

Tuesday, November 5, 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-A **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. 2002-423, resolution proclaiming November 2002 as "National Hospice Month" in San Luis Obispo County, adopted.

Chairperson Bianchi: reads the resolution and presents the same to Ms. Donna King and Ms. Janet Jeffrey.

Ms. King: thanks the Board for the proclamation; speaks to their volunteers and being very proud of them.

Ms. Jeffrey: Hospice Director, speaks to the growth of the organization over the past five years, the increase in their staff and the number of families/people they have assisted to date.

Supervisor Pinard: speaks to her personal experience, indicating she had two deaths in her family this year and thanks Hospice for all they did for her and her family.

2 A-2 **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

the Board approves the presentation of the Employee Service Recognition Awards.

Mr. Richard Greek: Personnel Director, introduces Cecilia Deines-Auditor-Controller and Marina R. Michael-Public Health as the recipients of the **20-Year Service Awards**; with Ms. Trish Stamper, Personnel, presenting each with their service pin.

25-Year Service Awards to Jim Grant-Administration, Paul H. Allen-Air Pollution Control District, Bonnie J. Trahan-Information Technology Department, Sandra L. Darby-Library, David L. Mayfield-Mental Health, Victoria D. Carlson-Public Health, Arthur R. Ludwick-Public Works, Steven Frank-Public Works, Patrick Hedges-Sheriff/Coroner, Robert E. Bullock-Sheriff's Department, Sylvia Perrette-Sheriff's Department, Susan D. Fuller-Social Services and Donna L. Morris-Treasurer/Tax Collector's Office, with Ms. Stamper presenting each their service clock.

Mr. David Edge: County Administrative Officer, introduces Mr. Jim Grant, indicating he joined the County in 1977 and worked in Social Services, in 1982 moved to Emergency Services and joined the Administrative Office three years later; speaks to Mr. Grant's current duties and states it is his good fortune to have Mr. Grant on his team.

Mr. Jim Grant: thanks the Board for the recognition; states he likes his job because of all the great folks he works with at the County.

Mr. Larry Allen: Air Pollution Control District Officer, introduces Mr. Paul Allen indicating he has worked with him for more than 20 years; outlines Paul's duties since 1977; when he started there were only three staff members and the current staff is 24; outlines Paul's current duties and speaks to his leadership role in the department.

Mr. Paul Allen: thanks the County and department for the recognition and states that he has enjoyed this opportunity to work in public service.

Mr. Patrick Lieser: Information Technology Department, introduces Ms. Bonnie Trahan and highlights her duties when she first began in the department and how those have changed over the years.

Ms. Bonnie Trahan: states she has really enjoyed working with her extended family here at the County.

Mr. Brian Reynolds: Library Director, speaks regarding Ms. Sandra Darby (who is on vacation) and addresses her duties at the South County Library.

Mr. Brad Sunseri: Mental Health, introduces Mr. David Mayfield and outlines his duties which include working with the youth in our County.

Mr. David Mayfield: states he has lived here for 28 years and speaks to witnessing miracles on a daily basis with respect to his work with the children in the County.

Dr. Greg Thomas: Public Health Director, introduces Ms. Victoria Carlson and speaks to her nursing services over the years and various duties she has performed; indicates she was also in the Peace Corp. from 1973-74.

Ms. Victoria Carlson: states she has enjoyed her duties over the years in Public Health and hopes for more years performing these duties.

Mr. Noel King: Public Works Director, introduces Mr. Art Ludwick giving an overview of his years with the department and his accomplishments.

Mr. Art Ludwick: thanks the Board for the recognition and speaks to the interview process when he was hired.

Mr. King: speaks regarding Steve Frank (who is at a conference) and his duties over the years and recent accomplishments.

Chairperson Bianchi: introduces Sheriff Pat Hedges and speaks to his years with the Sheriff's Department, starting out as a Reserve in 1976 and becoming a Deputy in 1977; his promotions in the Department over the years and becoming the Sheriff-Coroner in 1998.

Sheriff Pat Hedges: states he appreciates the time the Board gives for the presentations for time in service and thanks them for the recognition; speaks regarding Ms. Sylvia Perrette, (who is not present today), her enthusiasm, work efforts and service to the Sheriff's Department; introduces Mr. Robert Bullock, indicating he was a Reserve from 1975-77 until he was hired by the Department; addresses Mr. Bullocks duties with the Department.

Mr. Robert Bullock: thanks the Board for the recognition; states this is a great County to live and work in.

Mr. Lee Collins: Social Services Director, introduces Ms. Susan Fuller, outlining her years with the department, promotions and her vast knowledge which respect to the various aspects of the Department.

Ms. Susan Fuller: states she has enjoyed the challenges and her work.

Mr. Frank Freitas: Treasurer-Tax Collector, introduces Ms. Donna Morris outlining her years with the County; speaks to the other departments she has worked in and her current duties in his Department; speaks to her loyalty and leadership skills.

Ms. Donna Morris: thanks the Board for the recognition and Mr. Freitas and the staff for making the County a great place to work.

30-Year Serve Awards to Jack S. Markey-General Services, Michael Measures-Information Technology Department, Kenneth R. Meeks-Public Works and Noel King-Public Work's Director, with Ms. Stamper presenting each with their service watch.

Chairperson Bianchi: introduces Mr. Jack Markey (who is not present) and outlines his duties over the years, his current duties and his outside interests which include various makes and models of cars.

Chairperson Bianchi: introduces Mr. Michael Measures, outlining his duties in Information Technology over the years.

Mr. Michael Measures: thanks the Board and speaks to his interaction with various folks and departments over the years.

Chairperson Bianchi: introduces Mr. Ken Meeks and outlines his duties over the years and his current job as the North County Water Supervisor.

Supervisor Ovitt: indicates that Mr. Meek's father worked for the County for 32 years.

Mr. Meeks: thanks the Board for the recognition.

Chairperson Bianchi: introduces Mr. Noel King, indicating he began his service with the County as a Junior Accountant-Auditor; highlights his promotions and duties over the years and his recent promotion to Director of Public Works.

Mr. King: thanks the Board for the recognition.

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

Ms. Kathy Hustace: Paso Robles Trails Association President, speaks to Item B-11; addresses the work of her group to advocate trails use; thanks the Board for the Anza Trails.

Ms. Lydia Francis: Chairperson for Amigos de Anza, comments on Item B-11; addresses the purpose of her group and indicates she personally is interested in creating non-motorized trails in the County; addresses the various people and groups who currently use the trails in the County.

Mr. Eric Greening: speaks in support of Item B-11; indicates the staff report states the contact is the Parks Departments and feels it should not be limited to this department and should also include the Environmental Coordinator; comments on the history of this trail.

Ms. Myra Douglass: comments on Item B-11 and thanks the County and staff for preparing this agreement; states this trail runs from Arizona to San Francisco.

Ms. Dorothy Jennings: addresses Item B-11 and urges the Board to adopt the staff recommendation; believes that promoting this trail is promoting a living heritage. **No action taken.**

4 B-1 Consent Agenda Item B-28 is added to the Agenda.
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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

Consent Agenda Items B-1 through B-28 are approved as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda Items B-1 through B-28, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set bid opening:

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- B-1 Letter transmitting plans and specifications (Clerk's File) for job order contracting construction services and a request to authorize the Director of General Services to approve all individual job order and notice of completion and acceptance declarations; All Districts, **Approved and the Clerk is instructed to give notice of the bid opening date set for December 5, 2002 at 3:00 p.m.**

Administrative Office Items:

- B-2 Third year modification of the Local Workforce Investment Area Strategic Five Year Local Plan - Program Year 2002-2003 (Clerk's File), **Approved.**
- B-3 Request to apply for federal grant funds for emergency response equipment on behalf of the San Luis Obispo Operational Area and a request to approve a related governing body resolution, **Approved.**
- B-4 Preventive health grant program agreement (Clerk's File) with Drug and Alcohol Services (on behalf of the Friday Night Live Program Board of Directors) to provide various preventive health services, **Approved.**
- B-5 **RESOLUTION NO. 2002-424**, ratifying the Cambria Community Services District adopted fire code with amendments and a request to authorize staff to file a copy of the findings and ordinance with the Department of Housing and Community Development; 2nd District, **Adopted.**
- B-6 **RESOLUTION NOS. 2002-425, 2002-426, 2002-427, 2002-428, 2002-429, 2002-430, 2002-431, 2002-432, 2002-433, 2002-434, 2002-435, 2002-436, 2002-437, 2002-438, 2002-439 and 2002-440**, (Clerk's File) reviewing conflict of interest codes of those local agencies, special districts, school districts and county departments located within the County, **Adopted.**

Board of Supervisor Items:

- B-7 Request by Board Members to allocate \$5,000 from Visitors Services Grant Funds (District \$250 and District Five \$4,750) to the Atascadero Chamber of Commerce to be used to update and upgrade the Chamber's website, **Approved.**
- B-8 Request by Chairperson Bianchi to allocate \$1,500 from District Two Community Project Funds to the Cayucos Citizens Advisory Council to be used for costs associated with holding advisory council public meetings; 2nd District, **Approved.**
- B-9 Request by Supervisor Ovitt to allocate \$2,500 from District One Community Project Funds to the Boys and Girls Club of North San Luis Obispo County to be used to continue the after-school program at the Shandon Boys and Girls Club, **Approved.**

General Services Items:

- B-10 Extension of the emergency action to excavate and dispose of contaminated soil at the

New County Government Center building site, **Approved.**

- B-11 Agreement with the National Park Service to define commitment towards the ongoing administration, management and marking of the Juan Bautista de Anza National Historic Trail, **Approved.**
- B-12 Lease agreement (Clerk's File) with AT&T Wireless Services to occupy a portion of County owned property located in Nipomo Regional Park, **Approved.**
- B-13 Amended lease agreement (Clerk's File) with Stephanie Moss, dba, Allied Hearing Service of Atascadero extending the term for an additional five years for office space and parking adjacent to the Atascadero Library, **Approved.**
- B-14 **RESOLUTION NO. 2002-441**, of intent to quitclaim a portion of interest of County owned property in the City of San Luis Obispo to the City of San Luis Obispo, **Adopted.**

Planning and Building Items:

- B-15 **RESOLUTION NO. 2002-442**, approving an amended land conservation contract (Clerk's File) with Bill Murphy, Inc., for property located in La Panza Agricultural Preserve No. 1, located on Pozo Road, south of Parkhill Road east of Pozo; 5th District, **Adopted.**
- B-16 **RESOLUTION NO. 2002-443**, approving an avigation easement with Jeanne Pipenburg and Kim Beltz for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**
- B-17 **RESOLUTION NO. 2002-444**, approving an avigation easement with Richard Baddley for property located near the Paso Robles Municipal Airport; 1st District, **Adopted.**
- B-18 **RESOLUTION NO. 2002-445**, approving an avigation easement with Richard and Janice Kelley for property located near the Oceano Airport; 4th District, **Adopted.**
- B-19 **RESOLUTION NO. 2002-446**, approving an avigation easement with Michael and Gail Arnold for property located near the Oceano Airport; 4th District, **Adopted.**

Public Works Items:

- B-20 **RESOLUTION NOS. 2002-447 and 2002-448**, accepting conveyances from Mitch Alamag for the Los Osos Valley Road at Sombrero Drainage Project and from Reynoldo and Catherine Garay for Noyes Road Project; 2nd and 3rd Districts, **Adopted.**
- B-21 **RESOLUTION NO. 2002-448**, authorizing execution of a notice of completion for the asphalt concrete overlay of Nacimiento Lake Drive from Paso Robles city limits to Chimney Rock Road; 1st District, **Adopted.**
- B-22 Annexation agreements and **RESOLUTION NO. 2002-449**, requesting the Local Agency Formation Commission to annex property to County Service Area No. 18, Zone A; 3rd District, **Adopted.**
- B-23 The following map has been received and has satisfied all the conditions of approval that were established in the public hearing on its tentative map, and:
 - A. CO 89-259, a proposed subdivision resulting in 4 lots, by Frank and Monique Godbile, White Oak Road at Ridge Road, northwest of Atascadero, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2002-451**, to approve a mitigation agreement; 1st District, **Adopted.**

Other Items:

- B-24 Minutes of the September 10, 17, and 24, 2002 Board of Supervisors' meetings,

Approved.

- B-25 Contracts (Clerk's File) with Seneca Residential and Day Treatment Center for Children, Inc., and Summitview Child Treatment Center to provide group home services for Mental Health clients, **Approved.**
- B-26 Request by Medical Services to approve the selection of James Strong to serve as the Chief Financial Officer for the Medical Services Department, **Approved.**
- B-27 **RESOLUTION NOS. 2002-452 and 2002-453**, amending the position allocation list for Budget Unit 2250 - Information Technology, removing out stationed staff from Information Technology Department and placing them in the position allocation list of the departments they serve, **Adopted.**

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

- B-28 Contract with Assessment Evaluation Services (AES) for the acquisition of their Rapid 2000 Assessor's Software System modules, **Approved.**

5

- C-1 This is the time set for hearing (Introduced on October 22, 2002) to consider an ordinance amending section 2.44.060 of the County Code relating to sick leave.

Ms. Sue Wilkison: Administrative Office, presents the staff report, indicating this will modify the current Sick Leave Ordinance to ensure compliance with the changes in California Law, will permit new administrative provisions for the payoff of unused sick leave and will clarify sick leave benefit provisions for attorneys represented by the Government Attorney's Union.

No one appearing 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 reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2980, an ordinance to amend County Code Section 2.44.060, adopted.

6

- C-2 This is the time set for hearing (Introduced October 22, 2002) to consider an ordinance amending section 2.48.095 of the County Code relating to the Board of Supervisor's salaries.

Ms. Sue Wilkison: Administrative Office, presents the staff report, indicating they surveyed the comparison counties and determined that a change in salary had occurred; they calculated the average of the percentage change in salaries in these counties and determined that the salary for the Board members should be adjusted +4.94%, effective January 1, 2003.

Mr. Jesse Arnold: suggests that there should be a job review of the Supervisors prior to any salary increase and should be done for any future salary increases; further, requests that the Board adopt a policy that does not allow the Supervisors to talk on the phone during Board meetings.

Mr. Joe Kelly: speaks to the rising cost of Worker's Compensation Insurance to private employers and questions what need requires the Supervisors to raise their salaries.

Mr. Eric Greening: questions how many County staff personnel have higher salaries than the Board members.

Mr. Frank Freitas: states the problem with the Supervisor's salary has been not

increasing it previously or not increasing it to the percentage it should have been, which has caused the need for large increases in any given year.

Supervisor Ryan: responds to Mr. Arnold's comments and indicates that when the Supervisors are in a meeting there are times their Legislative Assistants need to get them information and they do that either by phone or come into the meeting to speak to them; suggests this needs to occur and is not a problem.

A motion by Supervisor Pinard to waive the reading of the ordinance and adopt the ordinance amending Chapter 2.48 of Title 2 of the San Luis Obispo County Code, dies for lack of a second.

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

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

the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2981, ordinance amending Chapter 2.48 of Title 2 of the San Luis Obispo County Code, adopted.

7 C-3 This is the time set for hearing (Introduced on October 22, 2002) to consider amendments to the Land Use Ordinance (Title 22 of the County Code) and the Land Use Element to: 1) reformat the Land Use Ordinance by moving the existing text to new sections and by changing the organization layout; 2) move the land use definitions, Table O and the Planning Area Standards from the Inland Area Plans and Framework for Planning to the reformatted Land Use Ordinance; and 3) change all references in the documents to accurately reflect the amendments.

Ms. Kami Griffin: Planning, presents the staff report indicating this will move existing text to new sections; will help locate information as it will all be in one document; corrects the title of the ordinance on page C-3-22 to delete the wording "an ordinance" as it says this twice.

No one appearing 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

RESOLUTION NO. 2002-454, resolution to amend the San Luis Obispo County General Plan, Land Use Element, to adopt ordinances entitled "an ordinance replacing the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code" and "an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code" and to approve environmental documents, adopted.

8 C-3 **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 reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2982, ~~an ordinance~~ an ordinance replacing the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted as amended.

9 C-3 **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 reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2983, an ordinance amending specific sections of the San Luis Obispo County Land Use Ordinance, Title 22 of the County Code, adopted.

10 C-4-A This is the time set for hearing to consider A020002A, a proposal by Patricia Williams Trust to establish an agricultural preserve and enter into a land conservation contract on 320 acres located on the eastern side of Mahoney Road, one-half mile north of the intersection of San Marcos Road and Mahoney Road, northwest of Paso Robles; 1st District.

Mr. Warren Hoag: Planning, introduces items C-4-A through I, indicating that items H & I were noticed for hearing but do not have an amendment to their agricultural preserves as was initially believed and will return as Consent Agenda items when the contracts are ready for approval.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

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

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

RESOLUTION NO. 2002-455, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

11 C-4-B This is the times set for hearing to consider A010033A, a proposal by Dann and Mollyanna Russell to establish an agricultural preserve and enter into a land conservation contract on 127 acres located on the western side of Highway 229, approximately 750 feet south of Creston; 5th District.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

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

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

RESOLUTION NO. 2002-456, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

12 C-4-C This is the time set for hearing to consider A010035A, a proposal by Mary Baldwin Trust to establish an agricultural preserve and enter into a land conservation contract on 200 acres located on the northeastern side of Santa Rita Road midway between Templeton and Whale Rock Reservoir about nine miles west of Templeton and 8.5 miles from Cayucos; 1st and 2nd Districts.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

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

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

NOES: None
ABSENT: None

RESOLUTION NO. 2002-457, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 13 C-4-D This is the time set for hearing to consider A010036A, a proposal by Dennis Brown and John Holloman to establish an agricultural preserve and enter into a land conservation contract on 110 acres located on the eastern side of Monterey Road between Monterey Road and North River Road, approximately one mile south of Wellsona Road, north of Paso Robles; 1st District.

Mr. Terry Wahler: presents the staff report and recommendation.

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

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

RESOLUTION NO. 2002-458, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 14 C-4-E This is the time set for hearing to consider A010037A, a proposal by Willow Ranch to establish an agricultural preserve to enable the applicant to enter into a land conservation contract on 200 acres; the site is located on the northern side of Pozo Road adjacent to and west of River Road, approximately 2 miles west of Pozo; 5th District.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

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

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

RESOLUTION NO. 2002-459, resolution establishing an Agricultural Preserve pursuant to the California Land Conservation Act of 1965, adopted.

- 15 C-4-F This is the time set for hearing to consider A010034A, a proposal by Sheila Varian to amend an existing agricultural preserve and existing contract to add 62 acres; the parcel is located on the Eastern side of Corbett Canyon Road approximately 500 feet south of Verde Canyon Road, three miles north of Arroyo Grande; 3rd District.

Mr. Terry Wahler: Planning, presents the staff report and recommendation.

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

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

RESOLUTION NO. 2002-460, resolution altering the boundaries of Edna Valley Agricultural Preserve No. 11 pursuant to the California Land Conservation Act of 1965, adopted.

- 16 C-4-G This is the time set for hearing to consider A010004C, a County-initiated notice of non-renewal of a land conservation contract to serve notice on properties owned by Stanley J. & Kathy A. Dowd and Brent R. Whelan, the properties are located on the south side of Creston Road about 1,700 feet west of the Geneseo Road intersection and extending south of Feenstra Road; about four miles northwest of Creston; 1st District.

Mr. Terry Wahler: Planning, presents the staff report and amends the recommendation to direct the Clerk to record the notice of non-renewal.

Supervisor Pinard: addresses the total dollar reduction in property taxes, the amount the State will reimburse which results in an estimated \$25,919 annual reduction in property

tax revenue for all the preserves approved today.

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 approves the County-initiated Notice of non-renewal of a land conservation contract to serve notice on properties owned by Stanley J. and Kathy A. Dowd and Brent R. Whelan and the Clerk is directed to record said Notice.

- 17 C-4-H This is the time set for hearing to consider A020001A - a proposal by Grether Enterprises to enter into a land conservation contract within an existing agricultural preserve on 240 acres located on the northwestern side of Highway 46 northwest of the intersection of Highway 46 and Lucy Brown Road, approximately 2 miles north of Shandon; 1st District.

Staff indicated this item required no action by the Board as there is no amendment to the agricultural preserve boundaries involved. No action taken.

- 18 C-4-I This is the time set for hearing to consider A020003A, a proposal by Bootjack Ranch LLC to amend an existing land conservation contract to add land from a lot line adjustment that is within an existing agricultural preserve.

Staff indicated this item required no action by the Board as there is no amendment to the agricultural preserve boundaries involved. No action taken.

- 19 D-1 This is the time set to consider the request by Supervisor Ryan to authorize processing of a General Plan amendment to El Pomar-Estrella Area Plan, to modify the existing standard #4 for Recreation Land Use Category to allow one primary residence on the Eagles Nest property; 5th District.

Supervisor Ryan: addresses his request; states the owner is currently in the Recreation Land Use Category and one of the conditions under this use is that no residence can be built; the owner is in the process of changing the land use to Agriculture through the Update but wants to build a home now; believes this request will be quicker for the owner than waiting for the Update to be completed.

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

Supervisor Pinard: questions why the request is to have this County-initiated and not as an individual request.

Supervisor Ryan: responds as to why he is bringing this forward and believes the cost is less than what staff has indicated as most of the work regarding this has already been completed.

Chairperson Bianchi: speaks to the South County Update and a “window of opportunity” that was given to individual applicants to have their applications considered during the Update process and questions whether that has occurred for this Update, with Mr. Hoag responding.

Mr. Eric Greening: states he doesn’t understand why this request should be done separately, especially if the Update is scheduled to be finished by June; and if it is to go forward, questions why it isn’t being initiated by the property owner; states this property has multiple parcels and questions which parcel the house is to go on.

Mr. Joe Kelly: agrees with the concerns raised by Mr. Greening and feels this is premature with the Update coming to the Board this summer; states this applicant has already paid, through the Update, to change the zoning from Recreation to Agriculture; questions why the applicant’s representative wasn’t notified of this meeting; suggests if the Board approves this today it would be on the same track as the Update.

Supervisor Ryan: states he believes this request will go through before the Update

returns to the Board and believes doing this will be good for the community.

Matter is discussed and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Ovitt, with Supervisor Pinard and Chairperson Bianchi casting dissenting votes, motion carries and the Board authorizes processing of a County-initiated amendment to the El Pomar-Estrella Area Plan to allow one primary residence on 1556 acres zoned Recreation on the Eagles Nest property.

20 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* and (4) *Life on Planet Earth v. County of San Luis Obispo*.

B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (5) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (6) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

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

Thereafter, the Board goes into Open Public Session.

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

Mr. Richie Ray Walker: speaks to a recent injury to his finger, where he cut it down to the tendon, indicating he went to General Hospital only to end up at Sierra Vista Hospital; addresses his thoughts on closing General Hospital. **No action taken.**

22 CS The Board announces it will be going into Closed Session regarding:

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B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (5) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (6) *Initiation of litigation (Gov. Code, § 54956.9(c).)* No. of cases 2.

Chairperson 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.

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

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

of the meeting held Tuesday, November 5, 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: November 7, 2002
vms