

Tuesday, December 4,
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, 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 **Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and unanimously carried, presentation of Employee Suggestion Awards to David Seibert and Gerald Clare, approved.**

Ms. Maggie Cox: a member of the Employee Suggestion Awards Committee, introduces Mr. David Seibert, Groundskeeper for General Services; states he suggested purchasing slip-proof bed liners for County trucks; these are safer for employees and add resale value to the vehicle; on his own initiative, Mr. Seibert was able to obtain a free bed liner for his assigned County vehicle; based on the program guidelines, the Committee has recommended a cash award of \$25 and a Certificate of Commendation; presents both to Mr. Seibert.

Mr. Seibert: thanks the Board and Committee for the recognition.

Ms. Cox: introduces Mr. Gerald Clare, Mental Health Program Supervisor; states he suggested the Department utilize a multi-file relational database to complete documents the clinicians have been completing by hand; he developed the database over the past five years; this suggestion has been proven to save time, improve accuracy and improve morale by reducing repetitive work; indicates Mr. Clare's suggestion will likely result in increased funding for programs by converting time spent on busywork into availability of time for revenue-producing therapy; it is estimated that Mr. Clare's suggestion will result in a first year savings of \$404,000; based on the program guidelines the Committee is recommending a cash award of \$1,000 and a Certificate of Commendation; presents both to Mr. Clare.

Mr. Clare: thanks the Board and Committee for the recognition.

2 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: addresses Item B-1 regarding agriculture processing and Agriculture Policy #8 in the Agriculture & Open Space Element and suggests #8 is unclear with respect to uses and should be sent back for clarification through the General Plan; comments on Item B-20 and the two vacancies that still exist on the committee and wants information made available on what is needed to fill the positions; Item B-27 addresses the position allocation request by the Agricultural Commissioner as it relates to the glassy-winged sharpshooter. **No action taken.**

3 B-1 Consent Agenda Item B-1 is amended to replace page B-1-5 due to a technical
thru correction. Item B-29 is added to the agenda.
B-29

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 through B-29 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-29, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for hearing:

- B-1 Introduction of a proposed ordinance amending Chapter 5.16 to Title 5 of the County Code relating to agricultural land, operations, and right to farm; All Districts, **Approved as amended and the Clerk is instructed to give notice of hearing date set for January 8, 2002 at 9:00 a.m..**
- B-2 **RESOLUTION NO. 2001-462**, of intention to vacate a portion of 6th Street, in the community of Templeton; and **RESOLUTION NO. 2001-463**, of intention to vacate a portion of Cimarron Way, in the community of Nipomo; 1st and 4th Districts, **Adopted and the Clerk is instructed to give notice of hearing date set for January 22, 2002 at 9:00 a.m..**

Administrative Office Items:

- B-3 Board of Supervisors Meeting Calendar for 2002, **Approved.**
- B-4 2001-2002 Visitors Services and Environmental Grant Funds agreements (Clerk's File), **Approved.**
- B-5 Updated signature authority to sign routine Emergency Management Performance Grant Program documents, **Approved.**
- B-6 Submittal of the annual County Safety Commission Report for 2001-02, **Received and Filed.**
- B-7 Submittal of the annual Self-Insured Liability Program Report for 2001-02, **Received and Filed.**
- B-8 Submittal of the annual Self-Insured Workers' Compensation Program Report for 2001-02, **Received and Filed.**

Clerk-Recorder Items:

- B-9 Minutes of the October 2, 9, 16, and 23, 2001 Board of Supervisors' meetings, **Approved.**
- B-10 Declaration of Results of the November 20, 2001 Special Tax Election held in the Creston Hills Community Services District, **Approved.**

Planning Items:

- B-11 Agreement (Clerk's File) with Padre Associated for mitigation monitoring services for Phase I of the Santa Ysabel Ranch project; 1st District, **Approved.**
- B-12 Request to authorize the use of alternative publication procedures for the Winter 2001 - General Plan Amendment Cycle, **Approved.**
- B-13 **RESOLUTION NO. 2001-464**, an avigation easement from George and Marilyn Palmer, for property located near the San Luis Obispo County Regional Airport; 3rd District, **Adopted.**

Probation Items:

- B-14 Contract with the Economic Opportunity Commission to provide family support services for at-risk youth and their families, **Approved.**
- B-15 Contract with the San Luis Obispo Legal Alternatives Corporation Conflict Resolution Program of the Central Coast to provide conflict resolution, family/group conferences and parent/teen mediation under Assembly Bill 1913, Intensive Community Diversion Program, **Approved.**

Public Works Items:

- B-16 Bid opening report for the widening of a portion of 13th Street for bike lanes in Oceano; 4th District, **Approved and the Chairperson is instructed to sign contract documents with Souza Construction Inc., in the amount of \$35,082.**
- B-17 Amended agreement with Questa Engineering Services for a time extension on the Engineering Feasibility Study/Design for the Cambria Flood Control Project; 2nd District, **Approved.**
- B-18 Agreement (Clerk's File) with Peter and Shelley Overgaag for the sale of Lake Nacimiento Water; 1st District, **Approved.**
- B-19 **RESOLUTION NO. 2001-465**, accepting road improvements on Hazel Lane, Gold Crest Drive and Colt Lane and **RESOLUTION NO. 2001-466**, road widening on Colt Lane, in the community of Nipomo; 4th District, **Adopted.**
- B-20 **RESOLUTION NO. 2001-467**, appointing members to the San Luis Obispo County Flood Control and Water Conservation District Zone 1/1A (Arroyo Grande) Advisory Committee; 4th District, **Adopted.**
- B-21 The following maps:
- A. COAL 99-0050, a proposed lot line adjustment of 3 lots, by LeSage and Hayes Development Co., located on Lopez Canyon Road east of Arroyo Grande; 4th District, **Approved.**
- B. CO 99-0191, a proposed subdivision resulting in 3 lots by Roger Keech et al, located on See Canyon Road north of Avila Beach, **Approved** and **RESOLUTION NO. 2001-468**, to accept the offer of dedication for road widening of See Canyon Road; 3rd District, **Adopted.**
- C. COAL 98-0175 a proposed lot line adjustment of 9 lots, by San Geronimo LLC, located on Picachio Road northwest of Cayucos; 2nd District, **Approved.**
- D. COAL 98-0087 a proposed lot line adjustment of 2 lots, by Robert Thimm, located on Linne Road east of Paso Robles, **Approved** and **RESOLUTION NO. 2001-469**, to accept the offer of dedication for Linne Road already in the County Maintained System; 1st District, **Adopted.**

Other Items:

- B-22 Contract with Robert Harway, M.D., to provide orthopedic physician services for General Hospital and the associated Family Care Center Clinics, **Approved.**
- B-23 Request by Social Services to approve: 1) jointly with the County Superintendent of Schools various appointments to the San Luis Obispo Child Care Planning Council and 2) a certification statement regarding composition of membership; All Districts, **Approved.**
- B-24 **RESOLUTION NO. 2001-470**, accepting a grant deed from Gloria Reinman and Stanley Green, for 2 lots of vacant land located in the hillsides east of Cayucos, **Adopted.**
- B-25 **RESOLUTION NO. 2001-471**, authorizing the District Attorney's Office to enter into a contract with the State Board of Control for criminal restitution, **Adopted.**
- B-26 **RESOLUTION NO. 2001-472**, amending the position allocation list for Budget Unit 2050 - Auditor-Controller to allow the department to fill Principal Accountant-Auditor positions at a lower level, **Adopted.**
- B-27 **RESOLUTION NO. 2001-473**, amending the position allocation list for Budget Unit 2730 - Agriculture Commissioner, by adding one limited term Agricultural Measurement Standards Technician position and one limited term Agricultural Inspector/Biologist

position, **Adopted.**

- B-28 **RESOLUTION NO. 2001-474**, amending the Position Allocation List Resolution for fiscal year 2001-02, implementing the Administrative Assistant Series to consolidate and eliminate the number of County job classifications assigned to the Clerical Unit, **Adopted.**

ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)

- B-29 The following map:

A. CO 00-0003, a proposed subdivision resulting in 4 lots by Shaheena Hague, located on Halcyon Road at Aloma Way, Nipomo, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2001-475**, to accept the relinquishment of access; 4th District, **Adopted.**

- 4 C-1 This is the time set for consideration of the Fiscal Year 2002-03 budget goals and policies.

Ms. Gail Wilcox: Assistant County Administrative Officer, presents the staff report indicating that every year, the Board adopts the goals and policies to guide staff in preparing the proposed budget document; outlines the suggested changes to the various policies; indicates they probably won't know by the time the proposed budget is completed what role the counties might be forced to play in resolving the State's financial problems.

Board Members: address various issues, comments and concerns regarding: not getting what they want from departments with respect to performance-based budgets; feel they are sending the message out to prepare the budgets properly and not getting compliance from departments; the changes that have come about slowly, to change the budget process and wanting to see the Board continue their vigilant stance to get what they are looking for; wanting to see some type of consequence for not complying with the way budgets are to be prepared; concerns that consequences wouldn't work for elected officials and why; suggests there is a need to let the public know which departments aren't doing their job.

Mr. David Edge: County Administrative Officer, addresses the issues and frustrations of trying to get results; feels he cannot legally refuse to present a budget if they don't comply; addresses the State budget deficit and the impacts that will ultimately be felt at the local level.

Board Members: address various issues, comments and concerns regarding: some departments having an easier time preparing measurements than others; concerns about trying to handle the issue of preparing the budget through consequences; wanting to see the Board remain on the positive side of getting what they want with respect to the budget; concerns about some department heads' attitudes and forgetting they work for the public; the budget should be prepared in a way that lets the public know what we are doing and makes it easy to understand.

Mr. Edge: explains further the Administrative Office's position and his philosophy is to show us (Administration) what you want and make it impossible for us to say no.

Ms. Marianne Buckmeyer: states she believes in measurable goals; addresses how a firm she worked for handled lack of compliance, through consequences, and changes that occurred to bring about compliance.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board approves the Fiscal Year 2002-03 Budget Goals and Policies as outlined in the staff report dated December 4, 2001.

- 5 C-2 This is the time set for consideration of ballot language against the Tobacco Settlement Funds Initiative.

Mr. David Edge: County Administrative Officer, presents the staff report; comments on the proposed language, indicating it has already gone through several revisions and is limited to 300 words; states he has received requests for several additional changes and highlights the same.

No one appearing 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 approves the ballot argument language against the Tobacco Settlement Funds Initiative with the following changes: the first paragraph is amended to read: “~~We think~~ This initiative is unfair . . . ”; the fourth paragraph second and third lines are amended to read: “. . . permanently ties specific percentages to specific **particular programs meaning no dollars would be available for health emergencies - no exceptions!~~; not even terrorist attacks.~~”; and, the last paragraph is amended to read: “Don’t be fooled by the special interests; **Look at what this initiative would really do and vote NO.**”**

6 D-1 This is the time set for hearing to consider an ordinance (introduced November 13, 2001) amending the County fee schedule for fiscal year 2002-03 (and calendar year 2002 for Parks and Golf Course fees and long-term parking fee at the Airport); All Districts.

Ms. Leslie Brown: Administrative Office, presents the staff report; outlines the reasons for charging fees; addresses the process used by departments to determine whether or not to add, change or delete a fee; the three methods used to calculate fees are: (1) actual cost; (2) time and motion; (3) comparable fee survey; outlines the review by the Auditor’s office to determine that the department’s calculations are accurate; states there is a correction in the fee schedule for the Agricultural Commissioner, Budget Unit 2730 (page D-1-43), the fee for “2nd County Imprinting” should be changed from \$10.00 to \$5.00.

Ms. Sara Horne: President for the League of Women Voters, indicates one of their charges is to ensure that no one suffers economic discrimination; asks that the Board reconsider increasing the appeal fees.

Mr. Michael Winn: urges the Board to reject the “real-time billing” costs being added to appeals; addresses the impacts this will have on folks who want to file an appeal.

Mr. Lowell Davis: suggests that groups who file appeals have very little impact on the Board, but “big money” does affect the Board’s decisions; speaks to the CEQA process and his concern to raising the appeal fee and further opposes the addition of “real-time billing.”

Ms. Pam Heatherington: representing the Environmental Defense Center (EDC), addresses the calls they receive from citizens on various issues and uses the example of Vineyard School in Templeton and the Negative Declaration that was issued to add several acres of vineyards next to the school; urges the Board to not approve the increase in the appeal fees.

Ms. Marianne Buckmeyer: presents her views as a member of the Nipomo Community Advisory Committee (NCAC) on the errors she has seen staff make; addresses her concern to increasing the cost to file an appeal; states she will volunteer to go out and collect information on this issue and asks for a 60-day continuance before changing these fees.

Ms. Nancy Ferraro: addresses her concern to raising the appeal fee and feels it is close to being a poll tax.

Ms. Henriette Groot: addresses her concern to increasing the appeal fees and suggests the Board should look at what the long-term effect of an appeal is on the public.

Mr. Eric Greening: suggests if these fees are approved the language “where reasonable” should be added; cautions the Board on the impacts these fee increases could have on low and moderate income folks; indicates appeals in the Coastal zone remain free.

Mr. Jesse Arnold: speaks to the Grand Jury report on CEQA requirements and this County issuing too many Negative Declarations; addresses appeals being free in the Coastal Zone and urges the Board to not increase the appeal fees as suggested by staff.

Mr. Michael Kovacs: suggests the fee increases proposed today are over \$7 million and is being done to support staff salary and benefit increases; questions when the Board is going to return honesty to government.

Mr. David Broadwater: speaks against raising the cost to file an appeal; states he and the public have stood with the Board to keep issues at the local level and is asking the Board to stand with the public and not increase these fees.

Mr. John Beccia: opposes any increase to the fees for filing an appeal; feels adding the cost for staff time is a “slap in the face” because as a taxpayer he is already paying their salary; suggests appeals should be free to encourage public participation.

Ms. Coralie McMillan: indicates there are only about 15 appeals in the works currently and if that is an accurate number, then based on the total population of the County, this is a very low number; feels an increase in appeal fees discriminates against everyone; urges the Board to set this fee at a reasonable rate.

Mr. Irv McMillan: wants to hear the department’s justification for the proposed increases in the appeal fees; hopes this increase will not be approved; and, feels the developer should be required to pay these fees.

Mr. Jesse Hill: NCAC, addresses their concern to there not being any cap on the fees for filing an appeal and based on that, the NCAC voted unanimously against increasing these fees.

Mr. Babak Naficy: EDC, presents his comments for the record; cites from the Government Code regarding public participation at meetings; addresses a judge’s ruling and strong stance on not limiting public input in any way.

Mr. Stephen Ela: presents his comments for the record and reads the same, outlining his opposition to increasing the cost to file appeals.

Mr. Gwynn Taylor: agrees with the prior speakers and urges the Board to not increase the cost to file an appeal.

Ms. Jude Rock: addresses the issue of democracy and feels that raising the cost to file an appeal will limit public participation.

Ms. Lorraine Scarpace: objects to increasing the fees to file an appeal as she believes it will limit public input; feels the public is the Board’s best source of information; presents a copy, for the record, of the Grand Jury report regarding Land Use and the California Environmental Quality Act in San Luis Obispo County.

Mr. Phil Ashley: speaks to a number of projects that went through with a Negative Declaration; indicates the Grand Jury report said this County is filing too many Negative Declarations.

Mr. Tom Rusch: states he thought taxpayers paid for operating government; feels these increases are a double taxation; feels it is everyone’s right to file an appeal.

Ms. Susan Harvey: tells the Board a story as it relates to her position on increasing the appeal fees.

Ms. Christine Mulholland: speaks to an appeal she and others previously filed; they lost their appeal at the Board level and filed a lawsuit; the courts found the “County in abuse of their discretion”; suggests the Board should make it easy for the public to be heard.

Mr. Vic Holanda: Director of Planning and Building, responds to public comment; indicates they are following the Board’s policy regarding cost recovery and this also puts

them in conflict with the policy to ensure public participation; outlines what they reviewed with respect to the current fees; believes they did a professional job and that he is doing what he was directed to do by the Board; if this policy isn't right then possibly it should be reviewed and amended.

Mr. Bryce Tingle: Assistant Director of Planning and Building, states in 2001 there have been 33 appeals filed, 11 of those in the Coastal Zone; under the current fees, the 22 appeals that were filed, paid a total of \$7,400, those in the Coastal Zone paid nothing; the total cost for the 33 appeals is \$99,000, which means with \$7,400 being paid the balance of \$91,600 came out of the General Fund; gives several examples of where these appeals are.

Chairperson Achadjian: questions the work required by staff to prepare an item that is appealed to the Board; whether the applicant is advised, up front, of cost estimates.

Mr. Tingle: explains the process for appeals; gives the breakdown, by district, as to the appeals that have been filed; presents information on what other coastal counties charge to file an appeal and those that also charge a fee in the coastal zone; addresses the various alternatives staff has come up with for the Board's consideration.

Mr. Holanda: states there is another alternative, the Board could direct staff to meet with a citizen's group to look at the issue of appeal fees and bring this back to the Board at a later date.

Supervisor Ryan: indicates he supports an increase in the appeal fees and explains; states he also supports a refund for successful appellants; has concerns about real-time billing; questions the number of times the appellant is also the applicant; supports pulling these fees out for further discussion; would also like the issue of frivolous appeals included in the discussions.

A motion of Supervisor Bianchi, seconded by Supervisor Ryan to withdraw the appeal fees outlined in Budget Unit 2800 - Planning, is discussed.

Board Members: address the motion; question whether a citizen committee will include each advisory group, with Mr. Holanda responding that they will look at including advisory groups among others, and suggests including Mr. Eric Greening on this committee.

The Clerk asks for clarification of the motion and **the motion maker and second amend their motion to remove the appeal fees as outlined on page D-1-10 of the staff report and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:**

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

the Board pulls from Budget Unit 2800 - the (a) Appeal of action by the Planning Department or decision making body, (b) Appeal of denial of curb, gutter, sidewalk waivers, and (c) Applicant requested interpretation to Planning Commission and directs that these come back for further discussion at a later date.

A motion of Supervisor Ryan, seconded by Supervisor Pinard to change the Daily-Child fee, in Budget Unit 4125 - Parks - Swimming/Aquatics Programs from \$1.50 to \$1.00, is discussed.

Supervisor Ryan: states that he also does not want this fee decrease passed on to the other side, such as user groups/organizations like the Lions Club, etc., with Supervisor Pinard agreeing to add this to the motion.

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 changes the Daily-Child fee, in Budget Unit 4125 - Parks - Swimming/Aquatics Programs from \$1.50 to \$1.00, and directs that this fee decrease is not passed on to other side, such as user groups/organizations like the Lions Club, etc.

Board Members: address various issues, comments and concerns regarding: the cost for the Sale of Plans in Budget Unit 2180; reduction in the cost of ground squirrel bait; review and inspection fees for Budget Unit 2800, with staff responding.

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 fee for 2nd County Imprinting for Budget Unit 2730 is amended from \$10 to \$5 and the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2954, ordinance amending County Fee Schedule, adopted as amended.

(SUPERVISOR PEG PINARD IS NOW ABSENT.)

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

Mr. Richie Ray Walker: addresses discussions he had with Federal Court last week and the processing delays of documents that have been mailed to the Court; states that Hank Albert, who was a mentor for children and active in the ACLU, passed away over Thanksgiving and he will be missed; comments on the language on the Request to Speak forms.

(SUPERVISOR PEG PINARD IS NOW PRESENT.)

Mr. Eric Greening: states the County has lost two giants: Mr. Hank Albert; indicating he did a lot over the years to help the young people in our County and further, addresses his activities through the ACLU and protecting our civil rights; Dr. Willard Osibin and all he provided over the years to the community, specifically the monitoring of radioactive waste; asks for a moment of silence in honor of these two gentlemen.

Mr. Michael Kovacs: questions why staff is given unlimited time to present information to the Board, but the public is limited to 3 minutes.

Mr. Babak Naficy: indicates that during Budget Hearings there was a discussion and funding approved for the completion of the North Coast Update; indicates, to date, he has not seen anything come back to the Board and questions the progress on this item.

Supervisor Bianchi: states an RFP has gone out for the contract to get this Update completed.

Mr. George Layman: addresses his concern to the fees that were pulled this morning; thought fees could only be approved one time a year. **No action taken.**

8 D-2A This is the time set for hearing to consider A000013A - a proposal by William A. & Janet Preston to establish an agricultural preserve on 130 acres located about a half mile southwest of the intersection of Kiler Creek Place and Kiler Canyon Road about 2.5 miles due west of the southerly Paso Robles city limits; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-476, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 9 D-2B This is the time set for hearing to consider A000018A - a proposal by Attiyeh Foundation/Robert S. Attiyeh to add 1,480 acres to an existing agricultural preserve and land conservation contract, located about three miles southwest of Oak Shores in the Nacimiento Lake area; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-477, resolution altering the boundaries of Nacimiento Agricultural Preserve No. 10 pursuant to the California Land Conservation Act of 1965, adopted.

- 10 D-2C This is the time set for hearing to consider A000019A - a proposal by John A. & Berna W. Dallons to establish an agricultural preserve on an ocean shoreline parcel of 283 acres located at the west end of Alapay Way about six miles northwest of Cayucos; 2nd District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-478, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 11 D-2D This is the time set for hearing to consider A000020A - a proposal by Byron D. & Kimberly A. Foster to establish an agricultural preserve on 264 acres, located on the southwest side of Bishop Peak about a half mile north of the intersection of O'Connor Way and West Foothill Boulevard near San Luis Obispo; 2nd District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-479, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 12 D-2E This is the time set for hearing to consider A000022A - a proposal by Terry & Linda E. Speizer to add 69 acres to an existing agricultural preserve on 104 acres and to their existing land conservation contract on 63 acres, located on the west side of Orcutt Road about 0.6 mile north of Tiffany Ranch Road in Edna Valley; 4th District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and 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

RESOLUTION NO. 2001-480, resolution altering the boundaries of Edna Valley Agricultural Preserve No. 29 pursuant to the California Land Conservation Act of 1965, adopted.

- 13 D-2F This is the time set for hearing to consider A000023A - a proposal by Diane G. Rochelle/Chris Will to establish an agricultural preserve on 749 acres, located on the east side of Geneseo Road about one mile north of its intersection with Creston Road and about seven miles southeast of Paso Robles; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-481, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 14 D-2G A000024A and A000025A - a proposal by Clyde & Gwen Philbrick and Charlene L.MacDonald, et al./ John Philbrick to add their two properties to an existing agricultural preserve and enter into land conservation contracts, located on the east and north sides of Park Hill Road about three miles due north of Pozo; 5th District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and 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

RESOLUTION NO. 2001-482, resolution altering the boundaries of La Panza Agricultural Preserve No. 11 pursuant to the California Land Conservation Act of 1965, adopted.

- 15 D-2H This is the time set for hearing to consider A000027A - a proposal by Emil Stipanovich and Frank Tafelski to add their 40-acre vineyard property to an existing agricultural preserve and enter into a land conservation contract, located on the north side of El Pomar Drive about 0.7 mile west of Cripple Creek Road and about four miles northwest of Creston; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-483, resolution altering the boundaries of El Pomar Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 16 D-2I This is the time set for hearing to consider A000030A - a proposal by John A. Ruskovich to establish an agricultural preserve on 1,918 acres, located along Soda Lake Road one to three miles south of Highway 58 in the northwestern corner of California Valley; 5th District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and 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

RESOLUTION NO. 2001-484, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 17 D-2J This is the time set for hearing to consider A010008A - a proposal by Judith B. Friend to add 495 acres to an existing agricultural preserve and to her existing land conservation contract on 11,784 acres of that preserve, located on the southwest corner of Gaviota Trail and Dos Palos Road on the west edge of California Valley about four miles south of the intersection of Soda Lake Road and Highway 58; 5th District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and 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

RESOLUTION NO. 2001-485, resolution altering the boundaries of Carrizo Plain Agricultural Preserve No. 2 pursuant to the California Land Conservation Act of 1965, adopted.

- 18 D-2K This is the time set for hearing to consider A000031A - a proposal by William & Virge Perelli-Minetti to add two discontinuous vineyard parcels of 10 and 13 acres each to an existing agricultural preserve to enable them to enter into a land conservation contract that would tie the two parcels together as a single property ownership; one parcel is located at the end of White Hawk Lane off El Pomar Drive and the other parcel is located on the north side of Creston Road just northeast of the intersection of Cripple Creek Road; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation; further, addresses the rules that allow for discontinuous parcels to apply and presents copies of the same.

Supervisor Ryan: indicates he asked staff to address this today; indicates he has problems with this but will support it as the rules currently allow for it; indicates when looking at the property he has a hard time seeing how this can be done; indicates he wants the rules that allow for this reviewed.

Supervisor Pinard: questions the rules that this request do and do not comply with; and, questions payback to the taxpayers, with Mr. Hoag responding.

Mr. George Layman: questions whether the neighbors were notified of this request and whether these neighbors will have to give up anything if this is approved, with Mr. Hoag responding as to the noticing requirements; the General Plan amendment to request a change in zoning; and, these are already planted vineyards so the buffer requirements are in place.

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

RESOLUTION NO. 2001-486, resolution altering the boundaries of El Pomar Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

Supervisor Ryan: asks that staff be directed to look at the rules relating to discontinuous properties, with the Board members agreeing to this direction.

Mr. Hoag: indicates they will add this to the list of items the Agricultural Liaison Board will be reviewing.

- 19 D-2L This is the time set for hearing to consider A010002A - a proposal by Jeff & Connie Baxter to establish an agricultural preserve on 468 acres, located between North River Road and the Union Pacific Railroad just south of San Miguel; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-487, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 20 D-2M This is the time set for hearing to consider A000011A - a proposal by John D. & Virginia M. Rarig to add their avocado orchard property of 39 acres to an existing agricultural preserve to enable them to enter into a land conservation contract, located on the west side of Cayucos Creek Road and the north side of Highway 1 just north of Cayucos; 2nd District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:

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

RESOLUTION NO. 2001-488, resolution altering the boundaries of Cayucos Agricultural Preserve No. 5 pursuant to the California Land Conservation Act of 1965, adopted.

- 21 D-2N This is the time set for hearing to consider A000028A & 29A - a proposal by Steven E. & Pamela A. Lock and Donald C. & Barbara A. Hofer to establish an agricultural preserve and enter into land conservation contracts on their vineyard properties of 28.8 acres and 20.3 acres each; the properties are located on the north and south sides of Kiler Canyon Road at the intersection of Arbor Road about one mile west of Paso Robles; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-489, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 22 D-2O This is the time set for hearing to consider A010005A - a proposal by William J. & Kimberly J. Latchford to add their vineyard property of 52 acres to an existing agricultural preserve to enable them to enter into a land conservation contract, the property is located about a half mile north of the intersection of Anderson Road and Highway 46 northwest of Templeton; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-490, resolution altering the boundaries of Templeton Agricultural Preserve No. 2 pursuant to the California Land Conservation Act of 1965, adopted.

- 23 D-2P This is the time set for hearing to consider A010006A - a proposal by Robert R., Jr., & Theresa K. Plastino to add 78 acres to an existing agricultural preserve and to their existing land conservation contract on 242 acres; the property is located on the east side of Suey Creek Road about 1.4 miles north of its intersection with Highway 166 and about seven miles south by southeast of Nipomo; 4th District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and 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

RESOLUTION NO. 2001-491, resolution altering the boundaries of Nipomo Valley Agricultural Preserve No. 22 pursuant to the California Land Conservation Act of 1965, adopted.

- 24 D-2Q This is the time set for hearing to consider A010007A - a proposal by Robert V. & Shirlene Soto to establish an agricultural preserve on 148 acres, located mostly on the north side of Harmony; 2nd District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ryan and on the following roll call vote:

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

RESOLUTION NO. 2001-492, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 25 D-2R This is the time set for hearing to consider A000032A - a proposal by Stephen Sellwood/Vaughan Surveys, Inc. to establish an agricultural preserve on 146 acres located on the east side of Geneseo Road about one mile north of its intersection with Creston Road and about seven miles southeast of Paso Robles; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-493, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 26 D-2S This is the time set for hearing to consider A010001A - a proposal by Laird & Lisa Foshay/Neil Heaton to add 400 acres to their existing agricultural preserve and land conservation contract; the site is located one to two miles southeast of the intersection of Klau Mine Road and Cypress Mountain Drive and about nine miles northwest of Templeton; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing 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

RESOLUTION NO. 2001-494, resolution altering the boundaries of Adelaida Agricultural Preserve No. 34 pursuant to the California Land Conservation Act of 1965, adopted.

- 27 D-2T This is the time set for hearing to consider A000001A - a proposal by VDV LLC (Dennis & Donna Smolinski)/EMK & Associates, Inc., to amend an agricultural preserve and land conservation contract by reducing the minimum parcel size of a property of 286 acres to enable it to be divided into a dry farm parcel of 171 acres and a vineyard parcel of 115 acres; the site is located about one mile northeast of the intersection of Von Dollen Road and Ranchita Canyon Road about six miles due east of San Miguel; 1st District.

Mr. Warren Hoag: Planning, presents the staff report and recommendation.

No one appearing and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan and on the following roll call vote:

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

RESOLUTION NO. 2001-495, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 28 D-2U This is the time set for hearing to consider A000008A - a proposal by Guy & La Ronda Chirman to establish an agricultural preserve on 112 acres located at the south end of Canet Road about one mile from its intersection with Highway 1 and about two miles east of the Morro Bay city limits; 2nd District.

Mr. Warren Hoag: Planning, presents the staff report, outlining the rules for both Agricultural Preserves and Open Space; indicates the applicant is using the rules for Agricultural Preserves; the Planning Commission denied the request as they felt this property should follow the Open Space rules.

Mr. Steven Williams: indicates he has a small family farm that is stuck among all these other Agricultural lands; addresses his concern to changing the zoning and the impacts it will have on his farm; suggests that Open Space rules will limit his resources and prefers the Agricultural Preserve.

Mr. Eric Greening: feels the main question is what is in the best interest of the public; addresses his concern to this land having extraordinary visual sensitivity; hopes if the Board allows the preserve that they will condition it to not allow for removal of trees and shrubs.

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

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

RESOLUTION NO. 2001-496, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 29 D-3 This is the time set for hearing to consider the draft 2001 Annual Resource Management System (RMS) and Growth Management Ordinance implementation for 2002; All Districts (pages 20, 21 25, 28, 33, 39, 40 42 and 46 of the staff report).

Mr. Bryce Tingle: Assistant Director for Planning and Building, introduces the item.

Mr. John Hand: Planning, presents the staff report on the RMS; presents a brief overview of the process; addresses the levels of severity for various roads and highlights those roads that have been added and removed from the list; discusses the levels of severity for the various schools and makes a correction on page D-3-73, under Shandon Unified, changing the Shandon Elementary Recommended Level Of Severity (RLOS) from III to "OK"; addresses levels of severity for water and changing Los Osos from a Level II to "0"; indicates they are still waiting for the study on the Santa Maria Basin; discusses the recommended Level II for the Santa Margarita area; comments on Cayucos water; discusses the Nipomo Mesa and recommends that the 2.3% growth rate be retained; speaks to Cambria and the Cambria Community Services District (CCSD) taking an action that stops the issuance of the intent to serve letters for water until the water issue in this area is resolved; addresses the various options the County has with respect to handling the decision of the CCSD; staff is recommending that the County retain the 1% growth rate in this area.

Mr. Tingle: addresses discussions he had with Vern Hamilton, District Manager for the CCSD and Mr. Hamilton indicated they will not be issuing any more intent to serve letters, but will be honoring those who already have a letter; indicates he is not prepared to say what the County can or cannot do with respect to permits, as they are still working with the CCSD on this issue.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

Supervisor Bianchi: questions what will occur once the 180 intent to serve letters have been used and whether there is any type of sunset clause on the issuance of letters until the water issue is resolved.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

Mr. Tingle: addresses the various scenarios that have been looked at.

Board Members: address various issues, comments and concerns regarding: the number of waiting lists around the County; Cuyama Valley groundwater and the Paso Robles basin being addressed and the concern that only specific areas have been addressed and there are water issues throughout the County; the lack of recharge information in the report; cluster developments in the County with septic system failures; questions as to what is the benchmark to determine build-out, with staff responding.

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..

Mr. Wayne Parrack: asks that any action with respect to Cambria include the word “deferment”; suggests that any of the County allotments for Cambria should be banked or deferred as he believes this will help lessen the impact to those on the waiting list.

Mr. Gary Ellington: indicates he owns a lot in Cambria and is asking the Board to set the growth rate in Cambria at 2.3%, so they are not being treated any differently than the rest of the County; suggests if this rate is set, when the moratorium is lifted they will be able to grow at the same rate as the rest of the County.

Ms. Sharon Ellington: indicates when they purchased their lot they thought the CCSD would give a “good faith” effort to solving the water problems; asks that the growth rate be set at 2.3% and deferred until the water issue is resolved.

Ms. Ann Parrack: asks that the growth rate be set at 2.3% and deferred until the moratorium is lifted; believes the water list has been mishandled by the CCSD and wants the County to take it over.

Ms. Kathy Eichert: states she owns a lot in Cambria which they purchased 9 years ago; they are spending their anniversary here today so they can address their concerns to the Board; asks that the growth rate be set at 2.3% and deferred until the moratorium is lifted; further, wants assurances that the CCSD is moving forward in a timely manner on their water plan.

Mr. Bob Eichert: agrees with all the prior speakers; suggests this is a 25-year old problem and now they are back to “square one.”

Ms. Linda Johnson: indicates she is on the County’s list and is getting no help from the CCSD; wants the County to take over on this water issue and set the growth rate at 2.3%.

Ms. Jo McLachlan: states she owns a lot in Cambria, wants a 2.3% growth rate for the area and deferred until the moratorium is lifted.

Mr. Douglas Jones: a member of UNLOC (United Lot Owners of Cambria), addresses the recent actions by the CCSD; wants the growth rate set at 2.3% and deferred.

Ms. Kim Jones: addresses the issue and wants a 2.3% growth rate for Cambria.

Ms. Debra Dill: reads a letter from a lady who could not be present today and in support of the comments made by the public.

Mr. Michael Dill: indicates they have been property owners in Cambria for 16 years; asks the County to take an active role in administering the waiting list.

Mr. Eugene “Chuck” Chiado: owns property in Cambria and supports the request to set

the growth rate at 2.3%.

Ms. Vittoria Mills: purchased property 8 months ago in Cambria after a life long dream to own in this area and now there is a moratorium.

Mr. Jim Ensky: Cambria lot owner, supports setting the growth rate at 2.3%.

Ms. Brenda Rutherford: speaks to their purchase of 2 lots, purchasing a third lot to get a lower water number, then having to give back/retire the third lot.

Mr. Dale Rutherford: wants a 2.3% growth rate for Cambria reinstated.

Mr. Deryl Robinson: presents petitions from UNLOC members for the record; indicates the property owners are still looking at alternatives such as desalination plants, but there are problems with this.

Mr. Michael Kovacs: addresses the issue and wants the growth management ordinance replaced with a “quality growth ordinance.”

Mr. Bob Horvath: states that the actions of the CCSD have taken his building rights away; he has been on the water list for 10 years and would have moved into a spot to receive water next year; if a 1% rate is established it will move him back further; wants the rate set at 2.3%.

Ms. Emma Horvath: wants the rate set at 2.3% for Cambria; feels this is not the proper forum to discuss the CCSD actions; feels if the Board sets a 1% rate, it will be a stamp of approval for the CCSD actions; states she is speaking today for at least 50 others who couldn't be here.

Mr. Bill Allen: states while water is only one of the issues occurring in Cambria, it is the most important one; indicates with the continuing increases in hotel usage the water demand continued to increase; states Cambria cannot afford the luxury of building new homes until the water issue is resolved; asks that the growth rate be set at 0%.

Mr. Ken Renshaw: states there are homes for sale in Cambria; opposes the 2.3% rate and urges the Board to approve a 0% rate of growth.

Ms. Joyce Renshaw: urges the Board to support a building moratorium.

Mr. Bill Warren: comments on the actions by the CCSD; indicates the advisory council for the area voted to unanimously support the CCSD actions; urges the Board to also support the CCSD.

Mr. Wayne “Bill” Ryburn: presents a copy of a letter he previously sent to Supervisor Bianchi and reads from the same; indicates there is not enough water for existing homes and urges the Board to set the rate at 0%; indicates the advisory council also said no more growth until this issue is resolved; further, believes there will be CEQA issues if anything other than 0% is established.

Mr. Don Keane: states the CCSD has done nothing and will do even less with this moratorium in place; wants the CCSD function to go back to the County.

Mr. Joel Koman: states he wants Cambria treated the same way the rest of the County is.

Mr. Bill Ranelletti: has owned lots in Cambria for the past 13 years; wants the Board to assist the property owners in Cambria; suggests setting the rate at 2.3% and deferring is a good way to get the CCSD moving.

Mr. Dane Phillips: states he is here representing his family; they have water position #39 and he will get his allotment next year; supports the requests of the property owners who have spoken today.

Ms. Eve Redwood: gives a brief history of the area, including the Coastal Commission

designating this area as recreation.

Mr. Vern Kalshan: representing the Cambria Legal Defense Fund and the Coalition to Save Cambria and San Simeon; states he presented a letter for the record and wants the growth rate set at 0%; and wants the Board to establish a building moratorium for the area, through Title 19.

Mr. George Layman: addresses the issue and feels somebody needs to do something about Cambria.

Mr. Eric Greening: addresses the exemptions to the Growth Management Ordinance that have been approved throughout the County and wants to see an accounting of these done and discussed at a future meeting.

Mr. Bob McDonnell: Cambria resident, addresses the valiant efforts by the CCSD to try to find a reliable water supply; presents information for the record regarding water in the area; states the County is responsible for setting the growth rate and wants it set at 0%.

Ms. Helen May: President for the CCSD, states they are very concerned for all the property owners in Cambria; gives a brief history of their attempts to find water; they are working toward getting community water, but currently water is very limited; outlines what the CCSD moratorium says and urges the Board to set the growth rate at no more than 1%.

Mr. David Johnson: wants the growth rate set at 2.3%.

Supervisor Bianchi: discusses her experience in the 1980's with respect to water and her husband indicating then there wasn't a 40-year supply.

Board Members: address various issues, comments and concerns regarding: what the CCSD moratorium entails; comparisons between the Cambria and City of San Luis Obispo moratoriums; questions why with the moratorium, the rate couldn't be set at 2.3% versus the recommended 1%.

A motion by Supervisor Bianchi to set the growth rate at 0% for the area of Cambria within the CCSD boundaries for the 2002 calendar year, dies for lack of a second.

A motion by Supervisor Bianchi to set the growth rate at 1/2% for the area of Cambria within the CCSD boundaries for the 2002 calendar year, dies for lack of a second.

A motion by Supervisor Ryan, seconded by Supervisor Ovitt to set a 2.3% Countywide growth rate cap, is discussed.

Supervisor Pinard: addresses the motion and why she is not going to support it.

Supervisor Ovitt: addresses the motion and urges the Board members to support it, as it is local government's duty to establish the growth rates.

Mr. Tingle: addresses the motion and the need to create an ordinance to set the growth rate Countywide at 2.3%.

Thereafter, a motion by Supervisor Ryan, seconded by Supervisor Ovitt to set a 2.3% Countywide growth rate cap, fails on the following roll call vote:

AYES:Supervisors Ryan, Ovitt

NOES: Supervisors Bianchi, Pinard, Chairperson Achadjian

ABSENT: None

A motion by Supervisor Bianchi, seconded by Supervisor Pinard to approve the draft 2001 RMS report; retain the 2.3% Countywide annual growth rate in the unincorporated areas of the County for calendar year 2002; retain the 2.3% growth rate for the Nipomo Mesa Area; and, retain the 1.0% growth rate for the community of Cambria within the boundaries of the CCSD for calendar year 2002, is discussed.

Chairperson Achadjian: asks that the motion include the word “deferred” with respect to Cambria.

Matter is discussed and thereafter, a motion by Supervisor Bianchi, seconded by Supervisor Pinard to approve the draft 2001 RMS report; retain the 2.3% Countywide annual growth rate in the unincorporated areas of the County for calendar year 2002; retain the 2.3% growth rate for the Nipomo Mesa Area; and, retain the 1.0% growth rate for the community of Cambria within the boundaries of the CCSD for calendar year 2002, fails on the following roll call vote:

AYES:Supervisors Bianchi, Pinard

NOES: Supervisors Ovitt, Ryan, Chairperson Achadjian

ABSENT: None

A motion by Supervisor Bianchi, seconded by Supervisor Pinard to approve the draft 2001 RMS report; retain the 2.3% Countywide annual growth rate in the unincorporated areas of the County for calendar year 2002; retain the 2.3% growth rate for the Nipomo Mesa Area; and, retain the 1.0% growth rate for the community of Cambria within the boundaries of the CCSD for calendar year 2002 and add the word “deferred,” is discussed.

Mr. Tim McNulty: Deputy County Counsel, addresses adding the word “deferred” indicating staff will need to prepare an ordinance for a future meeting to adopt this additional language.

Mr. James Lindholm: County Counsel, suggests adding language that would make this a referral to staff, on the issue of deferment in Cambria, to implement this language and return with an ordinance for the Board’s consideration, **with the motion maker and second agreeing to add that language.**

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 approves the draft 2001 RMS report; retains the 2.3% Countywide annual growth rate in the unincorporated areas of the County for calendar year 2002; retains the 2.3% growth rate for the Nipomo Mesa Area; and, retains the 1.0% growth rate for the community of Cambria within the boundaries of the CCSD for calendar year 2002 and the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2955, an ordinance amending Title 26 of the County Code, the Growth Management Ordinance, establishing the allowable growth rates for the Nipomo Mesa Area and the community of Cambria for the year 2002, adopted. Further, the Board refers to staff the issue of deferment in Cambria for implementation of this language and to return with an ordinance for the Board’s consideration.

30 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 and (2) In re PG&E and (ADDED - All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (6) *United States of America v. ABB Vetco Gray, Inc., et al. (Casmalia Site Steering Committee.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (3) *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. (4) *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: (5) Negotiator's Name: *Dale T. Hanson, Santos Arrona, Sue Wilkison, Art Giumini, Glenn Estrada*, Name of employee organization: *Unrepresented Management and (ADDED - All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (7) Negotiator's Name: *Gene Bell, Dale T. Hanson, Santos Arrona*, Name of Employee Organization: *Deputy Sheriff's Association*.

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: No report required because no final action was taken and the Board goes into Open Public Session.

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, December 4, 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: December 10, 2001
vms

