-5 This is the time set for hearing to consider appeals by Vern Kalshan, Lila Evans, and Judy Deertrack of the Planning Commission’s approval of a development plan/coastal development permit for the expansion of the Cambria Pines Lodge, located at Burton Drive in the community of Cambria; 2nd District.

Mr. Terry Wahler: Planning, presents the staff report; describes the project and presents aerial photos of the area; addresses the revised site plan; discusses the issues of appeal by each appellant; reads a portion of a letter from Bob Gresens, District Engineer of the Cambria Community Services District (CCSD) dated 11/6/2001.

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. Judy Deertrack: Appellant, thanks the Board and Planning for their time; addresses policy references in the staff report regarding water availability and delegation; feels the Board needs to take a closer look at their administrative system and make sure there is an automatic programmatic response; addresses the need to bring information current with the planning system so that it won’t impair development decisions; speaks to two cases in the Court of Appeal’s relating to water rights; feels water is being issued by “paper right” not by what is actually available; urges the Board to back the appellant and correct the findings to: 1) conform to the Local Coastal Plan (LCP) policy and be supported by substantial evidence; 2) have the County operate as the lead agency; 4) not rely upon the intent to serve letter.

Mr. Vern Kalshan: hands the Board two letters dated November 5, 2001; speaks to the issue of water and whether an Environmental Impact Report is necessary; and the

insufficiencies of the mitigations of the Negative Declaration.

Ms. Lila Evans: hands the Board articles from The Cambrian relating to water availability; addresses the cumulative impacts on Cambria resources; speaks to letters in the staff report that address the compatibility, traffic and density; urges the Board to take three actions: 1) limit any action on the applicants request to expand until studies are finalized; 2) review reports and studies; 3) listen to the voice of the community.

Mr. Pat Blote: RRM, states they have represented the applicant for almost five years; states the owners intent is to meet the demands on the hotel; presents a brief history of the project; indicates the owner has changed the project in response to the community; indicates the owner agrees to the conditions; feels the significant issues have been reviewed and addressed.

Mr. Dirk Winter: Applicant, addresses the water issue and indicates they are not asking for more water; speaks to the removal of asphalt and how it will affect drainage; indicates their drainage plan is not only intended for the new structures but also an attempt to fix existing problems.

Ms. Carmelle Dowdle: addresses her concern for increased traffic and the water shortage in Cambria.

Mr. Peter Whitman: concurs with Ms. Dowdle and addresses the parking issue.

Ms. Helen May: Chairperson of the CCSD, addresses water availability in Cambria; indicates at their next meeting they will be discussing a moratorium; addresses her concern for public safety relating to fire.

Mr. Eric Greening: states he supports the appeals; urges the Board to heed the words of Helen May.

Mr. Winter: urges Cambria to look into a better retrofit programs; describes his current water conservation plan and what they have planned for the future; states he has the water he just hasn't used it in the past.

Ms. Evans: states she is terrified by the possibility of fire.

Mr. Kalshan: states the numbers speak for themselves and they show the water is not there.

Ms. Deertrack: states the County cannot issue water anywhere in the Coastal Zone in California based on an entitlement; states there is no place in the system where there is a water availability finding being made.

Board Members: discuss various issues, comments and concerns regarding: the drainage plan; water rationing in Cambria and the affect on the motel industry and residents; the applicants water conservation plan; the concern for public health and safety relating to fire.

A motion by Supervisor Bianchi, seconded by Supervisor Pinard to continue this item to December 18, 2001, is discussed.

Supervisor Pinard: states this applicant has water and therefore this is a separate issue than what the overall community is facing; indicates this applicant is basically asking for a building permit; states he is conserving water and doing the right thing which brings up the issue of treating people fairly.

Supervisor Ovitt: indicates his disappointment in the last item that was continue and feels the Board has enough information to make a decision; states he cannot support the motion.

Matter is fully discussed and thereafter, a motion by Supervisor Bianchi, seconded by Supervisor Pinard to continue this item to December 18, 2001, fails on the following roll call vote:

AYES: Supervisors Bianchi, Pinard

NOES: Supervisors Ovitt, Ryan, Chairperson Achadjian

ABSENT: None

Matter is further discussed and thereafter, a motion by Supervisor Bianchi, seconded

by Supervisor Pinard to tentatively uphold the appeal based on inadequate resources, fails on the following roll call vote:

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

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

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

the Board denies the appeal and approves the Negative Declaration and RESOLUTION NO. 2001-448, resolution affirming the decision of the Planning Commission and conditionally approving the application of Pacific Cambria, Inc. for Development Plan D980113D.

17 C-6 This is the time set for hearing to consider the proposed 2002 Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Shelter Grant (ESG) Program needs; All Districts.

Mr. Tony Navarro: Planning, briefly presents a report regarding the unmet community development needs.

Mr. Roger Jump: affirms the need for affordable housing; states Judson Terrace Homes has a closed waiting list since October 2000; addresses the need for grant monies.

Ms. Anne Hedwall: urges the Board to help in funding the Judson Lodge; states all donations are gratefully received.

Matter is fully discussed and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Pinard and unanimously carried, the Board receives and files the staff report dated November 6, 2001.

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 6, 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: 11-09-2001
cla