

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 JAC CRAWFORD, ASSISTANT COUNTY COUNSEL.**

**SUM      AGN**

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

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

**RESOLUTION NO. 2003-73, resolution declaring March 10 through March 16, 2003 as “Cover the Health Care Uninsured Week” in San Luis Obispo County, adopted.**

**Supervisor Achadjian:** reads the resolution and presents the same to Mr. Joel Diringer, who thanks the Board and comments on the work in the community to address this issue.

2            B-1        This is the time set for members of the public wishing to address the Board on items set  
              thru        on the Consent Agenda.  
              B-13

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

Consent Agenda Item B-7-B is withdrawn for separate action. Item B-13 is added to the Consent Agenda.

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

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

**Consent Agenda Items B-1 through B-13 are approved as recommended by the County Administrative Officer and as amended by this Board.**

Consent Agenda Items B-1 through B-13, as amended, are on file in the Office of the County Clerk-Recorder and are available for public inspection.

Items set for bid opening:

B-1        Plans and specifications (Clerk’s File) for road improvements on Tefft Street from Oakglen Avenue to Thompson Avenue, Old Towne Nipomo; 4th District, **Approved and the Clerk is instructed to give notice of bid opening date set for April 10, 2003 at 3:00 p.m..**

Auditor-Controller Items:

B-2        Increase in the public load charges at Chicago Grade Landfill, **Approved.**

B-3        Submittal of an audit report on the Sand and Surf Recreational Vehicle Park for the period of January 1, 2001 through December 31, 2002, **Received and Filed.**

Planning Items:

- B-4 Agreement (Clerk's File) with Williams Communications, LLC, to provide fiberoptic cable for future County telecommunications use, **Approved.**
- B-5 **RESOLUTION NO. 2003-74**, approving an open space agreement for Wei-Tzouh and Carrie Chen, trustees of the Wei-Tzouh and Carrie Chen Revocable Trust, for property located on the north side of Main Street, in the community of Cambria; 2nd District, **Adopted.**

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Public Works Items:

- B-6 **RESOLUTION NO. 2003-75**, authorizing execution of a notice of completion for the excavating of excess materials from the Arroyo Grande Creek Channel near the community of Oceano, **Adopted.**
- B-7 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. Tract 2280, a proposed subdivision resulting in 16 lots by O'Reilly Family Trust, Santa Barbara Road, south of Atascadero, reject the offer of dedication without prejudice to future acceptance, **Approved** and **RESOLUTION NO. 2003-76**, to accept the relinquishment of access rights along Chianina Place, and **RESOLUTION NO. 2003-77**, approve an open space easement agreement; 5th District, **Adopted.**
- B. Tract 2390, a proposed subdivision resulting in 8 lots by Aurignac Enterprises, Lupine Canyon Road, north of Avila Beach, act on the resolution to approve an open space easement agreement; 3rd District, **Withdrawn for separate action.**

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Other Items:

- B-8 Request by Supervisor Pinard to appoint Norma Hoffman to the Commission on the Status of Women, **Approved.**
- B-9 Contract (Clerk's File) with Joshua Deane, M.D., to provide psychiatric services, **Approved.**
- B-10 Request by General Services to change the name of an existing capital project to improve the California Department of Forestry/County Fire facilities in California Valley and contract (Clerk's File) with BFGC Architects Planners, Inc., to provide architectural, engineering, construction administration, and construction management services for the new CDF/County Fire Station in Carrizo Plain; 5th District, **Approved.**
- B-11 **RESOLUTION NO. 2003-78**, commending Brian Barnes for 24 years of service with the County, **Adopted.**
- B-12 **RESOLUTION NO. 2003-79**, authorizing participation by the County in the "County Exhibits Program" at the California State Fair, **Adopted.**

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

- B-13 **RESOLUTION NO. 2003-80**, proclaiming the week of April 27 through May 3, 2003 as "National Volunteer Week," **Adopted.**

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- B-7-B Tract 2390, a proposed subdivision resulting in 8 lots by Aurignac Enterprises, Lupine Canyon Road, north of Avila Beach and act on the resolution to approve an open space easement agreement; 3rd District, is presented.

**Supervisor Pinard:** questions whether this went to the Avila Valley Advisory Council (AVAC).

**Mr. Richard Marshall:** Public Works, states that after conferring with Planning staff, this item did go before AVAC.

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

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

**Tract 2390, a proposed subdivision resulting in 8 lots by Aurignac Enterprises, Lupine Canyon Road, north of Avila Beach is approved and RESOLUTION NO. 2003-81, resolution approving and accepting an open-space agreement granting an open-space easement to the County of San Luis Obispo and between Aurignac Enterprises, Inc. a California Corporation, adopted.**

- 4 C-1 This is the time set for hearing (Introduced February 25, 2003) to consider of an ordinance amending the County fee schedule for fiscal year 2003-04 to revise the fee for disestablishment of agricultural preserves.

**Mr. Warren Hoag:** Planning, presents the staff report and recommendation.

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

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

**the reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 2992, ordinance amending County Fee Schedule, adopted.**

- 5 C-2 This is the time set for hearing to consider an appeal by Orin and Brian Cocks, and Stacy Wohlgemuth of the Subdivision Review Board's approval of a conditional certificate of compliance proposal by Glenn Wensloff (C00-0063/S990248C), to allow two conditional certificates of compliance for two parcels of approximately 2.5 acres each, located adjacent to Deer Canyon Road, north of the City of Arroyo Grande; 4th District.

**Mr. Larry Kelly:** Planning, presents the staff report, indicating that staff met with all the parties involved and they have resolved the concerns raised in the appeal.

**Mr. Steve Roberts:** on behalf of Mr. John Belsher who is representing the Appellants, states they are in agreement with the staff recommendation.

**Mr. Glenn Wensloff:** Applicant, states they are in agreement.

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

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

**the Board partially upholds the appeal and RESOLUTION NO. 2003-81, resolution upholding the appeal in part and modifying the decision of the Subdivision Review Board and approving the issuance of two (2) Conditional Certificates of Compliance pursuant to the application of Glenn Wensloff for Certificates of Compliance C00-0063, adopted. Further, the Board approves the revised Mitigated Negative Declaration (ED 99-546) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.**

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

**I. PENDING LITIGATION (Gov. Code, § 54956.9.)** It is the intention of the Board to meet in Closed Session concerning the following items:

**A. Conference with Legal Counsel - Existing Litigation (Gov. Code, § 54956.9(a).) (Formally initiated) (1) *In re PG&E Bankruptcy*, (2) *NRC Proceedings Concerning Diablo Canyon License Transfer*, (3) *NRC Proceedings Concerning Spent Fuel ADDED (All requirements of the Brown Act were met as these were posted prior to the 72-hour noticing***

*requirement.) (6) Wright v. County of San Luis Obispo and (7) PCL v. DWR.*

**B. Conference with Legal Counsel - Anticipated Litigation (Gov. Code, § 54956.9.) (4)** *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. *(5) Initiation of litigation (Gov. Code, § 54956.9(c).) No. of cases 2.*

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

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

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

**Mr. Klaus Schumann:** addresses his concern regarding PG&E's proposal to expand storage of highly radioactive waste to nine times more than Diablo was originally licensed for; addresses comments by Representative Shays, Chair of the U.S. House Subcommittee on National Security; invites everyone to the next two Farmer's Markets where they will be handing out crucial information; also, invites everyone to the March 18<sup>th</sup> Community Forum at the City-County Library, where they will show safer alternatives for this type of storage.

**Mr. Jerry Bunin:** invites the Board members, the County Administrative Officer and the Planning and Building Director to a breakfast and tour regarding the "Celebration of Community Housing" to be held on May 31, 2003; addresses the need to convince the public there is a need for higher density and get their support for more housing.

**Ms. Linda Hall:** speaks to an "adjudication lawsuit" filed against landowners on San Simeon Creek Rd.

**Mr. Michael Kovacs:** addresses the recent re-election of Supervisors Achadjian and Bianchi and comments on the upcoming elections for Supervisors Ovitt, Pinard and Ryan; speaks to the amount of discretionary funds as stated by the County Administrative Officer.

**Mr. Joe Kelly:** questions why there is a rush to get the El Pomar-Estrella Update completed; states that all the update information will not be available to the public prior to the Planning Commission meeting. **No action taken.**

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, March 11, 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/Vicki M. Shelby,  
Deputy Clerk-Recorder

DATED: March 11, 2003  
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