

Tuesday, August 20, 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, and Chairperson Shirley Bianchi

ABSENT: Supervisor Michael P. Ryan

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON BIANCHI.

SUM _____ AGN

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

Mr. Eric Greening: addresses Item B-16 indicating he is in full agreement with the Board requesting an open hearing regarding the issues surrounding dry cask storage being proposed at the Diablo Canyon Nuclear Power Plant; speaks to Item B-13 regarding the Grand Jury Final Report relating to Negative Declarations. **No action taken.**

B-1 Consent Agenda Item B-6 is amended by correcting the coversheet to read "Request to
thru approve a contract with the County Office of education to provide a Supervisor Probation
B-16 Officer, four Deputy Probation Officers and one half-time temporary Deputy Probation
Officer at community schools for supervision and transportation of students.
(RECOMMEND APPROVAL AND INSTRUCT CHAIRPERSON TO SIGN.) Item B-
16 is added to the Consent Agenda.

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

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

Consent Agenda Items B-1 through B-16 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-16, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

B-1 Plans and specifications (Clerk's File) for the Cambria Cooperative Roads Project; 2nd District, **Approved and the Clerk is instructed to give notice of Bid opening set for September 19, 2002, at 3:00 p.m..**

General Services Items:

B-2 An extension of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**

B-3 **RESOLUTION NO. 2002-324**, authorizing the purchase of 2.52 acres located at 910 Aero Drive within the incorporated area of the City of San Luis Obispo and a request to approve a budget adjustment in the amount of \$1,500,000 from the General Fund, which will be reimbursed with customer facility charges, **Adopted.**

Medical Services Items:

B-4 Contracts with Dale Rowland, M.D., and Richard Macias, M.D., to provide physician call

coverage to pediatric patients of General Hospital, **Approved.**

- B-5 **RESOLUTION NO. 2002-325**, amending the position allocation list for Budget Unit 6000 - Medical Services adding the option of Administrative Services Officer I/II to the Supervising Nurse position, **Approved.**

Probation Items:

- B-6 Contract with the County Office of Education to provide a vocational teacher and a counselor/case manager at the Mountain View Vocational Community School site, **Approved as amended.**

Public Health Items:

- B-7 Agreements (Clerk's File) with AIDS Support Network, Planned Parenthood, and the Economic Opportunity Commission to provide HIV education programs and prevention services to the at-risk population, **Approved.**
- B-8 Agreements (Clerk's File) with the Economic Opportunity Commission to provide HIV prevention services at a youth drop-in center in Nipomo and HIV education services to the Latino population countywide, **Approved.**
- B-9 The Child Health and Disability Prevention Program (Clerk's File) and the California Children's Services Plan (Clerk's File) for fiscal year 2002-2003, **Approved.**

Other Items:

- B-10 Allocation of \$1,500 from District Four Community Project Funds to the Nipomo Chamber of Commerce to be used for the 2002 October Festival, **Approved.**
- B-11 Contract (Clerk's File) with Sam Kenyon, dba 720 Studios to provide automation services supporting the department's internet database, **Approved.**
- B-12 Report on the review of the Chalk Mountain Golf Course concession for calendar years 2000 and 2001, **Received and Filed.**
- B-13 Responses to the 2001-02 Grand Jury Final Report, **Approved.**
- B-14 **RESOLUTION NO. 2002-326**, accepting Ash Street from Pine Avenue, to Broderson Avenue, Los Osos into the County's Maintained Road System; 2nd District, **Adopted.**
- B-15 **RESOLUTION NO. 2002-327**, approving the application for funds under the Voting Modernization Bond Act of 2002, **Adopted.**

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

- B-16 Letter from the Board of Supervisors to the Nuclear Regulatory Commission (NRC) asking for a full and open hearing on September 10 and 11, 2002 regarding above ground, dry cask storage issues, **Approved.**

- 3 C-1 This is the time set for hearing to consider a resolution to terminate maintenance of a portion of Front Street in the community of Avila Beach; 3rd District.

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

Supervisor Pinard: wants to clarify for the public that this is not a road vacation

Ms. Maureen Coscia: questions who will be responsible for the road maintenance, with Mr. Smith responding.

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, Ovitt, Chairperson Bianchi
NOES: None
ABSENT: Supervisor Ryan

RESOLUTION NO. 2002-328, resolution terminating maintenance of a portion of Front Street, County Road No. 2076 in the Town of Avila Supervisorial District No. 3, adopted.

4 C-2 This is the time set for hearing to consider a resolution of necessity for acquisition of property by eminent domain for the Oak Shores Effluent Pond Project; 1st District.

Mr. Tim Smith: County Right of Way Agent, presents the staff report; states there was an error in the legal description and hands the Board a revised exhibit "A"; presents a brief history of the Disposal Facility; states the Regional Water Quality Control Board (RWQCB) supports the proposed site; indicates the negotiations with the owner of the property are at an impasse; states County Government Code guidelines allow the County to proceed through eminent domain however, staff will continue to negotiate with the property owner.

Supervisor Ovitt: questions if the ponds already exist under an easement arrangement and if the project ever goes away will the property revert back to the property owner, with staff responding.

Mr. Tim Bean: Property owner's son, indicates they have two concerns: 1) the economic loss of land and 2) the environmental contamination to the lake.

Mr. Smith: states the RWQCB requires the expansion and has approved the site.

Mr. Noel King: County Engineer, states he wants to reinforce the fact that staff has worked with the RWQCB for several years; they have been putting pressure on the County to codify this project.

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

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

RESOLUTION NO. 2002-329, resolution of necessity for the Oak Shores Effluent Ponds Supervisorial District No. 1, adopted.

5 C-3 This is the time set for hearing to consider proposed amendments to the General Plan - Land Use Element: **A. GO10009M** - Terry Romero/James Merzon - a request to amend the San Luis Obispo Area Plan by changing the land use category on an approximately 6-acre site from agriculture to industrial, change the Open Space Element from agriculture to urban lands, and move the Urban Reserve Line to include this property, located at 4850 Broad Street, south of the City of San Luis Obispo, in the San Luis Obispo planning area; 3rd District. **B. GO10002N** - County of San Luis Obispo - a request to amend the San Luis Obispo Area Plan by adding planning area standards to the San Luis Obispo Rural Area, agriculture, residential rural, and residential suburban land use categories for properties generally located along O'Connor Way north of West Foothill Blvd, and south of Camp San Luis Obispo Military Reservation; 2nd District. **C.** Adoption of all amendments given tentative approval (Summer General Plan Amendment Cycle - 2002).

GO10009M is presented.

Ms. Lynda Auchinachie: Planning, presents the staff report; describes the project location and indicates the applicant is requesting this change from agriculture to industrial

to allow for a mini storage.

Matter is fully discussed and thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian, with Supervisor Ryan being absent motion carries and the Board tentatively approves GO10009M - Terry Romero/James Merzon, as recommended by the Planning Commission.

GO10002N is presented.

Ms. Auchinachie: presents the staff report; addresses the existing land issues and presents a brief history of the proposal; indicates staff recommends the Board approve the revised proposal presented today in a letter from the O'Connor Way - West Foothill area Residents' Association.

Mr. Raymond Roti: states they agree with a lot of the Association opposition, however, feels the Standards that are in place in the County are adequate.

Mr. Michael Zohns: thanks staff for working with the Association; presents a timeline of meetings and workshops that have occurred; feels the Planning Commission didn't understand what the Association was about and denied something that was requested by the Board of Supervisor's; indicates in a proposed revision the agriculture area is left alone; states the make-up of the Association represents more than half the property owners and thanks the Board for requesting this General Plan Amendment.

Ms. Cindy Wallace: Presents a map and statistics indicating the representation of land owners in the area that are members of the Association.

Ms. Linda Zohns: addresses the number of meetings and workshops held relating to this issue; indicates the Association has done everything the Board and staff have asked them to do and hopes the Board approves this General Plan Amendment.

Ms. Pat Pepperell: addresses the fragile water issues in the area.

Mr. John Wallace: reminds the Board of the severe resource constraints in the area; states the argument at the Planning Commission hearing was that the existing Standards work; feels the Planning Department does not have the staff to enforce conditions of approval and people should be told up front that their projects will not be allowed in certain areas; urges the Board to not let this area become institutionalized.

Mr. Tim Carmel: thanks staff for their participation; indicates he strongly supports the proposed Standards and urges the Board's support.

Mr. Ken Brooks: addresses the closure of O'Connor Way and indicates it increases the desire to live in the area.

Mr. Leo Dumouchelle: states his concerns for the quality and quantity of water; addresses the water use of the Laureate School; urges the Board to limit commercial use so that the existing property owners can survive.

Mr. Mike Sparrow: states he is a member of the O'Connor Way-West Foothill Area Residents' Association; indicates he has never been invited to a meeting; states he supports most of the Association's concerns, however, he is frustrated by the level of opposition; states churches are being squeezed out of the San Luis Obispo Airport area and they have to look in the rural areas to find affordable land; urges the Board not to restrict churches.

Mr. John Belsher: states the General Plan Table "O" system has been the "constitution" for this County; indicates these proposed area Standards have been drafted without benefit of environmental review; reminds the Board that the Planning Commission voted unanimously to deny these Standards because they did not agree with the limitation on uses; addresses the unfairness of requiring special conditions to non-residential projects; encourages the Board to allow them more time to review the proposed changes.

Ms. Ellen Weinstein: states she echos the statements of Mr. Belsher.

Ms. Lisa Carmel: states churches have been taken off the “limitation on use” list; addresses the natural beauty of the Chorro Valley; states they bought their property knowing the limited water resources situation and were willing to put up with it in order to live in this beautiful area; indicates there is no water in this area.

Mr. Joe Tonascia: feels the proposed changes should have been presented at the Planning Commission hearing; addresses property owner rights; urges the Board to uphold the Planning Commission’s recommendation; states he does not want any Area Standards on Ag zoning.

Mr. Bob Newby: questions what the Board will be voting on; feels studies for non-residential use shouldn’t be included in the standards.

Mr. Wallace: clarifies the modifications of the Agriculture Zone.

Chairperson Bianchi: questions if the Association wants the Board to accept staff’s limitations on agriculture, with Mr. Wallace agreeing.

Supervisor Achadjian: questions if this will effect the Agape Church project, with staff responding.

Supervisor Ovitt: questions if the pages of the staff report are consistent with the letter from the Association.

Mr. Tim McNulty: addresses the “effective date” states it would be clearer to add the words “as complete” when referring to the effective date to differentiate between an application that has just been filed with those that have been completed for processing.

Ms. Griffin: the Board may want to add that the Standards would only apply to non-residential “discretionary” land use permits; indicates that would take out barns etc. that are not consider residential.

Chairperson Bianchi: states the chart on page C-3-94 is the same as the text in the letter from the Association; she was startled with the Planning Commission’s recommendation; feels the Board needs to follow their own direction and approve the Standards; states agriculture will stay as it is now and rural residential and rural suburban standards will be the same as found on page C-3-94 with the change of adding the word “existing” before the words “outdoor sports and recreation facilities” as suggested by Supervisor Ovitt.

Ms. Auchinachie: states staff recommendation does limit some uses in agriculture.

Ms. Griffin: states she would list the clarifications the Board has made to the exhibits which may help in making a motion; indicates the first change would be on page C-3-97 AGRICULTURE A. O’Connor Way/West Foothill Area, in the introduction paragraph after the word “accepted” add the words “as complete”; delete 2 through 7 on page C-3-98 on the Standards for agriculture; on page C-3-99 add “as complete” again in the introduction paragraph under C. O’Connor Way/West Foothill Area and add the word “existing” before the word “outdoor” in the last line in 1. Limitation on Use and clarify in both Water Supply and Traffic Report that the word “discretionary” would be added after the word “non-residential”; on page C-3-100 add the words “as complete” in the introduction paragraph after the word “accepted” and clarify in both Water Supply and Traffic Report that the word “discretionary” would be added after the word “non-residential”.

Supervisor Ovitt: questions if this would allow the Jewish Community Center and the Agape Church to continue to move forward with what they have been approved to do, with staff responding.

Mr. Belsher: states his understanding for the Jewish Community Center Property is it would continue to have outdoor sports and recreation use allowable and that if in the

future they decided to add or subtract to the current campus plan it would be allowed, however, they would have to come back and seek a development plan approval.

Supervisor Ovitt: questions if that is the understanding of staff , with staff agreeing.

Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian, with Supervisor Ryan being absent, motion carries and the Board amends the Proposed Planning Area Standards as follows: on page C-3-97 AGRICULTURE A. O'Connor Way/West Foothill Area, in the introduction paragraph after the word "accepted" adds the words "as complete"; deletes 2 through 7 on page C-3-98 on the Standards for agriculture; on page C-3-99 adds "as complete" again in the introduction paragraph under C. O'Connor Way/West Foothill Area after the word "accepted" and adds the word "existing" before the word "outdoor" in the last line in 1. Limitation on Use and in both 2. Water Supply and 3. Traffic Report the word "discretionary" would be added after the word "non-residential"; on page C-3-100 adds the words "as complete" in the introduction paragraph after the word "accepted" and in both 2. Water Supply and 3. Traffic Report the word "discretionary" is added after the word "non-residential" and tentatively approves GO10002N, as amended by this Board.

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

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

RESOLUTION NO. 2002-330, resolution to amend the San Luis Obispo County General Plan, Land Use Element, to adopt ordinances entitled "An Ordinance Amending Specific Sections fo the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code" and to approve environmental documents, adopted as amended.

6 C-3 **Thereafter, on motion of Supervisor Pinard, seconded by Supervisor Achadjian and on the following roll call vote:**

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2975, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.

7 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 Bankruptcy*, 2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, 3) *NRC proceedings Concerning Spent Fuel ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* 7) *MCI Worldcom v. County of San Luis Obispo* and 8) *Life on Planet Earth 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.

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: 6) Negotiator's Name: *Avery/Arrona/Wilkison*
Name of employee organization: *SLOCEA - Public Services, Supervisory, Clerical, Trades & Crafts, Unrepresented Management.*

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 as no final action was taken and the Board goes into Open Public Session.

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

Mr. Eric Greening: addresses Parks and Recreation Element Update; states his concerns for the lack of diversity on the "team" (citizens advisory committee); urges the Board to put this item on a future agenda for discussion.

Mr. Michael Kovacs: addresses wasteful spending and the need for accurate financial reporting.

Ms. Linda Hall: commends Mr. Kovacs for his concerns relating to the County's financial status and states it all boils down to what people want and money issues; commends the Board for their part in dealing with these challenging issues.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, August 20, 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: 08/23/02
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