

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. 2002-520, resolution thanking Boy Scout Troop 6, Troop 308, their parents and friends for their work framing and installing interpretive and entry signs within the Elfin Forest, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to Kerry Rentz, Russell Hunter, Matt Reefs, Frankie Daniels and Robert Crosby; further, expresses the need to recognize good young people.

**Supervisor Ovitt:** commends these five gentlemen for completing a project for Eagle Scouts and indicates this is one of the highest ranks a scout can receive.

**Ms. Jan DiLeo:** County Parks, thanks the Board for the recognition and the Eagle Scouts and their parents for their work.

2 A-1-B **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. 2002-521, resolution commending Mike Cannon for service to the people of San Luis Obispo County, adopted.**

**Supervisor Pinard:** reads the resolution and presents the same to Mr. Cannon.

**Mr. Cannon:** thanks the Board for the recognition and indicates he “just did what needed to be done.”

**Mr. Denis Philbin:** Safety Committee member, speaks to Mr. Cannon’s background and accomplishments, including being an EMT and thanks him for a job well done.

3 A-1-C **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. 2002-522, resolution commending Judy Whitmire upon her retirement from San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Ms. Whitmire.

**Dr. Thomas Maier:** Public Health, addresses the duties performed by Ms. Whitmire and her passion for finding the germs that make folks sick; states that after the 9/11 tragedy, she assisted the FBI in identifying anthrax, because of earlier work in 1976 in identifying a case of anthrax in the County.

**Ms. Whitmire:** thanks the Board for the recognition; states that the past 39 years went by quickly; speaks to the challenges she has faced over the years; thanks all the folks she has worked with and speaks to her plans for retirement.

4 A-1-E **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. 2002-523, resolution commending Paul E. Welshons upon his retirement after thirty-two years of service with the Department of Public Works, adopted.**

**Supervisor Ovitt:** reads the resolution and presents the same, along with a plaque, to Mr. Welshons.

**Mr. Noel King:** Public Works Director, states that Mr. Welshons has been a Section Supervisor for the past 12 years and highlights the areas he was responsible for; reads several letters into the record commending Mr. Welshons for his excellence in customer service; thanks him for all his years working for Public Works.

**Mr. Welshons:** thanks the Board for their continued support for road improvements and thanks all the staff he has worked with over the years.

4 A-1-D **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. 2002-524, resolution honoring Helen May for her forty years of unrelenting and dedicated service to the community of Cambria and the County of San Luis Obispo, adopted.**

**Chairperson Bianchi:** reads the resolution and presents the same to Ms. Helen May.

**Ms. May:** thanks the Board for the recognition, indicating she has traveled a rough and wonderful road and has enjoyed it all.

**Ms. Doreen Liberto-Blanck:** thanks Ms. May for all her years of involvement and states she is a model for all young people.

**Ms. Evelyn Delany:** thanks Ms. May for all her work over the years; states she is a trusted advisor and someone she could always count on.

**Chairperson Bianchi:** states that Ms. May is a role model for all and a very good friend.

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

**Mr. Eric Greening:** addresses Item B-5 and his concern to the language of various proposals in the legislative platform, including Item E-4, indicating he supports 1 and 3 but not 2; Item E-10 and his concerns regarding drive-up businesses; addresses his

concerns regarding Item F relating to creation of all day kindergarten schools.

**Mr. Ron DeCarli:** SLOCOG Director, speaks to Item B-5 and presents language he would like added regarding housing. **No action taken.**

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- B-1 Consent Agenda Item B-13 is amended to correct the staff report to reflect Districts 1 and  
thru 5. Item B-30 is amended to correct the staff letter to reflect that the term expires on June  
B-38 30, 2003 not 2002. Item B-36 is withdrawn. Item B-26 is amended to withdraw the  
following contracts: D. and M. Russell (A010033A), Woodland Trust (A010017A) and  
Hearst Corporation/Onderdonk Family Trust (A000012A). Items B-5, B-11 and B-13 are  
withdrawn for separate action. Items B-37 and B-38 are added to the Consent Agenda.

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

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

**Consent Agenda Items B-1 through B-38 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-38, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

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Items set bid opening:

- B-1 Plans and specifications (Clerk's File) for the Lopez Pipeline Cleaning, Zone 3 in County Service Area No. 12 and Avila Valley; 3rd and 4th Districts, **Approved and the Clerk is instructed to give notice of bid opening set for January 16, 2003 at 3:00 p.m..**
- B-2 Plans and specifications (Clerk's File) for the installation of drainage improvements along Los Osos Valley Road at Sombrero Drive, Los Osos; 2nd District, **Approved and the Clerk is instructed to give notice of bid opening set for January 16, 2003 at 3:00 p.m..**

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Administrative Office Items:

- B-3 Employee contract with Kim Barrett as Chief Probation Officer, **Approved.**
- B-4 Contract with Susan McGraw for consulting services to expand/enhance the existing Employee University, in support of the County's Organizational Effectiveness Program, **Approved.**
- B-5 Submittal of the proposed 2003 Legislative Platform for San Luis Obispo County, **Withdrawn for separate action.**
- B-6 Budget adjustment in the amount of \$33,000 from the Courthouse Construction Fund to the Superior Court's operating budget to augment financing for the previously approved Department 12 Hearing Room Expansion project, **Approved.**
- B-7 **RESOLUTION NO. 2002-525**, increasing civil filing fees by \$3.00 for purpose of funding the Law Library, **Adopted.**
- B-8 **RESOLUTION NOS. 2002-526 and 2002-527**, amending the 1998-2003 memoranda of understanding for the Law Enforcement Unit and Supervisory Law Enforcement Unit, **Adopted.**
- B-9 **RESOLUTION NO. 2002-528**, establishing salaries and benefits for Management Peace Officer classes, **Adopted.**
- B-10 **RESOLUTION NO. 2002-529**, amending the salary and benefits for the Sheriff-Coroner, **Adopted.**

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Auditor-Controller Items:

- B-11 Request to approve Cold Canyon Landfill rate amendments; All Districts, **Withdrawn for separate action.**
- B-12 **RESOLUTION NO. 2002-530**, modifying Resolution No. 2002-475, which approved the preparation, sale, and delivery of certificates of participation, **Adopted.**
- B-13 Request to approve a rate adjustment of 1.68% for garbage hauling services provided by MidState Solid Waste and Recycling Company, Paso Robles Country Disposal, and San Miguel Garbage Company; 5th District, **Withdrawn for separate action.**
- B-14 Submittal of an unannounced cash count report of the San Luis Obispo County Library cash handling procedures at the Bookmobile, Cayucos, Nipomo, Shell Beach and San Luis Obispo branches, **Received and Filed.**
- B-15 Submittal of an audit report on the financial statements of County Service Area No. 10 Water Treatment Facility, **Received and Filed.**

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County Fire Items:

- B-16 **RESOLUTION NO. 2002-531**, ratifying the Avila Community Services District approval of the Uniform Fire Code and the 2001 Edition of the California Fire Code, **Adopted.**
- B-17 Agreement (Clerk's File) with the State Department of Forestry and Fire Protection for geographic information services and approve a corresponding budget adjustment in the amount of \$77,000 from unanticipated revenues, **Approved.**

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General Services Items:

- B-18 1) A revised scope of work for a capital project to remodel the San Luis Obispo County Regional Airport's administrative offices to accommodate additional safety staff; and 2) a corresponding budget adjustment in the amount of \$82,500 from federal aid to pay for the additional work, **Approved.**
- B-19 1) A contract (Clerk's File) with Rincon Consultants, Inc., to complete a constraints analysis for a bikeway connector between Atascadero and Templeton; and 2) a corresponding budget adjustment in the amount of \$90,000 from unanticipated revenue; 1st District, **Approved.**
- B-20 Bid opening report for Job Order Contract construction services; All Districts, **Approved and the Chairperson is instructed to sign contract documents with John Madrona Construction Company (with a composite adjustment factor bid of 1.0523).**
- B-21 **RESOLUTION NO. 2002-532**, authorizing a grant application under the California Beverage Container Recycling and Litter Reduction Act for the acquisition and placement of 32 recycling containers at Lopez Lake Recreation Area, **Adopted.**

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Pension Trust Items:

- B-22 **RESOLUTION NO. 2002-533**, amending provisions of the County Retirement Plan related to death benefits, **Adopted.**
- B-23 **RESOLUTION NO. 2002-534**, amending the County Retirement Plan, by adding the Supervising Juvenile Services Officer position, **Adopted.**

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Planning and Building Items:

- B-24 Employee contract with Don Swearingen to provide environmental services in the Department of Planning and Building, **Approved.**
- B-25 Request to re-record Resolution No. 2002-442 approved on November 5, 2002 with the

correct legal description for an amendment to land conservation contract, with Bill Murphy, Inc., in La Panza Agricultural Preserve No. 1; 5th District, **Approved**.

- B-26 **RESOLUTION NOS. 2002-535 through 2002-249**, (Clerk's File) approving land conservation contracts and amendments to contract pursuant to the California Land Conservation Act of 1965; 1st, 2nd, 4th and 5th Districts, **Adopted as amended**.

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Public Works Items:

- B-27 Agreement (Clerk's File) with the Cambria Community Services District for the provision of transit services in the community of Cambria; 2nd District, **Approved**.
- B-28 Amended agreement (Clerk's File) with the Air Pollution Control District to provide matching funding for constructing traffic calming and pedestrian enhancements on Santa Ysabel Avenue in the community of Los Osos; 2nd District, **Approved**.
- B-29 The following maps have been received and have satisfied all the conditions of approval that were established in the public hearings on their tentative maps, and:
- A. CO 89-248, a proposed subdivision resulting in 4 lots, by John DeVincenzo, See Canyon Road, southwest of San Luis Obispo, **Approved** and **RESOLUTION NO. 2002-550**, to accept the offer of dedication for widening See Canyon Road and reject the offer of dedication without prejudice to future acceptance for Cider Lane, order the abandonment of part of See Canyon Road; 3rd District, **Adopted**.
  - B. CO 00-0128, a proposed subdivision resulting in 3 lots, by Treve Jones, Douglas Michie and Lawrence Stayton, Ocean Avenue, Cayucos; 2nd District, **Approved**.
  - C. Tract 2346, a proposed subdivision resulting in 5 lots, by Mid-State Properties, Juniper Street, Nipomo, **Approved** and **RESOLUTION NO. 2002-551**, to accept the relinquishment of access rights along Juniper Street, reject the offer of dedication without prejudice to future acceptance for road widening; 4th District, **Adopted**.
  - D. CO 96-0160, a proposed subdivision resulting in 2 lots, by Robert Roos, Homestead Road, east of Atascadero, **Approved** and **RESOLUTION NO. 2002-552**, to accept the offer of dedication for widening Homestead Road; 1st District, **Adopted**.
  - E. Tract 1699-3, a proposed subdivision resulting in 20 lots, by Barbara and Gene Durand, Theatre Drive, south of Paso Robles, reject the offers of dedication without prejudice to future acceptance; 1st District, **Approved**.

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Other Items:

- B-30 Request by Supervisor Achadjian to appoint Mary Squellati to the San Luis Obispo County Commission on Children and Youth, **Approved as amended**.
- B-31 Request by the Public Health Department to appoint Lynn Enns to the County Health Commission, **Approved**.
- B-32 Appointments in-lieu of election for the November 5, 2002 Consolidated General Election, **Approved**.
- B-33 Agreement (Clerk's File) with Coast Unified School District and five agreements (Clerk's File) with San Luis Coastal Unified School District to provide school site counseling; All Districts, **Approved**.
- B-34 Contract (Clerk's File) with Abbey Group Consultants, Incorporated to provide a records management system, **Approved**.
- B-35 Business License Application to add a third card table to the Oceano Card Room; 4th District, **Approved**.

B-36 Submittal by the Information Technology Department of a resolution amending the position allocation list for Budget Unit 2250 - Information Technology Department to add and delete various positions related to the reorganization of the department and a reduction in services for the Courts, **Withdrawn.**

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

B-37 Submittal of a request by Supervisor Ryan to authorize the establishment of a trust fund account for off-site kit fox mitigation fees, **Approved.**

B-38 The following subdivision map has been received and has satisfied all the conditions of approval that were established in the public hearings on its tentative map, and:

A. Tract 2336, a proposed subdivision resulting in 43 lots, by New Dawn Homes, Division St, Nipomo, Supervisors District #4 and reject the Offers of Dedication without prejudice, **Approved** and **RESOLUTION NO. 2002-553**, to approve an Open Space Easement Agreement, **Adopted.**

8 B-5 Submittal of the proposed 2003 Legislative Platform for San Luis Obispo County, is presented.

During the discussion on the Consent Agenda Supervisor Pinard requested this item be pulled for separate action, indicating her concerns regarding the language proposal for drive-through businesses and full day kindergarten classes; further, she addressed the language submitted by SLOCOG and suggested additional language.

**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 adds #9 to N. - Planning and Building Department to read: "San Luis Obispo County should work with the League of California Cities, CSAC, the California Associate of Councils of Government (CALCOG), and the American Planning Association (APA) in their efforts to revise Housing Element law and the Regional Housing Allocation Process, requiring a collaborative process, increased input from Councils of Government (COG's) for population projections, and the consideration of major resource constraints, equity, and economic factors in the consideration of regional housing allocations and make it consistent with the process for other General Plan Elements." and the 2003 Legislative Platform for the County of San Luis Obispo is approved as amended.**

9 B-11 Request to approve Cold Canyon landfill rate amendments; All Districts, is presented.

Supervisor Ryan requested a separate vote on this item during discussion on the Consent Agenda.

**Supervisor Ryan:** questions the new fee of \$5 per ton for recyclable materials as it relates to haulers from North County and suggests this fee will be passed on to the users.

**Mr. Gere Sibbach:** County Auditor-Controller, responds and indicates they were not planning on any rate increases for North County haulers for this new fee.

**Supervisor Ryan:** indicates he will not support this or like items until the overall issue of franchise fees is looked at.

**Supervisor Ovitt:** states that this fee is not covered in the franchise agreements.

**Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Achadjian and**

**on the following roll call vote:**

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

**the Board approves a reduction in the tipping fee from \$29.45 per ton to \$28.23 per ton for franchised garbage haulers, a new fee of \$5.00 per ton for recyclable materials, and a definition of 500 pounds maximum per load to qualify for the flat rate disposal of uncompacted waste.**

- 10 B-13 Request to approve a rate adjustment of 1.68% for garbage hauling services provided by MidState Solid Waste and Recycling Company, Paso Robles Country Disposal and San Miguel Garbage Company; 5<sup>th</sup> District, is presented.

Supervisor Ryan requested a separate vote on this item during the discussion on the Consent Agenda.

**Supervisor Ryan:** indicates he is going to continue voting against these items until there is an adjustment to the franchise fees; asks for the issue of the franchise fees to come back as an agenda item, with all the Board members concurring.

**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: Supervisor Ryan**  
**ABSENT: None**

**the Board approves the new rate schedules to be effective February 1, 2003 as detailed in Exhibits A, B and C of the staff report dated December 17, 2002.**

- 11 C-1 This is the time set for hearing to consider an appeal by Larry Smyth of the Templeton Road Improvement Fee; 1st District.

**Mr. Richard Marshall:** Public Works, presents the staff report; indicates that Mr. Smyth is constructing a single-family residence on South El Pomar Drive which is located in the Templeton Road fee area and is required to pay a fee of \$2,501 in order to proceed with his construction; addresses the appeal filed by Mr. Smyth.

**Supervisor Ovitt:** questions the change that occurred in the fees and indicates it is his understanding that this fee changed the same day that Mr. Smyth submitted his application to Planning; further, it is his understanding that Mr. Smyth was not notified of the change, with Mr. Marshall responding.

**Mr. Larry Smyth:** Appellant, states that all the County staff he has worked with have been very friendly and cooperative; suggests there should be better communications between departments on these type of changes; he was provided a list of fees that he agreed to back in August; he checked on the status of his application in October and was provided with the same fee information he received in August; then in the latter part of October he received information indicating the fees had been increased and he needed to pay a higher amount; states he paid this fee so that he could begin construction and is requesting a refund of the difference between the two fee amounts he was quoted.

**Matter is fully discussed and thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Ryan, with Chairperson Bianchi casting a dissenting vote, motion carries and the Board upholds the appeal and directs staff to refund the difference from the original fee of \$1,878 and the \$2,501 that Mr. Smyth paid.**

- 12 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*, (4) *Lum v. County of San Luis Obispo*, (5) *Santa Maria Water Conservation District v. City of Santa Maria and ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)* (7) *Burnside v. County of San Luis Obispo*.

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.)** (6) *Significant exposure to litigation (Gov. Code, § 54956.9(b).)* No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. (7) *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.

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

**Mr. Brad Brown:** addresses a recent meeting he tried to attend at the community room at the County Library that was put on by SLO Public Access; indicates when he entered the room he was asked to leave before he had even said anything; addresses his concern to comments regarding him that have been made by County staff.

**Mr. Bill Denneen:** thanks the Board for broadcasting and televising these meetings; wishes he had said more good things about Bryce Tingle and Bill Roalman before they passed away and indicates they were both “great members of the County staff”; commends various other staff members for all they do.

**Mr. Bob Blair:** states that Ms. Christine Ferrera from Public Works was an excellent choice to take over the responsibilities of the Water Resources Advisory Board; suggests that Public Works needs to find someone else to take over the duties of traffic engineer as he believes the current staff person doesn’t have a good understanding of the problems in Nipomo.

**Ms. Charmaine Gallagher:** addresses the issue of cluster subdivisions and oak woodland regeneration and the need to protect these areas.

**Ms. Rochelle Becker:** Mothers for Peace, commends County Planning for the meeting they held on December 11<sup>th</sup> regarding Diablo Canyon; her concerns regarding a Nuclear Regulatory Commission (NRC) meeting held in September, where the public had to pass through metal detectors in order to attend and then neither the public nor the expert witnesses hired by the interveners were allowed to speak; the result of this hearing was a denial of all but one of the eight contentions (objections); three excluded contentions raised significant safety issues such as: Seismic design; vulnerability to terrorist attack; and, environmental impacts involving the transportation of radioactive material; urges public support of Mothers for Peace letter writing campaign and presents samples of the letters.

**Mr. Eric Greening:** indicates that the Public Comment period is very important as shown today based on the input heard by members of the public here; addresses his concern regarding complex issues being placed on the Consent Agenda rather than being scheduled as a hearing/discussion item. **No action taken.**

14 D-1 This is the time set for submittal of the San Luis Obispo County’s Audited Comprehensive Annual Financial Report (CAFR) (Clerk’s File).

**Mr. Gere Sibbach:** County Auditor-Controller, presents the staff report; introduces staff from the Public Works Department and his staff who assisted in the preparation of this document; highlights various aspects of the report and the changes to the same; discusses



the charts for the Statement of Net Assets and the Statement of Activities (in thousands) for Year Ended June 30, 2002. **(SUPERVISOR HARRY L. OVITT IS NOW ABSENT.)**

**No one appearing and thereafter, on motion of Supervisor Ryan, seconded by Supervisor Pinard, with Supervisor Ovitt being absent, motion carries and the Board receives and files the CAFR and associated reports presented this date.**

**(SUPERVISOR HARRY L. OVITT IS NOW PRESENT.)**

15 C-2 This is the time set for hearing to consider an appeal by PH Property Development Company of the Planning Commission's decision to deny a request to subdivide an existing 957 acre site into 1,220 residential single-family lots, located on the Nipomo Mesa east of Highway One, south of Willow Road at the westerly end of Camino Caballo, Mesa Road and Eucalyptus Road. **ADDED (All requirements of the Brown Act were met as this was posted prior to the 72-hour noticing requirement.)** This includes a determination and verification that a sufficient water supply is available pursuant to Government Code Section 66473.7; determination on development plan S990187U; and, determination on the vesting tentative tract map for Tract 2341; 4th District.

**Mr. Jay Johnson:** Planning, presents the staff report; comments on the hearing before the Planning Commission and their action to not approve the water verification based on their determination that there was not substantial evidence to verify that a sufficient water supply was available for The Woodlands and all other existing or planned uses within a 20-year projection; presents maps of the site and surrounding areas; outlines what the project includes; and, addresses the Planning Commission recommendation for denial of the appeal.

**Ms. Pat Beck:** Planning, indicates that the Applicant and the Nipomo Community Services District (NCS D) have been working to resolve their differences with respect to the water issues.

**Supervisor Achadjian:** questions the basis for the Planning Commission recommendation for denial and whether it primarily came from public testimony and what will occur if there is a problem with the water supply for a future phase of this project, with Mr. Johnson responding.

**Mr. Jim Orton:** Deputy County Counsel, indicates that prior to recording the map for each phase, the Applicant will have to prove there is an adequate water supply.

**Board Members:** address various issues, comments and concerns regarding: whether the 20-Year Bill passed before or after the adoption of the SEIR; the definition of sufficient water supply; overdraft and the role it plays in this and whether it was reviewed as part of the 20-year consideration, with Mr. Johnson and Ms. Beck responding.

**Mr. Hathem Dawlett:** representing the Applicant/Appellant, refers to a stack of documents that show all the information and work they have done on the project; presents a graph entitled "Spring 2000 Groundwater elevation contours" and explains the same; presents a copy of the Summary of Memorandum of Understanding (MOU) for Resource Preservation and Management that has been agreed to by the Applicant and the NCS D; presents language for an added condition regarding a tiered rate program.

**Ms. Marie Cooper:** Water Attorney representing the Applicant/Appellant, presents a letter dated November 22, 2002 and a copy of the report from the Department of Water Resources (DWR) entitled "Water Resources of the Arroyo Grande-Nipomo Mesa Area - Southern District Report 2000"; presents information entitled "Cannot View Nipomo Mesa in Isolation - Santa Maria Basin Must be Viewed as a Whole - The Basin as a Whole is in Balance"; indicates the NCS D has withdrawn their opposition to this project.

**Mr. Victor Montgomery:** RRM Design and representing the Applicant/Appellant, addresses the DWR recommendations for long-term water stability and highlights the recommendations to The Woodlands on water management techniques.

**Mr. Ken Bornholdt:** attorney representing the Applicant/Appellant, presents a letter dated December 17, 2002 for the record and highlights the letter and the three changes to the Conditions for Approval they would like to see; believes the Board has all the findings necessary to approve their request today; presents a letter dated October 24, 2002 to the Planning Commission, for the record; incorporates, by reference, all the documents and information presented at the September 26, 2002 and October 24, 2002 Planning Commission hearings; on October 4, 2002 the Save the Mesa group indicated they had no opposition to this project; presents three resolutions he prepared for the Board's consideration.

**Ms. Istar Holliday:** states she attended the NCSD meeting that was held last night and highlights what she heard; addresses her concerns to language in the MOU; states she has been opposing this project for 10 years; urges the Board to uphold the Planning Commission's denial of this project; believes that approval will impact all the wells in the area.

**Mr. Eric Greening:** feels there needs to be adequate time given to the public to review the DWR report before approving this project; asks that this matter be continued; addresses concerns regarding language on Page C-2-94, Paragraph 98 relating to sewage sludge.

**Mr. Michael Winn:** President Pro Tem for the NCSD, states they were in opposition to this project when it came before the Planning Commission; indicates they have had "hard" negotiations with The Woodlands and were able to agree to an MOU that meets all their requirements and they withdraw their opposition to this project.

**Mr. David Murray:** representing Cal Trans, presents a letter dated December 17, 2002 for the record and reads from the same outlining their concerns regarding traffic impacts.

**Mr. John Brantingham:** presents a letter dated December 17, 2002 for the record and reads from the same outlining his support for this project.

**Ms. Georgia Kinninger:** representing an equestrian group, thanks The Woodlands for allowing them to ride on this property; indicates they have been working with the Applicant to create trails through the property; asks that another staging area be created in the park area; addresses concerns she has regarding the 100-foot buffer and hopes the golf course is not included in this; further, hopes that a few of the homes built here will be "horse" properties.

**Mr. Bob Blair:** NCSD member, states he was the one who made the motion to approve the MOU that will have the Applicant and NCSD work together; believes there are many ways to use recycled water as opposed to groundwater; wants to see this project move forward.

**Mr. Art MacCarley:** believes that by approving this project the County will be shifting responsibility for the water onto itself.

**Mr. Jim Kinninger:** states he is very concerned about the traffic in this area and hopes the Cal Trans letter will be taken seriously.

**Mr. Montgomery:** responds to issues raised regarding sewage sludge and normal disposal is the only option they are allowed per the Integrated Waste Management Authority (IWMA); indicates they are working with COG (Council of Governments) on the traffic issues.

**Ms. Cooper:** responds to comments on the pending litigation and indicates that approval of this project will not shift responsibility of the water onto the County.

**Mr. Bornholdt:** responds to comments regarding the public process and the MOU; indicates the resolutions he presented today have been in the record for a long time; indicates the added condition regarding a tiered rate program should be added as Condition #105.

**Mr. John Janneck:** PH Properties, states the first well was drilled on this property in 1944 and is known as the Flintkote well; states it's been an honor working with the Board and, as promised, he did find local folks to purchase this property.

**Supervisor Achadjian:** addresses the public process and the discussions he was involved in with the Applicant and the NCSD; indicates he received an email today indicating that the Nipomo Community Advisory Committee (NCAC) has withdrawn their opposition to the project and presents a copy for the record; comments on the traffic concerns; comments on the County being between CEQA requirements and the State requirement to add houses in the County; presents ten letters, both for and against the project, for the record; presents letters for the record from the Save the Mesa group that they will not oppose the approval of The Woodlands project and the letter from the NCSD withdrawing their opposition.

**Supervisor Pinard:** addresses the issue and supports the proposal as it was developed by the community.

**Supervisor Ryan:** speaks in support of the project.

**Chairperson Bianchi:** addresses the Water Resources Advisory Committee's position on the 20-year water issue and they do not believe it's possible for The Woodlands to comply with this at this time; addresses her reasons for not supporting this project.

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

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

**the Board upholds the appeal and RESOLUTION NO. 2002-554, resolution reversing the decision of the Planning Commission and approving the request of PH Property Development Company for a determination and verification that a sufficient water supply is available pursuant to Government Code Section 66473.7 for Tract 2341, adopted.**

16 C-2 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and on the following roll call vote:**

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

**the Board adds Condition #105 to read: "The Applicant shall implement or caused to be implemented a tiered rate program applicable to all residential and commercial (other than the golf courses) water users of the project, consistent with the Woodlands Specific Plan, Chapter 5, Standard A19." and RESOLUTION NO. 2002-555, resolution reversing the decision of the Planning Commission and conditionally approving the application of PH Property Development Company for Development Plan S990187U, adopted as amended.**

17 C-2 **Thereafter, on motion of Supervisor Achadjian, seconded by Supervisor Ryan and on the following roll call vote:**

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

**the Board amends Condition #22, the second sentence, to delete the words "cost of engineering and"; and RESOLUTION NO. 2002-556, resolution reversing the decision of the Planning Commission and conditionally approving the application of PH Property Development Company for a vesting tentative tract map for Tract 2341, adopted as amended.**

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

- 18 C-3 This is the time set for hearing to consider an appeal by PH Property Development Company of the Planning Commission's decision to deny a request to develop Phase 1A of the Woodlands Specific Plan, located on the Nipomo Mesa east of Highway One, south of Willow Road at the westerly end of Camino Caballo, Mesa Road and Eucalyptus Road; 4th District.

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**Mr. Jay Johnson:** Planning, presents the staff report.

**Mr. Eric Greening:** states he believes a resolution to the sewage sludge issue is close.

**Mr. Victor Montgomery:** RRM Design and representing the Applicant/Appellant, speaks in support of the project.

**Mr. Ken Bornholdt:** attorney representing the Applicant/Appellant, states their support for the conditions of approval as outlined on pages C-3-26 though 63 of the staff report; and incorporates by reference, into the record, all oral and written testimony presented at the Planning Commission hearings.

**Board Members:** address various issues, comments and concerns regarding: adding language to address the sludge issue and permitting addressing issues relating to sewer systems, with Mr. Johnson responding and suggesting additional language to Condition #87.

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

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

**the Board upholds the appeal and amends Condition #No. 87 to add the wording "and County ordinance" to the end of the paragraph and RESOLUTION NO. 2002-557, resolution reversing the decision of the Planning Commission and conditional approving the application of PH Property Development Company for Development Plan D990195D, adopted as amended.**

- 19 C-4 This is the time set for hearing to consider an appeal by PH Property Development Company of the Planning Commission's decision to deny a request to develop Phase 1A golf course of the Woodlands Specific Plan, located on the Nipomo Mesa east of Highway One, south of Willow Road at the westerly end of Camino Caballo, Mesa Road and Eucalyptus Road; 4th District.

**Mr. Jay Johnson:** Planning, presents the staff report.

**Mr. Victor Montgomery:** RRM Design and representing the Applicant/Appellant, speaks in support of the conditions of approval and reclaimed water as a storage source.

**Mr. Ken Bornholdt:** attorney representing the Applicant/Appellant, states their support for the conditions of approval as outlined on pages C-4-27 though 48 of the staff report; and incorporates, by reference, into the record all oral and written testimony presented at the Planning Commission hearings.

**Mr. Eric Greening:** speaks to the project proposal.

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

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

**the Board upholds the appeal and RESOLUTION NO. 2002-558, resolution reversing the decision of the Planning Commission and conditionally approving the application of PH Property Development Company for Development Plan D990194D, adopted.**

20            B-26    The Clerk requests reconsideration of the land conservation contract for D. & M. Russell (A010033A), El Pomar Agricultural Preserve No. 80, 1<sup>st</sup> District, which was withdrawn from the Consent Agenda this morning; indicates she has received, from Planning, the completed contracts, and asks that the Board consider approval of the contract.

**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

**the Board agrees to reconsider the land conservation contract for D. & M. Russell and RESOLUTION NO. 2002-559, resolution approving contract pursuant to the California Land Conservation Act of 1965, 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 to Monday, January 6, 2003 at 11:30 a.m. for the swearing-in ceremony of elected officials.

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, December 17, 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: December 23, 2002  
vms