

Tuesday, January 7, 2003

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE TO THE FLAG LED BY MR. JACK CRAWFORD, DEPUTY COUNTY COUNSEL.**

**SUM            AGN**

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

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

**RESOLUTION NO. 2003-1, resolution proclaiming the month of January 2003 as "Jazzuary" in San Luis Obispo County, adopted.**

**Supervisor Bianchi:** reads the resolution and presents the same to Mr. Gary Ryan, President of the Jazzuary Committee.

**Mr. Ryan:** thanks the Board for the proclamation and invites the Board and the public to the three day festival in Morro Bay starting January 10, 2003; addresses the value of educating the Central Coast Community on the important role of music in schools and society.

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

**Chairperson Ryan:** opens the floor to public comment without response.

Consent Agenda Item B-15 is withdrawn for separate action and is amended to reflect that the agreement is between the American Land Conservancy and Hearst Corporation.  
**Thereafter, on motion of Supervisor Ovitt, seconded by Supervisor Bianchi and on the following roll call vote:**

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

**Consent Agenda Items B-1 through B-31 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-31, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set bid opening and hearing:

- B-1    Request to reject the results of the bid opening for the Superior Court Department 12 Hearing Room Expansion Project and plans and specifications (Clerk's File) for rebid of the project, **Approved and the Clerk is instructed to give notice of bid opening set for February 6, 2003, at 3:00p.m..**
  
- B-2    Plans and specifications (Clerk's File) for the renovation of the San Miguel Community Center Building; 1st District, **Approved and the Clerk is instructed to give notice of bid opening set for February 6, 2003, at 3:00p.m..**

- B-3 Plans and specifications (Clerk's File) for modifications to the San Luis Obispo Government Center Palm Street Entry, **Approved and the Clerk is instructed to give notice of bid opening set for January 23, 2003, at 3:00 p.m..**
- B-4 **RESOLUTION NOS. 2003-1 AND 2003-2**, setting a public hearing to consider establishment of a zone within County Service Area No. 21 for road improvements and adoption of a special tax for a portion of Burton Drive in the community of Cambria; 2nd District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 4, 2003, at 9:00a.m..**
- B-5 **RESOLUTION NOS. 2003-3 AND 2003-4**, setting a public hearing to consider establishment of a zone within County Service Area No. 21 for road improvements and adoption of a special tax for a portion of Camborne Place in the community of Cambria; 2nd District, **Adopted and the Clerk is instructed to give notice of hearing date set for February 4, 2003, at 9:00a.m..**

Auditor-Controller Items:

- B-6 Unannounced cash count report of the San Luis Obispo County Regional Airport, **Received and Filed.**
- B-7 Audit report of the Inmate Welfare Trust and Commissary Fund maintained by the Sheriff-Coroner, **Received and Filed.**

Board of Supervisors Items:

- B-8 Allocation of \$1,750 from District Four Community Project Funds to the Nipomo Community Advisory Committee to be used for costs associated with holding monthly meetings and producing creek environmental resource pamphlets, **Approved.**
- B-9 Reappointment of John Maino as a District Two Representative to the Agricultural Liaison Advisory Committee, **Approved.**
- B-10 Reappointment of John Burnham as a District Two Representative to the Civil Service Commission, **Approved.**
- B-11 Appointment of Pat Veasart as the District Three Representative to the Planning Commission, **Approved.**
- B-12 Reappointment of Cyrus Hays as a District Four Representative to the Civil Service Commission, **Approved.**
- B-13 Reappointment of Bill Struble as a District Four Representative to the Agricultural Liaison Advisory Committee, **Approved.**
- B-14 **RESOLUTION NO. 2003-6**, recognizing Judge James David Ream for his exemplary service to the citizens of San Luis Obispo County, **Adopted.**
- B-15 Submittal of a resolution endorsing the conservation framework of the agreement between American Land Conservancy and Hearst Corporation, **Withdrawn for separate action.**

General Services Items:

- B-16 Termination of the emergency action to excavate and dispose of contaminated soil at the New County Government Center building site, **Approved.**
- B-17 Agreement with the State Department of General Services to purchase natural gas for cogeneration of electricity and recovery of waste heat for the Government Center, **Approved and authorize Director of General Services to sign.**
- B-18 **RESOLUTION NO. 2003-7**, authorizing the execution of a notice of completion for tenant improvements for the District Attorney - Economic Crime Unit at the Government Center, **Adopted.**

Public Works Items:

- B-19 Agreement with the State Department of Water Resources and the San Luis Obispo County Flood Control and Water Conservation District to conduct various studies and activities to protect the quality of the State Water Project water supplies, **Approved and authorize Director of Public Works to sign.**
- B-20 An amendment to the drought buffer water agreement with the City of Morro Bay increasing the State Water allocation to 2,290 acre-feet, **Approved and authorize Director of Public Works to sign.**
- B-21 **RESOLUTION NO. 2003-8**, authorizing the execution of a notice of completion for the construction of guard railing on various county roads; 2nd, 3rd, and 4th Districts, **Adopted.**
- B-22 **RESOLUTION NO. 2003-9**, authorizing the execution of a notice of completion for the installation of wastewater holding tanks and sewer line replacement at Lopez Recreation Area; 4th District, **Adopted.**
- B-23 **RESOLUTION NO. 2003-10**, conveying certain real properties to the San Miguel Community Services District; 1st District, **Adopted.**
- B-24 **RESOLUTION NO. 2003-11**, accepting road improvements on Christmas Tree Place, Tierra Nueva Lane and Erica Court, in Oceano; 4th District, **Adopted.**
- B-25 **RESOLUTION NO. 2003-12**, accepting road improvements on Mustang Springs Road, West Hollow Drive and Sky Ridge Drive, near Paso Robles; 1st District, **Adopted.**
- B-26 **RESOLUTION NO. 2003-13**, accepting road improvements on Idyllwild Place, Via Zacata, Via Park Way, Camino Mariposa, on the Nipomo Mesa and Windmill Way, south of San Luis Obispo; 3rd and 4th Districts, **Adopted.**
- B-27 **RESOLUTION NO. 2003-14**, authorizing collection of San Luis Obispo County Service Area No. 1 sewer connection fee over a period of time not to exceed three years; 4th District, **Adopted.**
- B-28 **RESOLUTION NO. 2003-15**, authorizing the Director of Public Works to apply for \$1 million in Proposition 50 grant funds for disinfection by-products rule compliance at the Lopez Water Treatment Plant; 3rd and 4th Districts, **Adopted.**
- B-29 The following maps:
  - A. CO 00-0321, a proposed subdivision resulting in 3 lots by James and Patricia Lowe, located on J Street, in the community Santa Margarita, reject the offer of dedication without prejudice to future acceptance; 5th District, **Approved.**
  - B. Tract 2261, a proposed subdivision resulting in 16 lots by R.H. Newdoll Construction, located on Tefft Street, in the community of Nipomo, reject the offer of dedication without prejudice to future acceptance, **Approved and RESOLUTION NO. 2003-16**, accepting the relinquishment of access rights along Tefft Street; 4th District, **Adopted.**

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Other Items:

- B-30 Internal loan from the General Fund Reserves in the amount of \$342,240 and a total budget adjustment in the amount of \$494,375, and amend the fixed asset list for the implementation of the CalWORKs Information Network (CalWIN) System, **Approved.**
- B-31 Request by the Library to accept a staff education grant from the State Library in the amount of \$2,888 and approve a corresponding budget adjustment, **Approved.**
- B-15 Submittal of a resolution endorsing the conservation framework of the agreement between American Land Conservancy and Hearst Corporation, is presented.

**Ms. Susan Mullen:** states she supports the framework and asks the Board to approve this item unanimously; indicates the adoption of this resolution is critical to the funding process; thanks everyone involved.

**Ms. Evelyn Delany:** urges unanimous approval of this item and addresses the benefits to everyone with its adoption.

**Ms. Sara Horne:** states she echos the statements of Ms. Mullen and Ms. Delany and urges the Board's approval.

**Mr. Roger Lyon:** Hearst Corporation, urges unanimous support for this resolution; states they look forward to working with the American Land Conservancy to complete a conservation transaction consistent with this framework; indicates the timing of the endorsement by the Board is important to the success of this conservation transaction; addresses funding by the State; requests the approval of this resolution.

**Mr. Eric Greening:** submits to the Board an alternative resolution; states his concern for approving the framework that would require amending the General Plan; states under existing rules the homes would have to be widely scattered across the grazing land; indicates the proposal outlined in the resolution has had no staff review, environmental review and no public hearings; suggests keeping the process orderly by either replacing the resolution before the Board today with the suggested alternative or with some other re-write.

**Mr. Jesse Arnold:** states he would like the Board to heed Mr. Greening's remarks; addresses his concerns relating to a private beach; feels there should not be 27 houses and questions if there will be any provision for affordable housing; addresses public access; questions the tax consequences for the Hearst Corporation and questions who will manage the exotic animals.

**Mr. Pat Veesart:** states he appreciates the efforts of Supervisor Bianchi, the American Land Conservancy and the Hearst Corporation however, feels the Board's support of this resolution at this time would be premature; states there are a lot of unanswered questions and the public has not had access to any of the details; feels this is nothing more than a development plan; states his concern for some of the language in the resolution.

**Mr. Bill Allen:** North Coast Alliance, addresses his understanding of the framework; indicates he strongly supports the resolution and urges the Board's approval.

**Ms. Joyce Renshaw:** states she is speaking for Ms. Betty Fiscalini who is in full support of the resolution as presented by Mr. Bill Allen.

**Mr. Ken Renshaw:** urges the unanimous endorsement of the Board because it gets the funding underway.

**Mr. Richard Hawley:** feels the public money aspect of this issue needs to be looked at more closely; states Green Space position has always been no development west of Highway 1 and encourages that scenario to continue; states houses are a concern; hopes the Board moves cautiously forward.

**Ms. Kara Woodruff Blakeslee:** American Land Conservancy, presents a brief history relating to the Hearst Ranch and how far they've come; indicates this is an amazing opportunity that brings to this community almost everything it's asked for; states there are many people to thank; addresses the importance of sending a strong unanimous message to Sacramento to earmark funds from Proposition 50; urges the Board's support.

**Mr. Steve Sinton:** indicates when negotiating it is important to work with limited amount of parties; states negotiating cannot be done in the public; indicates this is a great opportunity and the money in Sacramento is there however there is a "feeding frenzy" going on; urges the adoption of the resolution.

**Ms. Tarren Collins:** reads a press release from the SLO Coast Alliance Board after reviewing the framework as presented by the Hearst Corporation; feels more details need

to be included in the framework; asks the Board continue this item until next week to allow the Hearst Corporation to add more details to the framework and revise the resolution to provide more insurance.

**Mr. Ralph Wessel:** urges the approval of the framework and to work out the details later.

**Mr. Arley Robinson:** urges the adoption of the resolution and to move forward.

**Ms. Pam Heatherington:** Executive Director of the Environmental Center of San Luis Obispo, commends everyone for their hard work however, many details remain unknown; presents a letter written by Mr. Bud Laurent urging the Board not to adopt the resolution as “currently titled and worded” and asks the Board to consider Mr. Greenings’ alternate resolution.

**Mr. Bill Warren:** Cambria Land Conservancy, believes this is a positive step forward; feels the Hearst Corporation has made a tremendous compromise; urges the Board’s support.

**Ms. Joy Fitzhugh:** Farm Bureau, states she strongly urges the Board’s support of this framework; addresses the conservation program being proposed; feels the details of the conservation plan must be a process between the Hearst Ranch, the Land Conservancy and the funders; the public should not be allowed to micro-manage this plan.

**Mr. Ross Pepper:** states he is in favor of Mr. Greening’s alternate resolution and reads it into the record.

**Ms. Suzy Ficker:** Cambria Legal Defense Fund, feels the adoption of this resolution is premature; questions why it is on the Consent Agenda; states adoption of this item should not be dictated by the funding.

**Supervisor Bianchi:** states she has fought the Hearst Corporation for 23 years; presents a brief history of plans for the Hearst Ranch and how they have changed over the years; indicates what is before the Board today is a conservation framework, not a development plan; states this conservation process is a private process between the land owner and a conservancy; addresses what issues will be looked at if a development plan is submitted; states she would like to add a “Where as” to the resolution stating “this is not a development plan.”

**Chairperson Ryan:** believes there needs to be solidarity behind the concept so the funding will not be lost.

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

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

**the Board amends the resolution by adding a “Where as” stating “this is not a Development Plan” and RESOLUTION NO. 2002-17, resolution endorsing the conservation framework of the agreement between the American Land Conservancy and the Hearst Corporation, adopted as amended.**

C-1 This is the time set for consideration of the proposed memorandum of agreement for the Sphere of Influence Update for the City of Arroyo Grande; 4th District.

**Ms. Pat Beck:** Planning, presents the staff report; indicates this update is similar to the Sphere of Influence Update for the City of Pismo Beach; states the purpose is to establish a 20-year growth boundary; addresses the service review factors and the process; states key issues include water supply and demand, streets and roads, and emergency services duplication; indicates the agreement before the Board acknowledges that the City and the County will have to work closely together as individual proposals are considered.

**Mr. Eric Greening:** states this application makes sense; questions what process is used regarding the new housing mandates when an annexation occurs relating to the entity that would get credit for the units, with Mr. Paul Hood, LAFCO, responding.

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

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

**NOES:** None

**ABSENT:** None

**the Board adopts the proposed “Memorandum of Agreement between the City of Arroyo Grande and the County of San Luis Obispo regarding the Sphere of Influence.”**

- C-2 This is the time set for request to authorize the processing of application for General Plan amendments: **A.G020007M**, a request for a Land Use Element amendment application for Colin Weyrick to amend the Salinas River Area Plan by changing the land use category on approximately 8 acres from Residential Rural to Commercial Service, located on Theater Drive, south of North Main Street in the community of Templeton; 1st District. **B.G020003M**, a request for a Land Use Element amendment application for San Miguel Investments to amend the Salinas River Area Plan by changing the land use category on approximately 23 acres from Residential Rural to Residential Single Family and Open Space, located in San Miguel between 16th Street and the sewage treatment plant East of the railroad tract; 1st District.

**G020007M is presented.**

**Ms. Kami Griffin:** Planning, introduces the item.

**Ms. Jamie Kirk:** Planning, presents the staff report; describes the project, the location, and the major issues of concern; presents the Board with three options: 1) not to authorize, 2) authorize with limitations and 3) authorize with no limitations; states staff is recommending the Board not authorize this request for processing.

**Mr. Allen Volbrecht:** Agent for the Applicant, presents a brief history of the property; indicates they are in the process of splitting the land; indicates at the present time they do have some of their dry material stored for commercial use on rural residential property which is a non-conforming use; states the idea today is to process this application and take the division line between commercial retail and move it to the West; addresses a similar request done by an adjacent property owner.

**Supervisor Ovitt:** addresses the zoning in the area; states prior to the Salinas River Plan this property was in commercial operation; currently there are no residential units in the area; urges the Board’s support with limited uses and those limited uses would come out during the discussion of the processing.

**A motion by Supervisor Ovitt, seconded by Supervisor Achadjian to allow the processing of G020007M with limited uses, is discussed.**

**Chairperson Ryan:** indicates there was another applicant that wanted to change the zoning to commercial; states this application is similar in that the owner is using this property as commercial and is now coming to the Board asking to change the zoning to go along with the use that is already in place; states he has a hard time supporting the motion.

**Supervisor Bianchi:** indicates she is not in support of this item and feels it is “leap frog” development.

**Supervisor Ovitt:** states it is not leap frog development; states all along Highway 101 on both sides Theater Drive is designated commercial service and industrial and has been that way for a number of years; addresses the grape operation in the area; requests the Board’s support with restrictions.

**Supervisor Ryan:** questions what restrictions would be put into place.

**Ms. Griffin:** states there is a property that is currently zoned commercial service and has a number of limitations on use standards as well as design standards and is only allow to be developed with nursery specialties, truck terminals and building materials and has height limitations, building coverage limitations and a landscaping requirement; indicates these standards could be mimicked and be applied to this property and add an additional buffer on the West and South side.

**Chairperson Ryan:** states he would consider approval with those limitations.

**Supervisor Pinard:** states she would feel better with some feedback from the Templeton Area Advisory Group (TAAG) regarding this issue.

**Ms. Griffin:** indicates TAAG did discuss the matter but never took any formal action.

**Clerk:** questions if the motion maker is going to amend his motion to spell out the limitations.

**Supervisor Ovitt:** amends his motion to include similar language used on the property currently zoned commercial service and carry it over to this property and that buffers be established to the South and West which will be established during the process, with Supervisor Achadjian, concurring.

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

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

**the Board allows the authorization for processing on G020007M using similar language used on the property currently zoned commercial service and carry it over to this property and that buffers be established to the South and West.**

**G020003M is presented.**

**Mr. John Busselle:** Planning, presents the staff report; describes the location and the zoning in the area; indicates staff feels amendment would be a good idea.

**Supervisor Ovitt:** addresses the property to the South and questions if there would be any problem including it, with Mr. Busselle responding.

**Mr. John Shoals:** urges the Board's approval; states it is consistent with existing zoning and development in the area.

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

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

**the Board authorizes processing of G020003M including the land to the South.**

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)

*Rodrigues 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, 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 matter other than scheduled items.

**Mr. Eric Greening:** asks the Board to agendaize an item so the previously approved Comprehensive Legislative Platform could be amended to include: 1) restore the vehicle license fee and insist the money collected be protected revenue for local governments, 2) a tax on motor oil, 3) ask the Legislature to promptly replace Coastal Commissioners with fixed terms and 4) a law protecting the General Plan process.

**Mr. Michael Kovacs:** urges the Board to look into a thorough audit of County Departments to ensure the protection of public funds.

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

I, **JULIE L. RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, January 7, 2003, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L. RODEWALD**, County Clerk-Recorder  
and Ex-Officio Clerk of the Board of Supervisors

By: /s/Cherie Aispuro,  
Deputy Clerk-Recorder

DATED: 01-10-2003