

Tuesday, January 15, 2002

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

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.

SUM AGN

1 A-1 This is the time set for presentation recognizing Caleb Twisselman and Dugan Kelly for their accomplishments in the Professional Rodeo Cowboys Association National Finals Rodeo of 2001.

Supervisor Ovitt: introduces Caleb Twisselman and Dugan Kelly's mother, Kathy; Mr. Twisselman and Mr. Kelly have been competing in calf roping events and have finished 4th and 5th in the World Competition and 2nd and 7th in the National Competition respectively; states he wanted to recognize some of our local youth for their accomplishments and presents Ms. Kelly and Mr. Twisselman with Certificates of Recognition signed by the Board members.

Mr. Twisselman: thanks the Board for the recognition.

Ms. Kelly: thanks the Board for the recognition on behalf of her son, Dugan. **No action taken.**

2 B-PC This is the time set for members of the public wishing to address the Board on matters set on the Consent Agenda.

Mr. Eric Greening: speaks in support of Item B-7; Item B-15, the legislative platform and outlines his concerns regarding E-10 regarding drive-throughs; supports K-13; expresses his concern to various legislative proposals in this document and highlights several additions he would like to see.

Mr. Travis Evans: commercial fisherman, addresses Item B-7 indicating he appreciates the support for the marine sanctuary by Monterey and they are on the right track but aren't there yet; presents a letter for the record from Ms. Jacqueline Schafer, California Department of Fish and Game.

Mr. Bill Ward: addresses Item B-7 and his concerns about a marine sanctuary in this area; has a concern this will add another layer of bureaucracy; is concerned that the whole California coastline could be in a sanctuary in the next 10 years.

Mr. Craig Barbre: speaks to Item B-7 and agrees with the prior speakers; indicates he is a director for a fishing organization and also involved in other related organizations and all these groups are very concerned about this sanctuary; indicates the City of Monterey is "outraged" by the way they have been disenfranchised by this process; hopes the Board will not approve this item.

Mr. Jeremiah O'Brien: addresses Item B-7 and feels that some of those in support of the sanctuary are supporting this as a way to stop offshore oil; suggests if this is true there are other ways to stop offshore oil; states he is against expanding the sanctuary into this County.

Mr. Wayne Moody: commercial fisherman since 1974, speaks to Item B-7 and objects to the Board sending the letter included with this item; highlights a letter from Karen Coffman, who was previously a Supervisor from Monterey County and is on the advisory board for the Marine Sanctuary, addressing her concerns; also, speaks to a letter from the Monterey County Harbor Master.

Mr. Barry Cohen: asks that Item B-7 not be approved at this time; wants to see the item returned to staff and if it comes back to the Board again wants to see it as a discussion item, not on Consent; indicates no one has asked fishermen how this would affect them.

Ms. Michele Roest: representing the Monterey Bay National Marine Sanctuary, highlights what they are currently working on with respect to preparing the draft management plan and setting up the first round of meetings for public input; presents

a pamphlet regarding the sanctuary.

Mr. Bill James: representing a local association for fishermen at Port San Luis; explains why he doesn't support a sanctuary here.

Mr. Jim Wood: addresses Item B-7, indicating the biggest problem with the sanctuary is the loss of local control; states this was originally started to keep offshore oil away and that has changed.

Mr. Steve Rebuck: speaks against Item B-7 because of the loss of local control; addresses his concerns as to how this sanctuary would be handled; suggests the three-mile line should be moved three miles inland and address issues such as sewage disposal which is being dumped into the ocean.

Ms. Pam Heatherington: speaks in support of the sanctuary being extended through our County; there has been a lot of "coastline strife" in the County mainly due to the oil industry; addresses Item B-15 as the Interim Hospital Authority Board Chairperson and asks the Board to support any legislation that assists health/medical services.

Mr. Bob Blair: urges support of Item B-15.

Ms. Linda McElver: representing the Canaries Foundation, addresses Item B-15 and the need to adopt clean air signage for buildings as a way of rewarding businesses for providing buildings free of odors (perfumes, etc.); suggests there is a need for Statewide environmental health monitoring; reads from a resolution adopted by the Board on October 2, 2001 entitled "Stop Cancer where it Starts Month."

Mr. Bob McDonnell: speaks in support of Item B-7 and wants to see the letter sent; addresses his concern regarding Item B-17 and feels this should have been a discussion item.

Mr. Babak Naficy: Environmental Defense Center, addresses Item B-7 and supports the letter being sent; addresses Item B-17 and is glad to see this moving forward but is concerned that it did not get reviewed by the Advisory Group in the area. **No action taken.**

3 B-7 Comments on the Joint Management Plan Update - Monterey Bay National Marine Sanctuary; 2nd, 3rd and 4th Districts, are presented.

Board Members: address various comments, issues and concerns regarding: not supporting this today based on the concerns that have been raised by the public; wanting to see this issue returned to staff to incorporate the concerns raised today.

Mr. John Euphrat: Planning, outlines what the letter is asking and the need to have comments in by the end of the month and is concerned that if this is continued it may not get back on an agenda before that time.

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

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

the Board does not approve sending the letter as presented in the staff report dated January 15, 2002 and directs staff to summarize the comments received today and forward those comments to the Monterey Bay National Marine Sanctuary.

4 B-1 Consent Agenda Item B-7 is withdrawn and acted on previously. Items B-12, B-14 and thru B-17 B-15 are withdrawn for separate action. Item B-13 is amended to correct the allocation to \$5,000 (District 2 - \$250; District 3 - \$3,750 and District 4 - \$1,000). Item B-17 is added to the Consent Agenda.

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

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

Consent Agenda Items B-1 through B-17 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-17, 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 **RESOLUTION NO. 2002-20**, of intention to surplus and sell county owned real property to an adjacent property owner in the unincorporated area of Paso Robles; 1st District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 26, 2002 at 9:00 a.m..**

General Services Items:

- B-2 Employee contract with Dan Amsden to provide park planning services, **Approved.**
- B-3 license agreement with the United States Department of Commerce, National Oceanic and Atmospheric Administration for use of vault space in the county owned transmitter building and one antenna mount, located at the summit of Cuesta Peak in the Los Padres National Forest; All Districts, **Approved.**

Health Items:

- B-4 Agreement with the State Department of Health Services to provide funding for indigent health care services in 2001-02, **Approved.**
- B-5 Request to approve the description of proposed expenditure of the California Healthcare for Indigents Program (CHIP) Funds Report for 2001-02, **Approved.**

Planning Items:

- B-6 Budget adjustment in the amount of \$5,574,816 to reflect accounting changes for the Housing and Urban Development entitlement program; All Districts, **Approved.**
- B-7 Comments on the Joint Management Plan Update - Monterey Bay National Marine Sanctuary; 2nd, 3rd and 4th Districts, **Withdrawn for separate action and acted on previously.**
- B-8 **RESOLUTION NO. 2002-21**, accepting an avigation easement from the Oceano Community Services District for property located near the Oceano Airport; 4th District, **Adopted.**
- B-9 **RESOLUTION NO. 2002-22**, accepting an avigation easement from Steve and Stacey Tolley, Anthony Toste and Anthony Sindoni for property located near the San Luis Obispo County Regional Airport; 4th District, **Adopted.**

Social Services Items:

- B-10 Amended contract with the Housing Authority of the City of San Luis Obispo increasing the contract by \$200,000 to enable CalWORKs, Child Welfare Services and Adult Services participants to obtain and retain permanent, safe and affordable housing, **Approved.**
- B-11 Contract amendment with San Luis Obispo County YMCA reducing the funding for the after-school program at Los Osos Middle School, **Approved.**
- B-12 Request to approve a contract with Deloitte Consulting Limited Partnership to develop a business plan of change management for 2001-02 as part of the conversion to the CalWORKs Welfare Information Network, **Withdrawn for separate action.**

Other Items:

- B-13 Request by Board Members to allocate \$2,250 from Community Project Funds (District Two - \$250 and District Three and Four - \$1,000 each) to the South County Family Educational and Cultural Center to be used for the Central Coast Exploration Station program, **Approved as amended.**
- B-14 Request by Behavioral Health to approve an agreement (Clerk's File) with the State

Department of Corrections to provide outpatient substance abuse treatment and related services to parolees located in San Luis Obispo and northern Santa Barbara counties, **Withdrawn for separate action.**

- B-15 Submittal of the proposed 2002 Legislative Platform for San Luis Obispo County, and a request to approve a resolution supporting Proposition 42 regarding transportation funding, **Withdrawn for separate action.**
- B-16 Memorandum of understanding (Clerk's File) with the Franchise Tax Board which allows the County to collect court ordered debt via a tax intercept program, **Approved.**

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

- B-17 Request by the Planning Department to approve a contract with Design, Community and Environment, Inc., to provide consultant services in preparation of the North Coast Area Plan update and Environmental Impact Report, **Approved.**
- 5 B-12 Request to approve a contract with Deloitte Consulting Limited Partnership to develop a business plan of change management for 2001-02 as part of the conversion to the CalWORKs Welfare Information Network, is presented.

Based on discussions during the Consent Agenda Supervisor Pinard asked for a separate vote on this item.

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

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

contract with Deloitte Consulting L.P. to develop a Business Plan of change management for Fiscal Year 2001-2002 as part of the conversion to the CalWORKs Welfare Information Network (CalWIN), approved.

- 6 B-14 Request by Behavioral Health to approve an agreement (Clerk's File) with the State Department of Corrections to provide outpatient substance abuse treatment and related services to parolees located in San Luis Obispo and northern Santa Barbara counties, is presented.

Based on discussions during the Consent Agenda Supervisor Pinard asked for a separate vote on this item.

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

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

agreement with the California Department of Corrections for Drug and Alcohol Services to provide services to parolees in the County jail and the community, approved.

- 7 B-15 Submittal of the proposed 2002 Legislative Platform for San Luis Obispo County, and a request to approve a resolution supporting Proposition 42 regarding transportation funding, is presented.

Based on discussions during the Consent Agenda Supervisor Pinard asked for a separate vote on this item.

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

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

the proposed 2002 Legislative Platform for the County is approved as presented in the staff report dated January 15, 2002; further, RESOLUTION NO. 2002-23, resolution in support of Proposition 42, adopted.

8 C-1 This is the time set for hearing to consider a resolution approving the lease of property to a non-profit public benefit organization for the purpose of providing dental services to needy children, located at 717 Walnut Drive in the City of Paso Robles.

Ms. Caryn Maddalena: Property Manager, presents the staff report; addresses the size and location of the subject property; indicates they received one sealed bid and presents it to the Clerk.

Clerk: opens the bid and announces it is from The Partnership for Children of San Luis Obispo County - A California Non-Profit Corporation.

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

Supervisor Pinard: questions the makeup of this group, with staff responding.

Supervisor Achadjian: thanks Dr. Greg Thomas and Ms. Biz Steinberg for their involvement in bringing this item forward; indicates there is a need in the County to provide dental services to children and this is a good start toward accomplishing that.

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, Pinard, Achadjian, Chairperson Bianchi
NOES: None
ABSENT: None

the Board accepts the bid from The Partnership for Children of San Luis Obispo County with the understanding that the contract will return within 60 days to the Board and RESOLUTION NO. 2002-24, resolution of approval to lease County owned real property in the City of Paso Robles, San Luis Obispo County, to a non-profit public benefit organization to provide dental services to needy youths and children, adopted.

9 C-2 This is the time set for continued hearing (continued from December 11, 2001) to consider an appeal by El-Jay Hansson of the Subdivision Review Board's approval of sixteen conditional Certificates of Compliance/Coastal Development Permit, for approximately 3.9 acres located in the village of Callender-Garrett, west of Nipomo, near Highway 1; 4th District.

Ms. Jo Manson: Planning, presented the staff report; indicates the request has been revised from 16 Conditional Certificates of Compliance to 11; addresses the issues raised in the appeal and staff's response to each; addresses language changes to the resolution.

Ms. Pat Beck: Planning, highlights the location of this property.

Ms. Manson: presents maps that outline the site and the location for these Conditional Certificates.

Ms. El-Jay Hansson: Appellant, addresses her appeal; concerns regarding the Black Lake Canyon area being a Sensitive Resource Area and presents a photograph of a beaver that a neighbor found on their property; feels the reduction in the number of certificates is still a "piecemeal" effort; addresses her concerns regarding the Environmental Determination.

Mr. Carl Wittstrom: representing the Applicant, states they are in agreement with the staff report and are available for questions.

Ms. Istar Holliday: indicates they had a lot of questions regarding this site even before the applicant came to the Board with this request; questions included the legality of the entire map; roads in the area and those that were being requested for abandonment; feels none of their questions have been answered; these certificates do not make this property legal.

Mr. Michael Winn: addresses the issue and urges the Board to uphold the appeal.

Ms. Beck: addresses the complexity of the site and the need to correct violations that occurred due to the purchase and subsequent sale of the property by Cal Trans which left this property with a lot of unique parcel sizes; addresses changes in the law that will require a tract map application for this property.

Supervisor Achadjian: questions whether some of the issues raised by Ms. Hansson will be addressed through the development process.

Ms. Beck: responds and further addresses Exhibit B of the proposed resolution.

Ms. Hansson: feels the conditions in Exhibit B are too general and the tract map is an “entity in and of itself.”

Supervisor Ovitt: addresses the certificate process allowing a lot to be recognized so an applicant can do something with the property.

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

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

the Board partially upholds the appeal; the resolution is amended as follows: the fifth “WHEREAS” is amended to read: “. . . the appeal should be ~~denied~~ **upheld in part** and the decision of the Subdivision Review Board should be **affirmed modified** and that ~~sixteen~~ **eleven** conditional certificates of compliance . . .” and on the second page, #4 is amended to read: “That the appeal filed by El-Jay Hansson is hereby ~~denied~~ **upheld in part** and the decision of the Subdivision Review Board is **affirmed modified** and that the issuance of eleven . . .” and, RESOLUTION NO. 2002-25, resolution upholding the appeal in part and modifying the decision of the Subdivision Review Board and approving the issuance of eleven (11) Conditional Certificates of Compliance pursuant to the application of Robin Rossi for Conditional Certificates of Compliance/Coastal Development Permit C00-0088, adopted as amended.

10 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 PG&E*, (2) *Mulholland v. County of San Luis Obispo* and (3) *Save the Mesa v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (4) *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. (5) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required because no final action was taken and the Board goes into Open Public Session.

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

Ms. Peggy Koteen: addresses what occurs behind the scene, with respect to cruelty to animals at rodeos; indicates there will be a rodeo event at the Olympics this year; states they will have a video truck at the torch event today and tomorrow that will show the cruelty that occurs to rodeo animals.

Mr. Dennis Capria: “The Toilet Man,” comments on the notebooks he provided to the Board several months ago with respect to retrofitting toilets in Los Osos; states he

received a response from Assemblyman Abel Maldonado indicating there is grant money available for this type of work; addresses the number of toilets they could change monthly.

Mr. Tom Guernsey: presents a copy of letter from the Katherin W. Guernsey Revocable Trust, regarding the Avila Beach/Unocal Outlier Plume Contamination, to Supervisor Pinard and for the record.

Mr. Richie Ray Walker: dedicates his comments today to the late Hank Albert who represented the ACLU in our County; comments on the upcoming holiday to remember Martin Luther King and that Mr. King didn't represent civil rights just for those of color, religion, etc., but everyone.

Mr. Gary Fowler: addresses the quarterly report for the Senior Nutrition Program and highlights the same; encourages everyone to make donations to this group; states they collected money for this program on the last day the donut shop (across from the Government Center) was open and presents Supervisor Bianchi with the money they collected.

Mr. Michael Kovacs: wants the County returned to America and honesty returned to County government.

Mr. Michael Winn: addresses County ordinances and concerns that Nipomo is receiving conflicting information with respect to these ordinances.

Ms. Peggy Wilson: addresses the appeal that she filed and is scheduled for hearing next week, on the Oceano Community Center.

Ms. Pamela Dean: addresses the upcoming hearing on the Oceano Community Center and her concerns regarding environmental justice; does not feel they have seen this "justice" with respect to the center.

Mr. Eric Greening: addresses health problems versus agriculture; suggests this isn't just an agricultural problem but everyone's problem; wants the County to take the challenge and make this County toxic free.

Ms. Linda McElver: Canaries Foundation, reads a portion of the "precautionary principle"; reads from a Board adopted resolution (October 2, 2001) entitled *Stop Cancer Where It Starts Month*; addresses last night's Health Commission meeting regarding chemical usage in the County; there were over 100 people in attendance; comments on the number of people that are sick and live next to an agricultural operation.

Chairperson Bianchi: indicates that one of the biggest problems with chemicals is in one's own backyard, through pesticide usage; and backyard uses aren't regulated. **No action taken.**

12 C-3 This is the time set for hearing to consider an appeal by Skylark Homeowners Association of the Minor Use Permit Hearing Officer's decision to approve the request of Hamid Keshtgar and Shahin Aminilar to construct self storage buildings in three phases and a commercial retail building and office/dwelling, located in the community of Nipomo; 4th District.

Ms. Kami Griffin: Planning, presents the staff report and maps of the site; addresses the issues raised in the appeal and staff's response to the same; recommendation is to deny the appeal.

Supervisor Achadjian: questions the request for a gas station, with Ms. Griffin responding it is one of the allowable uses but not something the applicant has indicated a serious interest in.

Ms. Sherri Banta: Appellant, gives the definition of the word "surrounding"; states she understands the rights of property owners but they shouldn't supercede her property rights; questions what economic value these storage units have to the neighbors.

Supervisor Achadjian: addresses his visit to the site and photographs he took.

Mr. Rob Garnett: representing the Applicant, addresses the lot and zoning of the

same; indicates they worked very hard to develop something that would be pleasing to the neighborhood; addresses meetings they had with the Nipomo Community Advisory Council (NCAC) and results from the same; highlights the discussions with the NCAC on the building location, setbacks and limits on the hours of use.

Supervisor Achadjian: questions whether there will be a guard dog.

Mr. Garnett: indicates they are not proposing a guard dog; the tenant who will live on the site could keep a dog as a pet.

Mr. William Hazen: indicates he purchased his home in May of 2001, he was told this site was for multi-family residences and wants to see this project denied.

Mr. David Schutt: President of the Homeowners Association, agrees with the comments of prior speakers and there is no need for another gas station in this area.

Mr. Darrell Sisk: agrees with the comments by the neighbors; states the issue is a matter of zoning; addresses language in the County Code regarding “need” and feels there is no need for this proposal.

Ms. Laura Sisk: states she strongly objects to a storage unit being placed in this area as there are plenty of storage units in Nipomo already.

Ms. Dolly Frederick: states she lives two blocks away from the site and supports the appeal; also feels there is no need for another gas station in this area.

Mr. Dave Banta: indicates he was told the property behind his home was for residential units and now finds out that it is actually commercial; urges the Board to uphold the appeal and deny this project.

Mr. Ron Doughty: states he purchased his property in 1986 and was never told this was a commercial lot; feels the homes in the area will depreciate in value if this storage unit is allowed; states if the applicant wants to put in something that will benefit the neighbors then do something recreational.

Mr. Patrick McMillen: states he purchased a corner unit 2 ½ years ago; states if this is built it will block the view of those folks with one story residences; suggests if homes were built they would also block the view of existing residents but at least someone would still have a view, indicating storage units don’t need a view.

Mr. Michael Winn: member of the NCAC, states they held four hearings on this application over the past couple of years and there was never any mention of a gas station.

Mr. Michael Kovacs: feels property rights are the issue and urges the Board to deny the appeal.

Mr. Garnett: gives the Applicants’ closing comments.

Ms. Banta: gives the Appellants’ closing comments and states there are two storage units in the area that are not filled to capacity today.

A motion by Supervisor Achadjian, seconded by Supervisor Ryan to deny the appeal and adopt the resolution, is discussed.

Supervisor Ovitt: asks the motion maker and second if they would be willing to amend their motion to delete the reference to service stations in Exhibit B, Condition #2, **with the motion maker and second agreeing to add that to their motion.**

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

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

NOES: None

ABSENT: None

the Board denies the appeal; amends Condition No. 2 to deleting the reference to “service station”; and, RESOLUTION NO. 2002-26, resolution affirming the

decision of the Hearing Officer and conditionally approving the application of Hamid Keshtgar and Shahin Aminilar for Minor Use Permit D000086P, adopted as amended. Further, the Negative Declaration is approved in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.

13 D-1 This is the time set for submittal of a report on methods to finance affordable housing as directed by the Board of Supervisors on December 18, 2001.

Mr. Dana Lilley: Planning, presents the staff report and defines affordable housing and the levels of income that are looked at; outlines what the County is currently doing to facilitate affordable housing; addresses additional ways the County could enhance the financial feasibility for new affordable housing.

Mr. Jeff Edwards: presents a letter for the record and outlines the additional incentives that are needed to promote affordable housing.

Ms. Anita Robinson: Affordable Housing Trust Fund Chairperson, addresses the average median income for a family of four; urges everyone to be an advocate for affordable housing.

Ms. Rachel Richardson: states this is beginning to move in the right direction, agrees with comments by Ms. Robinson and she is very excited about this.

Mr. Eric Greening: cautions the Board to be careful when dealing with this issue so that the “line” with the Growth Management Ordinance is not broken.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board receives and files the staff report dated January 15, 2002.

14 D-2 This is the time set for submittal of request to authorize the processing of a General Plan Amendment application (San Luis Obispo Marketplace Associates) to amend the San Luis Obispo Area Plan of the Land Use Element by: changing the land use category on an approximately 131-acre site from Agriculture to Commercial Retail (55 acres), Residential Multi-Family (30 acres), Recreation (40 acres) and Open Space (6 acres); and modifying the community-wide San Luis Obispo Urban Area Standards, located southwest of Dalidio Drive between Highway 101 and Madonna Road; 3rd District.

Mr. Victor Holanda: Director of Planning and Building, introduces the item; states that both the City and County staff’s are following the laws, rules and protocol on this issue and are not giving the applicant the “bureaucratic runaround”; introduces Ms. Auchinachie, of his staff, to present the staff report.

Ms. Lynda Auchinachie: Planning, presents the staff report indicating this is a request to change the land use category on a 131 acre site from Agriculture to Commercial Retail, Residential Multi-Family, Recreation and Open Space; presents a site map of the property; outlines the purpose of the applicant is to: (1) develop retail space; (2) a 160-room hotel complex; (3) multi-family housing; and, (4) recreational facilities; presents a drawing of the proposed design for the project; outlines the major issues with respect to this being processed through the County including inconsistencies with the (1) General Plan, (2) San Luis Obispo Urban Area Standards, (3) Land Use Element, (4) Agriculture & Open Space Element, (5) Housing, Safety, Noise Element Policies; (6) Airport Land Use Plan and (7) Financial Issues; other agencies have raised concerns regarding: (1) the need for additional emergency equipment and programs to provide necessary urban services; (2) an independent wastewater treatment facility and odor issues associated with this; and (3) concerns raised by Airport Operations; staff is recommending denial of the request.

Ms. Klaasje Nairne: Airport Manager, indicates they have serious concerns about this project as it will create an even larger residential area than what the City looked at and that residential area will be in line with the major runway at the airport; states there was already one horrific plane crash in this area, in 1992.

Mr. John Mandeville: City of San Luis Obispo, addresses the letter from the City in the staff report and outlines why this project should be referred back to the City.

Mr. Gere Sibbach: County Auditor-Controller, addresses the potential impacts relating to financial considerations being requested by the applicant with respect to a financing plan for the interchange project.

Mr. Ernie Dalidio: Applicant, states he is representing his family and they are requesting that the County allow them due process and understand that allowing this to go forward through the authorization process is not a guarantee of approval.

Mr. Andrew Merriam: representing the Applicant, indicates they are asking for the opportunity to address the issues that have been raised; shows the financial detailed plan that they submitted to the City of San Luis Obispo; presents a graph of the timeline for annexation to the City.

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

Mr. Bill Bird: Co-Applicant, gives an overview of what the site will look like; addresses the financial benefit to the County; outlines the community benefit; addresses the letter from the City in the staff report; states the applicant will be responsible for the bonds.

Mr. Bruce Engerholm: Metcalf & Eddy, outlines the benefits of recycling water; addresses water usage currently and what the usage is projected to be at project completion; addresses the wastewater treatment facility.

Mr. Andrew Carter: addresses the issue and states this project belongs in the City and not with the County.

Ms. Agatha Reardon: states she supports senior programs; four years ago the Dalidio's offered land and space for a new senior center; asks the Board to keep the door open on very real possibilities.

Mr. Bob Hather: speaks in support of authorizing this application for processing.

Mr. Dave Garth: representing the San Luis Obispo Chamber of Commerce, outlines the concerns raised by the Chamber members; they believe that more regional retail is needed and believe the Dalidio property is the appropriate place for this.

Mr. Eric Greening: addresses his concern regarding fragmenting Agricultural uses into smaller Ag uses; suggests this should be deferred to the City and the County should treat the City like they would an advisory committee.

Ms. Deborah Holley: representing the Downtown Association, addresses the issue and the need to protect the downtown ambiance.

Mr. Ron Rusconi: asks the Board to allow this process to begin; feels this is a good project.

Ms. Monica Ohlhausen: urges the Board to allow processing of this application as she feels this deserves the County's consideration; feels there is a need for more retail stores in the area.

Ms. Kathie Haley: speaks in support of the project and feels it will be good for the County; feels the land is not appropriate for farming anymore.

Mr. Doug DeGross: feels that 10 years of trying to work with the City is long enough; and suggests this property will eventually be used for something other than agriculture.

Mr. Brett Cross: asks that the County let the City make their own mistakes with respect to this application.

Ms. Christine Mulholland: states she is speaking as a private citizen; addresses the number of agencies that have expressed concerns with respect to this project; indicates this is still viable agricultural land; this project should be handled through the City.

Mr. Mike Spaugler: believes this land belongs in the City and should have been annexed in 20+ years ago; asks that the County keep this project alive in some form and hopes that it will eventually get back to the City.

Mr. Bill Thoma: states the reason this is not being processed through the City is that they aren't following their own General Plan; wants this proposal to have a chance.

Mr. Gale Gascho: feels this is a good project; indicates there are not three votes in the City to get this project moving.

Mr. Babak Naficy: Environmental Defense Center, thanks the staff for their report and urges the Board to accept the report and return it to the City.

Ms. Pam Heatherington: urges the Board to deny this request and return the project to the City.

Mr. Gary Fowler: states this project would never have gotten to the County if the City had done their job; states airplanes do crash and those have occurred in other places around the County; states one of the ugliest sights as you come into San Luis Obispo is their sewer treatment plant.

Mr. Merriam: gives his closing comments.

Mr. Bird: states the wastewater treatment plant they are proposing will be the same quality as the City's; addresses surveys they sent out and also did a Countywide poll and both of these indicated people want this project to move forward.

Mr. Holanda: states the consensus of the people is they like this project but County staff is obligated to follow the General Plan; outlines what the challenges will be if this is authorized to move forward, including the need for an environmental review; he believes this project belongs in the City; staff has done their job by telling the Board that this shouldn't be processed through the County.

Supervisor Pinard: addresses her concern with respect to impacts this would have on existing businesses; questions where the additional money from the project will come from; reminds the City Council to look at their General Plan with respect to this project.

Supervisor Ryan: believes there is good reason to look at changing the zoning on this property based on the urban pressures that surround the site; indicates this is a request to look at changing the zoning and is not for approval of a specific project.

Supervisor Ovitt: indicates this property is still in the County and not in the City limits; addresses Prado Road and the way it currently changes from two lanes to one as you get near the Embassy Suites; does not feel that processing this through the County would be precedent setting.

Supervisor Achadjian: questions a recent meeting he heard occurred between the City and the Applicant.

Mr. Dalidio: states he did meet with the City and agreed not to discuss what occurred at that meeting publicly; indicates he was not happy with what he heard.

Mr. John Ewan: Council member for the City of San Luis Obispo, states that did meet and agreed to keep it private.

Supervisor Achadjian: indicates he can go either way with request; indicates he would like to be part of a team to help build a bridge between the City, County and Applicant; suggests setting up a committee with two representatives from the City, two for the Applicant, two Supervisors, planning from the City and County and several other interested parties to meet within a specified time period.

Mr. Ken Hampian: City Administrator for San Luis Obispo, states before they could agree to participating on a committee he would have to take this back to his Council for approval; states the meeting that was held did not have anything "earth shattering" occur.

Chairperson Bianchi: states she could support creating the committee as long as the motion doesn't include authorizing processing; addresses the strong statements made by other agencies with respect to this proposal.

Ms. Jan Howell Marx: Council member for the City of San Luis Obispo, states they are willing to talk but will have to take it back to their Council for a discussion.

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

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

the Board creates a subcommittee with members from the City Council, City staff, County staff, the Applicant and Supervisors Pinard and Achadjian to work on the process and this item is continued to April 16, 2002.

- 15 E-1 This is the time set for submittal of the annual status report on the County Roads Program and review of expenditure policy.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Achadjian and unanimously carried, the Board continues said item to February 19, 2002.

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, January 14, 2002, 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: January 22, 2002
vms