

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 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard, and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2002-27, Proclaiming the week of February 3 through February 10, 2002 as "Mardi Gras Week" in San Luis Obispo County, adopted.

Supervisor Pinard: reads the resolution and presents the same to Ms. Teresa Schmidt and Ms. Moni Gonyer.

Ms. Schmidt: describes the events that will be held in the Mission Plaza on Saturday, February 9, 2002 and invites the Board and public to attend.

Mr. Joe Empey: takes a moment to recognize and thank Ms. Schmidt and Ms. Gonyer for their hard work and dedication to this event; thanks the Board for the proclamation and hands the Board members a cup full of Mardi Gras beads.

2 A-1B **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Pinard, and on the following roll call vote:**

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

NOES: None

ABSENT: None

RESOLUTION NO. 2002-28, commending John Ford for his 26 years of service to the people of San Luis Obispo County, adopted.

Supervisor Bianchi: reads the resolution and presents the same to Mr. John Ford.

Mr. Duane Leib: General Services Director, states it was a pleasure to work with Mr. Ford; indicates he took pride in his job as indicated by the way all the government buildings are kept; states he is also a talented singer; indicates he is honored to recognize his friend and wishes him a long and happy retirement.

Mr. Ford: thanks the Board and Mr. Leib for the experience and opportunity to share his life; states it was a privilege to serve the County and it will always be in his heart.

Chairperson Bianchi: states his smile in the Government Center will be missed.

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

Mr. Eric Greening: addresses Item B-23 relating to the status report on MTBE and thanks staff for working with Water Resources Advisory Committee on this issue; addresses the contamination levels in local lakes and hopes comparable levels do not occur this summer; feels it is up to the industry to adapt to laws that protect our health not vice versa; states "the internal combustion engine will never give us a free ride."

Mr. Andrew Carter: addresses Item B-23; states living in San Luis Obispo he is most

concerned about Santa Margarita Lake since this is the City's water supply; believes motor boats should not be allowed on the lake; feels at a minimum the Board should outlaw 2 stroke engines on the lake. **No action taken.**

4

B-1 Consent Agenda Item B-3 is withdrawn for separate action. Item B-24 is added to the
thru Consent Agenda. **Thereafter, on motion of Supervisor Ryan, seconded by Supervisor**
B-24 **Ovitt, and on the following roll call vote:**

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

NOES: None

ABSENT: None

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

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

Items set for bid opening and hearing:

B-1 Plans and specifications (Clerk's File) for the installation of wastewater holding tanks and sewer line replacement at the Lopez Lake recreation area near the community of Arroyo Grande; 4th District, **Approved and the Clerk is instructed to give notice of bid opening set for February 21, 2002, at 3:00 p.m..**

B-2 **RESOLUTION NO. 2002-29**, setting a public hearing to consider an ordinance calling for a special tax election in County Service Area No. 9, Zone 1 (East of Los Osos Creek) for emergency fire and medical response services; 2nd District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 19, 2002, at 9:00 a.m..**

Administrative Office Items:

B-3 The 2000-01 Year End Report (Clerk's File) which list key accomplishments for all County departments as well as a listing of all performance measures, **Withdrawn for separate action.**

B-4 **RESOLUTION NO. 2002-30**, reviewing Conflict of Interest Codes for the County Administrative Office, **Adopted.**

B-5 **RESOLUTION NO. 2002-31**, setting the County's contribution to CalPERS approved health plans for employees and retirees and a request to approve a corresponding budget adjustment from General Fund contingencies in the amount of \$54,000 to pay for an increased County contribution for retiree health benefits, **Adopted.**

B-6 **RESOLUTION NO. 2002-32**, approving San Luis Obispo County Arts Council's participation in a State Local Partnership Program, **Adopted.**

Auditor-Controller Items:

B-7 Unannounced cash count report of the Mental Health Department conducted on December 14, 2001, **Received and filed.**

B-8 **RESOLUTION NO. 2002-33**, adopting the Countywide Cost Allocation Plan for 2002-03, **Adopted.**

Behavioral Health Items:

B-9 Amended agreement (Clerk's File) with the State Department of Mental Health for services provided through the Conditional Release Program, **Approved.**

B-10 Contract (Clerk's File) with ECHO Consulting Services of California, Inc., to provide software maintenance and support for Mental Health's management information system, **Approved.**

Clerk-Recorder Items:

- B-11 Destroy unaccepted claims for damages against the County of San Luis Obispo and Assessment Appeal applications, **Approved.**
- B-12 Request to destroy County Board of Supervisors resolutions, ordinances and files that have been microfilmed, **Approved.**

General Services Items:

- B-13 Authorize the Director of General Services to execute a permit for use of the Board of Supervisors Chambers by the League of Women Voters, **Approved.**
- B-14 Amended lease agreement with the Pismo Coast Village, Inc., for the operation of a recreational vehicle storage area at the Oceano County Airport, **Approved.**
- B-15 **RESOLUTION NO. 2002-34**, authorizing the purchase real property located in Santa Margarita, adjacent to the Santa Margarita Lake, using Proposition 12 - Per Capita Grant Funds; 5th District, **Adopted.**

Planning Items:

- B-16 **RESOLUTION NO. 2002-35**, accepting an avigation easement from Linda Marie Austin for property located near the Oceano Airport; 4th District, **Adopted.**
- B-17 **RESOLUTION NO. 2002-36**, accepting an avigation easement from Todd Thies for property located near the Paso Robles Airport; 1st District, **Adopted.**
- B-18 **RESOLUTION NO. 2002-37**, approving an open-space agreement granting a development plan by Justin and Deborah Baldwin, located at 11680 Chimney Rock Road in the Adelaida area; 1st District, **Adopted.**

Public Works Items:

- B-19 Agreement with Whale Rock Commission clarifying real property rights pertaining to the easement for the proposed Cayucos Water Pipeline Replacement Project; 2nd District, **Approved.**
- B-20 **RESOLUTION NO. 2002-38**, appointing Wilfred Deschenes to the San Luis Obispo County Flood Control and Water Conservation District Zone 1/1A (Arroyo Grande Area) Advisory Committee, **Adopted.**

Other Items:

- B-21 Appoint Mike Dusi as a District One Representative to the Templeton Public Cemetery District, **Approved.**
- B-22 Contract with Kris Parton, R.N., to provide nursing services at General Hospital, **Approved.**
- B-23 Status report on methyl tertiary butyl ether lake sampling and underground storage tank ordinance revisions, **Received and Filed.**

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

- B-24 Budget adjustment in the amount of \$121,000 from General Fund Contingencies and Equipment Replacement to cover costs associated with a Civil Service Commission hearing, **Approved.**

- 5 B-3 The 2000-01 Year End Report (Clerk's File) which list key accomplishments for all County departments as well as a listing of all performance measures, is presented.

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

Supervisor Pinard: states she has a problem with this document because throughout the it the goals are less than had been achieved in the prior year.

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, Achadjian, Chairperson Bianchi

NOES: Supervisor Pinard

ABSENT: None

the Board receives and files the report dated 1-22-02.

(SUPERVISOR MICHAEL P. RYAN IS NOW ABSENT.)

- 6 C-1 This is the time set for hearing to consider a resolution to vacate a portion of Sixth Street, in the community of Templeton.

Mr. Tim Smith: County Right of Way Agent, presents the staff report, indicating there has been no objections to the request.

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

AYES:Supervisors Ovitt, Pinard, Achadjian, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Ryan

RESOLUTION NO. 2002-39, resolution vacating a portion of Sixth Street, County Road No. 5198, in the Town of Templeton, Supervisorial District No.1, adopted.

(SUPERVISOR MICHAEL P. RYAN IS NOW PRESENT.)

- 7 C-1 This is the time set for hearing to consider a resolution to vacate a portion of Cimarron Way, in the community of Nipomo.

Mr. Tim Smith: County Right-of-Way Agent, presents the staff report and recommendation.

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

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

NOES: None

ABSENT: None

RESOLUTION NO. 2002-40, resolution vacating a portion of Cimarron Way, a purported public road, in the town of Nipomo, Supervisorial District No. 4, adopted.

- 8 C-2 This is the time set for hearing to consider appeals by Karl Wittstrom and Santa Margarita Area Residents Together (SMART) of the Subdivision Review Board's approval of a lot line adjustment/development plan for the construction of roads and 36 residences, located on Norte Road east of Highway 101, adjacent to the community of Garden Farms; 5th District.

Thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt and unanimously carried, the Board continues this hearing to February 5, 2002 at 9:00 a.m..

- 9 C-3 This is the time set for hearing to consider an appeal by the California Department of Fish and Game of the Hearing Officer's approval of a minor use permit/coastal development permit, allowing construction of a single family residence with attached garage, a barn, and a temporary trailer, located in the community of Los Osos; 2nd District.

Ms. Kerry O'Neill: Planning, presents the staff report; addresses the four issues of concern: 1) the parcel was erroneously not considered an environmentally sensitive habitat area (ESHA); 2) a building envelope should be identified and limited to 40% of the parcel and the remaining 60% should be protected through an open space easement; 3) the applicant should be required to secure a permit for incidental take of the Morro Shoulderband Snail from U.S. Fish and Wildlife Service; and, 4) the applicant should be

required to provide a trail easement from Seahorse Lane to Madera Street; describes the site plan; addresses the horse trail situation; indicates the Los Osos Community Advisory Committee (LOCAC) e-mailed Planning on Friday indicating they had no comment on this item and on Sunday another e-mail was sent indicating they were in favor of the appeal.

Board Members: question the use of the trail and liability issues; the incidental take permit; the late response from LOCAC; if the subdivision (Tract 1342) was required to put in trails; the issue of “prescriptive rights” being a civil matter, with staff responding.

Ms. Jan Di Leo: County Parks, addresses the Trails Plan and the intent of the connection; speaks to the issue of “prescriptive rights”; addresses habitat impacts relating to the trails and the loss of trails in the Los Osos area.

Ms. Debra Hillyard: Appellant, representing the State Department of Fish and Game, indicates there have been comments relating to a possible conflict of interest because she boards two horses in the area; assures the Board she has no possessory interest in the property; states this project was processed as a Negative Declaration; it was not submitted to the State Clearing House or Fish and Game and therefore, Fish and Game had no opportunity to review the project; states they filed the appeal to have issues addressed; indicates they do not believe all impacts were identified or the resources were correctly interpreted from the biological surveys; they don’t believe impacts have been mitigated to a level of less than significant and suggests conditions to help accomplish this; addresses the snail survey; presents slides to the Board showing the area, vegetation and habitat; indicates they would like to work with the County regarding the trial issue and would like to see a trail maintained going west.

Mr. Jeff Edwards: representing the Applicant, states the property does not have vegetation except where it was fenced off and there is no impact to resources; indicates the conditions of approval are acceptable to the applicant except for the added condition relating to the incidental take permit; states Conditions 9, 10, and 11 contained in the original Minor Use Permit approval on page C-3-23 and C-3-24 are the acceptable conditions; indicates staff did not collect Fish and Game fees because there were no Fish and Game issues; introduces Mr. Ty Greene, Attorney for the applicant.

Mr. Green: states he is surprised at the issues being brought forward; states if there was a condition to dedicate a trail it would be considered “a take”; addresses the “prescriptive right” issue; speaks to the condition relating to the incidental take permit before occupancy.

Mrs. Cindy Tarver: Applicant, states they have shown a willingness to protect the habitat by putting up the fence; indicates no removal of habitat will occur in order to build their home.

Mr. Richard Tarver: Applicant, speaks to the incidental take permit; states there is no determined buffer for protecting the snails; urges the Board to remove the condition relating to the incidental take permit.

Ms. Sharon Kroll: states she is in support of the Tarver’s request; states the equestrian trail on the Tarver’s property was a generous offer of permission by the Tarver’s; addresses other trails in the area; believes if the applicants are allowed their permit they will reopen the trail until something more appropriate is instituted.

Ms. Margie Hedrick: addresses alternative trails in the area; states the Tarver site is not land locked as it appears in the Fish and Game report; feels the Tarver’s are environmentally aware and responsible people; feels the neighbors should respect the Tarver’s private property rights.

Ms. Julie Duncan: states she agrees with Ms. Hedrick; states the proposed project site has been mowed at least once a year prior to the Tarver’s purchase.

Ms. Barbie Breen Gurley: states she has always allowed, by permission, equestrians passage on her property; requests that the Board not take away the ability to have a continual trail linking the east parts of Los Osos to the west beach.

Ms. Valerie Powell: states she is in favor of the appeal by Fish and Game; addresses the trails in the area and coastal beach access; urges the Board to reopen the trail on the applicant's property which would uphold the complete intent of the appeal.

Ms. Joan Day: states she has used this trail since 1970 and indicates it has provided safe access for many; addresses the community mission statement and urges the Board to support it.

Ms. Gretchen Moreno: addresses the number of horses in the area; states they would be willing to look into dedicating an easement through their property; indicates they have set aside half their property to open space; addresses the trails in the area and the importance of keeping a multi-use, coastal access trail system within the greenbelt of Los Osos; hopes this issue will not go any further in the appeal process and mediation will take place.

Ms. Susan McElhinney: addresses the trail issue and the need for good safe trails.

Ms. Kathy Longacre: states diminishing coastal access is a Countywide problem; urges the Board to include a condition to provide coastal access.

Ms. Kathy Koch: states she supports the appeal by Fish and Game and requests the Board complete the process of updating the Land Use Element; reads a letter by Ms. Nancy Graves supporting the Los Osos Community Trails Committee in their efforts to develop the Los Osos Greenbelt and community trails network.

Chairperson Bianchi: continues this item to the afternoon calendar.

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.*

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) *2) 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. 3) Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases 2.*

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

Thereafter, 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 items not set on the agenda.

Mr. Brad Brown: addresses PEG access and his concern for equipment and facility access.

Mr. Bob Roos: addresses the Florence Street Bridge in Templeton; indicates this bridge serves as a primary route for children to get to school; urges the Board to look into this issue to make a pedestrian walkway; feels this should be a high priority project.

Dr. Terrell Foster: speaks to the Sanctity of Life Day in the City of San Luis Obispo.

Mr. George Layman: speaks to advisory groups and feels several people on these boards have their own agenda.

Ms. Peggy Wilson: states Spay Day will be here soon; addresses the money saved due to this awareness and thanks the Board for their continued support. **No action taken.**

12 CS 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.

Ms. Eileen D. Wilks: feels this issue is hypocritical; states she has witnessed equestrians making their own path through her property with no concern for the habitat.

Mr. Donald Crawford: states the portion of the applicants' property that is not fenced in is a pasture with no plant life of any significance; states people have been trying to make horse trails in environmentally sensitive property near his home.

Ms. Pam Ruppert: states the proposed home site has been mowed every year; indicates the Tarvers closed the trail because their property rights have been threatened; states she supports the Tarvers.

Mr. Cayetano D. Moreno: states he supports the Fish and Game appeal; describes what they did on their property in order to protect the snail; explains the behavior of the snail; encourages the Board to reopen this historic, established trail.

Mr. David Dauer: addresses the trails in the area; states he's in favor of keeping the current trail open; indicates he would like to see the trail dedicated to the County.

Mr. Babak Naficy: Attorney for the Environmental Defense Center, addresses his concern regarding what he sees as a trend for this Board protecting private property rights at the expense of being stewards for sensitive species of the County; addresses the issue of Environmentally Sensitive Habitat Area (ESHA); urges approval of the appeal.

Mr. George Layman: speaks to the rights of people; states if there is an easement on your property such as a horse trail the County should be liable.

Ms. Dorothy Jennings: speaks to the policy and philosophy of the County relating to trails; states there needs to be a way to ensure trails, bikeways and walkways because they are essential to the spiritual renewal of every human being.

Ms. Pandora Nash-Karner: Chairperson of the Parks and Recreation Commission, states she is in support of the Tarvers' property rights as well as parks, trails, and recreational opportunities; describes the trails in the area; states there are four issues at stake today: 1) coastal access; 2) the opportunity to create a managed trail network that respects the rights of private property; 3) the need to move planning documents through the process much quicker; and 4) a commitment to see the value of parks and recreation both passive and active for the larger good of a society.

Mr. Jeff Edwards: Representing the Applicants, addresses three points: 1) the Tarver's plan has been done to respect the ESHA; 2) the contribution of a trial and what should occur before that happens; and 3) the habitat conservation plan requirement; urges the Board to deny the appeal and uphold the Minor Use Permit approval including the conditions that were attached to that approval.

Ms. Hillyard: Appellant, states Fish and Game is not opposed to the project but, the appeal process was used by Fish and Game to revise habitat issues; they would like the County to recognize the botanical report and snail surveys; they would like all ordinances and standards that apply to the area to be applied to this parcel; addresses a conservation easement; they support the requirement of a Fish and Wildlife service permit for the project; states they would like to see the trail issue resolved; indicates they would like the Board to consider adding conditions to the project that will bring the property owner into conformance with Federal Law.

Board Members: discuss various issues, comments and concerns regarding: the trail issue; the taking of snails by horses stepping on them; the percentage of preserved land on the applicants' property; the need for Los Osos to have a good multi-use trail system; the Board must work with the rules and maps that have been approved; policy of not requiring a trail across someone's property; the conflict of interest relating to Ms. Hillyard's horses being boarded in the area; liability of the trail; if the appeal was denied would the Tarvers open the trail, with staff responding.

Mr. Matt Janssen: Environmental Specialist, states if the Board decides to go with the

original conditions staff recommends a minor amendment on page C-3-23 No. 9, at the end of the paragraph delete the language “and the contact person is Ron Popowski”; indicates this person no longer works there.

Mr. Edwards: states the applicant’s intention is to open the trail by permission.

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

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

NOES: None

ABSENT: None

the Board denies the appeal in its entirety and adds new Conditions 9) This permit does not provide authorization for the incidental take of the Morro Shoulderband Snail. If a Morro Shoulderband Snail enters the work area, the applicant must stop work until the snail leaves the project area on its own. If a Morro Shoulderband snail is found within the work area, you must also contact the Ventura Fish and Wildlife Office of the U. S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003; 10) A qualified biologist (from the County’s approved Morro Shoulderband Snail Biologist list) shall conduct a brief training session for all personnel immediately prior to commencement of all construction activities. The training shall include a description of the Morro Shoulderband Snail and its habitat, the provisions of the Act, the importance of the Morro Shoulderband Snail and its habitat, the specific measures that are being implemented to conserve the Morro Shoulderband Snail as they relate to the project, and the boundaries within which the project may be accomplished. Brochures, books and briefings may be used in the training session. Only trained staff shall be allowed to work on the site; and 11) Prior to onset of project activities, the boundaries of the project area shall be clearly delineated by fence and flagging to prevent workers or equipment from inadvertently straying from the project area; as shown on page C-3-23 and C-3-24 from the Hearing Officer’s approved staff report making the new Conditions 1 thru 13.

- 14 C-5 This is the time set for hearing to consider a resolution amending the Non-Disposal Facility Element of the Integrated Waste Management Plan to allow the facility to accept increased amounts of green waste material; All Districts.

Ms. Mary Whittlesey: Public Works, presents the staff report and recommendation.

Supervisor Pinard: questions how they will monitor the greenwaste for contamination, with Ms. Whittlesey responding.

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, Pinard, Achadjian, Chairperson Bianchi

NOES: None

ABSENT: None

RESOLUTION NO. 2002-41, amendment to the Solid Waste Non-Disposal Facility Element, adopted.

- 15 C-4 This is the time set for hearing to consider an appeal by the City of Paso Robles and Pat Bello of the Planning Commission’s decision to approve a development plan/reclamation plan to allow the operation of a sand and gravel surface mine, located at 9635 Creston Road, Huer Huero Creek; 1st District.

Mr. Eric Wier: Planning, presents the staff report; describes the area; presents the appeal issues raised by Ms. Pat Bello including: 1) pipeline buffer zones to impact water flow along Huer Huero Creek; 2) limiting hauling days to 40; 3) removal of stockpiles at the completion of the mining season; 4) limit the number of mining days; 5) mechanism for ensuring the number of truck trips and the routes they take; and 6) safety concerns for users of rural roads; and the issues raised by the City of Paso Robles include: 1) the lack of cumulative traffic impact analysis; 2) the impact of truck traffic on the Highway

101/46 interchange; 3) safety of students sharing roads with trucks, specifically near Paso Robles High School; 4) cumulative impact of trucks using Niblick Road bridge; 5) safety at the Creston and Charolais Road Intersection; 6) adequacy of pavement sections for heavy trucks; 7) lack of mechanism for ensuring the number of truck trips and the routes they take being consistent with the conditions of approval; 8) lack of provisions to ensure that trucks are washed down to remove loose sand and gravel before the trucks leave the mining and loading locations.

Ms. Pat Bello: Appellant, states her concern for extracting 60,000 cubic yards instead of 40,000; indicates she would like to see the conditions include number of mining days designated; states maybe it would be better if they hauled more days with less trips each day; addresses safety concerns.

Mr. Bob Latta: Appellant for the City of Paso Robles, addresses the City's concerns regarding the traffic analysis; indicates there is a need for an adequate turn pocket at the corner of Creston and Charolais.

Mr. James Heggarty: Paso Robles City Council, feels there should be an equal number of trips between Templeton and Paso Robles; urges a no truck zone on the school route between the hours of 11:30a.m. to 1:00p.m.

Ms. Ashley Lightfoot: Director of Operations for Paso Robles Schools, states the Districts position is not in opposition to the mining operation; addresses the concern for the Niblick corridor being used by increased vehicular traffic; speaks to the location of the high school and the safety of the students.

Mr. Bob Kober: Union Asphalt, states Union Asphalt has gone through the environmental review process and meets all the County thresholds; indicates they received approval from the Planning Commission; states this is not an everyday operation it's only 40 days a year; there are five different routes proposed; indicates traffic engineers have concluded that their truck traffic will have an insignificant impact on the proposed travel routes; states this is a responsible project that will provide a valuable local resource to the community.

Mr. Eric Greening: addresses the Highway 41/101 interchange in Atascadero; speaks to grid lock in that area; feels an EIR should be done for this project.

Mr. John Sargent: Templeton Area Advisory Group, states they do not support the appeal; indicates there have been several traffic studies done; requests if the Board does decide to reopen this issue he would like other intersections in Templeton included in the new traffic studies.

Ms. Lorraine Scarpace: hands the Board a letter from Life on Planet Earth; describes the project; feels it will have significant environmental impacts; states the only way to address these inadequate analyses, omissions of fact, and significant environmental impacts is to require that a full EIR be prepared.

Ms. Pam Heatherington: feels this project warrants more scrutiny than a Negative Declaration; believes there are significant impacts and urges the Board to uphold the appeal and require a full EIR on all issues.

Ms. Dorothy Jennings: feels all five routes should be reviewed; addresses her concern regarding safety issues; urges further study be done including all five routes.

Mr. Kolber: addresses the concerns of the public; speaks to the validity of the data presented and the impact this project will have; addresses concerns regarding the number of trips through Paso Robles versus Templeton; states the Highway 41/101 interchange will be used as a return route only; indicates the County needs this local resource; addresses the environmental impacts.

Chairperson Bianchi: asks if Mr. Kolber is willing to agree not to drive by the high school during the lunch hour, with Mr. Kolber agreeing.

Mr. Lightfoot: addresses the increased truck traffic; indicates one of the reports mentions an agreement with the Paso Robles School District and as far as he knows there is no

agreement; feels heavy loaded gravel trucks do not come under the definition of “minuscule”; indicates they would like to see the hours of 11:00 a.m. to 1:00 p.m. as a no truck time on the school route.

Mr. Latta: states the concern remains regarding increased traffic; old data being used; safety; and no analysis on the level of service; states they are not in opposition to sand mining however, they are concerned with adequate mitigation.

Ms. Bello: questions if the trips will be monitored; if there is a limit to the number of mining days, will the stockpiles be left all year long, with staff responding.

Board Members: discuss various issues, comments and concerns regarding: the traffic reports; limiting the mining days; flow analysis of the river; surface mining being allowed; the rapid growth of Paso Robles and how they are benefitting from the mining of aggregate.

Mr. Wier: suggests Condition No. 34 on page C-4-22 be amended by adding the hours 11:00 a.m. to 1:00 p.m..

Mr. Keith Miller: Planning, indicates staff is not saying there are no impacts; states the report suggests certain mitigation measures all of which have been included in the conditions of approval; monitoring efforts are in place.

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

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

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

NOES: None

ABSENT: None

the Board denies the appeal and amends page C-4-22 Condition No. 34 by adding the hours 11:00 a.m. to 1:00 p.m. and RESOLUTION NO. 2002-42, resolution affirming the decision of the Planning Commission and conditionally approving the application of Union Asphalt, Inc. for Development Plan and Reclamation Plan D990218D, adopted as amended.

16 C-6 This is the time set for hearing to consider an appeal by Peggy Wilson and Pamela Dean of the Planning Commission’s approval of a minor use permit application to allow construction of a 15,380 square foot community center building, located at 1936 Wilmar Avenue in the community of Oceano; 4th District.

Mr. Bill Roalman: Planning, presents the staff report; describes the location of the Oceano Community Center and the issues of the appeal as follows: 1) parking; 2) inconsistent with the County’s designated use requirements and site access requirements; 3) there is no prohibition of alcohol in the Conditions of Approval; 4) Mitigated Negative Declaration being used instead of an EIR; 5) the project is inconsistent with CEQA; 6) phasing; 7) traffic and noise; 8) poorly defined project scope; 9) Rural Community Assistance Program; 10) loss of the park; 11) drainage impacts; staff recommendation is to deny the appeal and approve the project.

Ms. Jan De Lio: County Parks, describes how this project fits into the overall plan; indicates Parks is working with the Oceano Community Center Board to help with grant applications; states they are committed to this project.

Ms. Peggy Wilson: Appellant, describes the foreseeable long term cumulative impacts; addresses the impact of noise and how it will affect the health of the neighbors; feels this Community Center will draw large crowds and parking will become a problem; indicates they strongly oppose the use of alcohol; states her concern for the safety and comfort of the neighbors; feels park resources are insufficient; states the document refers to phasing and feels the scope of the project is poorly defined; addresses her concern for drainage and site access; addresses traffic patterns and pedestrian safety; states if this project is approved she would like the Conditions of Approval to include: 1) a drug free

Community Center with adequate parking; 2) all funding in place before commencement; 3) a noise prevention mechanism; and 4) no outdoor sound amplification; urges the Board to refer this project back to staff for an EIR.

Ms. Ruth Brackett: Applicant, indicates this project is in compliance with CEQA; introduces Mr. Fred Sweeney.

Mr. Fred Sweeney: addresses the Community process; speaks to the designation of the type of facility and the parking issues; indicates they plan to meet all requirements put on them by the Planning Commission; states drainage will be improved by this project.

Ms. Barbara Carey: Executive Director of the Oceano Community Center, addresses the “mission” of the Community Center; indicates the Planning Commission unanimously approved their Minor Use Permit; addresses the use of alcohol and indicates it will only be served at certain events; states there is no relationship between the People’s Self Help Housing Project and the Community Center as alleged by the appellant; indicates the meetings of the Community Center Board have always been open to the public.

Ms. Nina Nigranti: addresses the CEQA issues; states there are no violations and any potential impacts will be mitigated; urges the Board to deny the appeal.

Ms. Brackett: states this project is centrally located to augment other facilities; indicates this is a perfect place for a Community Center; states this is not a phased project; the project is clearly defined and they have agreed to all the conditions of approval; urges the Board to uphold the Planning Commission’s approval and deny the appeal.

Mr. Gordon Shore: urges the Board to approve the project; states it is centrally located and there is a lot of enthusiasm for it in the community.

Mr. Ed Tabet: reads a letter he wrote to Assemblyman Maldonado in favor of the Community Center.

Mr. Rick Searcy: presents the Board with a petition in favor of the project; feels this project will reduce crime in the area; urges the Board to support this project.

Mr. Rudy Gutierrez: addresses the need for this project.

Mr. Ernesto Rosas: addresses the importance of having a Community Center.

Mr. Diego Fabien: addresses the need of having a Community Center and the positive impact it will have.

Mr. Russ Moran: addresses his concern relating to traffic; indicates he wants to make sure all requirements have been met; feels an EIR should be done; states he does not want to see alcohol served at the Center.

Mr. Brian Reynolds: urges the approval of the project.

Mr. Lon Michalski: reads a letter from Mr. Aureliano Rodriguez opposing the project; feels it is easier to find another site for a Community Center rather than to find another site for a park; urges the Board to do the right thing and uphold the appeal.

Ms. Carey: states Mr. Rodriguez is not a resident of Oceano; indicates this project has been in the public process for some time.

Ms. Pamela Dean: reads a letter from Mr. Greg Jenkins indicating he was turned away from the December meeting of the Oceano Community Center Board of Director’s; urges the Board to honor the public access process and revisit this Community Center project.

Ms. Wilson: questions if the County Parks and Recreation Commission held a hearing on the loss of the park in Oceano; asks if the petition handed to the Board addresses the use of alcohol or the removal of earth; addresses the representation of non-Oceano residents here to present this project; indicates they are concerned for the community’s well being; urges the Board to uphold their request for an EIR; states anything that is worth doing is worth doing right.

Chairperson Bianchi: directs staff to correct the spelling of the street name in the staff report from “Wilma” to “Wilmar”.

Board Members: discuss various issues comments and concerns regarding: not allowing hard liquor; seating for the gym; noise and light mitigations; the need for a permit for the use of alcohol; the use of security personnel; shared parking.

(SUPERVISOR PEG PINARD IS NOW ABSENT.)

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, Chairperson Bianchi

NOES: None

ABSENT: Supervisor Pinard

the Board denies the appeal and RESOLUTION NO. 2002-43, resolution affirming the decision of the Planning Commission and conditionally approving the application of the Oceano Community Center, Inc. for Minor Use Permit D000429P, adopted.

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 22, 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/Cherie Aispuro,
Deputy Clerk-Recorder

DATED: 01/31/2002

cla

-